

THE UNIVERSITY OF CHICAGO

STIGMA AND THE CRAFTING OF IRISH ASYLUM:
A PROBLEM OF RIGHTS AND INEQUALITIES

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DEDICATION

For my parents, Joan and John Tormey, who taught me to value knowledge and learning and the importance of careful debate. And, to Annie Gunning, for setting me upon the path.

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TABLE OF CONTENTS

DEDICATION.....	II
ACKNOWLEDGEMENTS.....	III
LIST OF IMAGES.....	X
LIST OF TABLES.....	XI
CHAPTER 0: INTRODUCTION / STATECRAFT, STIGMA AND DIFFERENCE-MAKING.....	1
Prologue:.....	1
Description of Fieldwork.....	6
Theoretical Background.....	9
CHAPTER SUMMARIES.....	15
Chapter 1: The Governance of Irish Asylum: Bureaucracy And The Alchemy of Audit ...	15
Chapter 2: Discredibility And Architectures of Irresponsibility	16
Chapter 3: The Alabama of Ireland: Problems of Inequalities	18
Chapter 4: Differentiating Rights: Referendum.....	19
CHAPTER 1: THE GOVERNANCE OF IRISH ASYLUM: BUREAUCRACY AND THE ALCHEMY OF AUDIT	22
Introduction.....	22
Shambolic Workings of the State	22
PART I: STATECRAFT	30

Post-War European Ethics in Retreat	30
The Rise of Fortress Europe: ‘Jet Refugees’ And The Narrowing of Rights-Based Asylum	35
Fortress Europe v. ‘Absent’ Borders	41
Formulating Contemporary EU Migration Policy	43
Inter-Governmental Organizations v. Supranational EU Institutions.....	43
Foreign Affairs Ambitions	46
Irish Presidency of the Council of the EU (1996)	46
Domestic Concerns	49
The Good Friday Negotiations.....	49
The ‘Masterly Inertia’ of Ireland’s Department of Justice, Equality and Law Reform	50
The Al Gutrani Case.....	52
Heartless Devils And Ignoramuses	55
Joined-up Governance: Strategic Management And Civil Service Reform	59
PART II: CRISIS REFORM: AUDIT CULTURE AND BUREAUCRATIC HARMS	61
‘Adhocracies’ of Crisis	61
Reform	64
New Public Management in DJELR: The Abridged Version	64
ORAC: Office of the Refugee Applications Commissioner	67
Audit Culture, a Technic of NPM.....	68
Public Trust And The Many Alchemies of Audit	84
PART III: BUREAUCRATIC FOLK DEVILS AND HARMS	87
Scapegoating The Faceless and The Heartless	87
Bureaucratic Harms	94
The ‘Glass Cage’ of Transparency.....	94

From Self-Regulation to Self-Surveillance.....	97
The Scope of Ministerial Discretion	99
PART IV: SAFEGUARDING THE INTEGRITY OF THE SYSTEM.....	102
Cock And Bull Stories	104
Conclusion: Workings of Suspicion	106
CHAPTER 2: DISCREDIBILITY AND ARCHITECTURES OF IRRESPONSIBILITY.....	109
PART I: PROBLEMS OF RIGHTS	109
Customary Dread And The Irish Refugee Determination System (RDS).....	109
Architectures of Irresponsibility.....	118
The Case of Pamela Izevbekhai.....	123
Divination, UNHCR Guidelines and Inference-Driven Forms of Evidence.....	126
Divining Future Harm.....	130
The Case of Maqsood Ahmed.....	133
The Politics of Customary Dread Truth or Whose Narrative is it?	136
Humanitarian Pet Projects.....	137
PART II: MINISTERIAL DISCRETION AND DETERIORATING LEGAL NORMS	142
The Case of Kunle Elunkanlo	142
The Minister Did Not Examine the File	144
Excessive Legislative Power And Disaggregating Responsibility	148
Policing, Legal Norms And Irresponsibility: Cloverhill Prison.....	150
PART III: LIBERAL COMPASSION AND THE IRRESPONSIBILITY OF DISCRETION	153

Petitioning for the Special Case	153
Epilogue: Kunle Elunkanlo And Pamela Izevbekhai	155
CONCLUSION	157
CHAPTER 3 THE ALABAMA OF IRELAND: PROBLEMS OF INEQUALITIES.....	161
PART I: PROTEST LANDSCAPE.....	161
Vignette No. 1: Still, i Rise	161
Vignette No. 2: Sequestered Effigy.....	163
Race/Class Entanglements: The Myth of the Racial Spark.....	164
Political Economy, Pre-Celtic Tiger (1921-1990).....	170
Poor Ireland Behaved As Though It Was Rich	174
Modelling Participation: Social Partnership Governance	176
The Tiger Roars.....	179
Economic Miracle? Ireland's Celtic Tiger	179
Hidden Costs of the Celtic Tiger.....	180
Boston not Berlin: Inequality and Social Welfare	181
Longford: Exception to the Celtic Tiger.....	185
Heritage Tourism: Depoliticizing Political Economy.....	190
PART II.....	197
Constructing Pariah Figures	197
Vignette No. 3: Of Love and Travelling.....	197
Origins and Alternative Geographies.....	199
Regulation And Non-Conformity	203
Vignette No. 4: Things on the Ground: Part I.....	207

Vignette No. 5: Things on the Ground: Part II	208
Losing Face: Acts of Citizenship Versus Public Expense	211
The Moral Householder: Public and Private Housing	211
Vignette No. 6: Stigma of the Welfare Malfeasant.....	216
The Long, Long Life of the Trope of (Non)Productivity	219
Adhocracies of Aid.....	222
Dehierarchizing Government	224
The Board Simply Co-Ordinates	227
Tax Schemes And Rural Housing.....	229
Public Representatives And Silent Majorities.....	232
PART III	237
Good Friday Agreement: Anti-Racism And Human Rights.....	237
Compliance in Return for Rights and Recognition: From Regulationist to (Delimited) Rights-Based Governance.....	238
NCCRI: Developing Anti-Racism Awareness.....	244
The Catechism of ‘Know Racism’	248
Vignette No. 7: Counterintuitives of the Knapsack of White Privilege.....	249
PART IV.....	254
Conclusion.....	254
CHAPTER 4: DIFFERENTIATING RIGHTS: REFERENDUM.....	262
Introduction: Those With ‘No Real Connection’.....	262
Part I: ‘How can Anyone Fear the Will of the People?’	270
Threat Imaginaries	271

The ‘Nature of the Abuse’	275
Mathematical Certainties and Demographic Shifts.....	277
The Dutiful Government.....	281
Illiberal Governance Through Hide And Seek	282
‘What In The Name Of God Does The Government Think We Are?’	282
Referendum Commission: ‘Democracy is not Well-Served’	284
Governance by Guillotine	286
Part II: Moralities and Rights	287
Reward the Worthy or A Pond Life Of Refugees?	287
The Moribundity of Rights.....	290
Geographies of Labor Illiberality.....	292
Part III: Moralities And Materialities of Reproduction	298
Rights And Gender: Ireland’s ‘Disordered Relationship with Irish Women from the Waist Down’	299
Silencing the ‘Furies’ and ‘Die-Hards’.....	300
Immigration Anxieties And State Neglect.....	310
Conclusion.....	317
CHAPTER 5: CLOSING THOUGHTS	321
Stigma Politics and Difference-Making.....	321
EPILOGUE.....	323
BIBLIOGRAPHY.....	324

LIST OF IMAGES

Image 1: Contemporary Prayer Grottos In An Abandoned Irish Church (photo by A. Tormey, 2021)	114
Image 2: Pamela Izevbekhai and Daughters Naomi and Jemima (Source: https://africannewshungary.blogspot.com/2011/06)	123
Image 3: Students Protest Kunle's Deportation (Source: http://www.indymedia.ie/attachments/mar2005/2dscn0081xpioneer-mar23.jpg)	148
Image 4: Still, i Rise. Photo by A. Tormey	163
Image 5: Racial Tensions Spark Fears of Midlands Ghetto, Source: Sunday Independent Newspaper	165
Image 6: We Do Not Like Throwing Money Into a Ditch / 1848 Poster from Walls of Strokestown House, (Source: http://thesearchforanneandmichael.blogspot.com/2014/09/really-and-truly-suffering-national.html . Accessed online Mar 2, 2021).....	194
Image 7: Image from Citizen Traveller Campaign in Dublin (Source: photo by Jiri Rezac 2000 / www.jirirezac.com/archive).....	197
Image 8: Source: iReport Racism Jul-Dec 2015.....	217
Image 9: African and Irish Members of Trásnach March Together on St. Patrick's Day 2004 (Source: A. Tormey)	227
Image 10: Voter Training with Partnership for Social Justice, Longford Traveller Movement in association with Longford Women's Link and Longford Community Resources Ltd (Source: The Longford Leader).....	240
Image 11: Author Training Refugees in Active Citizenship at Longford NGO (Source: Trish Rouller)	243
Image 12: John Rocha with Know Racism pin (Source: Irish Times).....	245
Image 13: Launch of Know Racism Campaign 2001 (Source: (McDonagh 2004: 8)).....	246

LIST OF TABLES

Table 1: Asylum Seekers in Select European Countries (1985-1997) / (Table Continues On Following Page).....	34
Table 2: Refugee Recognition Rates (2004-2007) / (Table Continues On Following Page)	82
Table 3: Irish Asylum Cases and Decisions at First Instance / (Table Continues on Following Page).....	83
Table 4: Legislation Affecting Women’s Rights and Sexuality (1923-1939) / Table Continues On Following Pages	304

CHAPTER 0: INTRODUCTION / STATECRAFT, STIGMA AND DIFFERENCE-MAKING

Prologue:

In October 2008, as the fallout from US financial crisis spread across the world, Ireland's Celtic Tiger economy imploded. Details of wide-spread corruption and malfeasance in Ireland's banking and regulatory sectors had been unfolding for almost a month when Lachlan, a friend and Irish informant, wrote to me about the shock and fear surrounding the financial collapse before relaying a joke which he claimed was currently 'doing the rounds' in my field site, Longford, a small rural town which had remained economically challenged throughout the boom:

A biker is riding by the zoo, when he sees a little girl leaning into the lion's cage. Suddenly, the lion grabs her by the cuff of her jacket and tries to pull her inside to slaughter her, under the eyes of her screaming parents. The biker jumps off his bike, runs to the cage and hits the lion square on the nose with a powerful punch. Whimpering from the pain the lion jumps back letting go of the girl, and the biker brings her to her terrified parents who thank him endlessly.

An Irish Times reporter has watched the whole event. The reporter addressing the biker says 'Sir, this was the most gallant and brave thing I ever saw a man do in my whole life.' The biker replies, 'Why, it was nothing, really, the lion was behind bars. I just saw this little kid in danger, and acted as I felt right.' The reporter says, 'Well, I'll make sure this won't go unnoticed. I'm a journalist from the Irish Times, you know, and tomorrow's paper will have this story on the front page ... So, what do you do for a living and what political affiliation do you have?' The biker replies, 'I'm a Traveller from Cork.' The journalist leaves.

The following morning the biker buys The Irish Times to see if it indeed brings news of his actions, and reads on the front page: **Cork Knacker Assaults African Immigrant and Steals His Lunch** (Lachlan, Pers. Comm., October 2008)

Reading this joke through the contextual lens of the 2008 financial crash, its antagonisms and indictments seemed straightforward. They begin with the little girl (possibly representing Irish taxpayers and mortgage-holders) foolishly leaning into the lion's cage of the banking and development elite. The girl's wailing, yet impotent parents all too easily resemble the negligence and failures of Ireland's Financial Regulators, bank auditors, and politicians. The absurdity of the Irish Times

journalist's recategorization of the Traveller-biker from hero to villain, together with his overt content spin and intentional misrecognition, is an interesting moment within the joke of antagonism toward Ireland's elite-oriented media, and was suggestive at the time of the ways such institutions and mass mediations influence and shape how nations 'think,' 'feel,' 'act' and 'know' during moments of crisis – in complex, often contradictory ways.

The details of the 2008 financial crisis were still unfolding in Ireland when I received the joke, but it was already becoming clear that that politicians, developers and banking elites (amplified by the media) were slowly beginning to reframe matters. Instead of accepting primary responsibility, they attempted to 'democratize the blame' by scapegoating everyone (O'Flynn, et al. 2014). Everyone had 'partied' during the boom, they increasingly claimed, now 'everyone' would have to 'pay the piper'. This scapegoat narrative succeeded to a large extent despite the fact that it was absolutely clear that Irish Financial Regulators, the Treasury Department, the Central Bank, and executives from all of Ireland's major banks and their respective auditors had failed in their regulatory oversight and/or been complicit in reckless and irregular lending practices. Against clear evidence of colossal elite dishonesty and malfeasance, their success in spreading blame for irresponsibility, sowing doubt and (re)presenting the public with old scapegoats (those on benefits, like single mothers and the unemployed, whose 'lifestyle choices' were draining us all; intransigent public sector unions; and those greedy citizens who irrationally tried to live beyond their means) crystallized not only the power of scapegoating and mass mediation, but the necessity for understanding how such 'thinking' and 'knowing' relates to modes and technologies of governance (Williams 1960).

On September 30, 2008, the Irish Taoiseach had announced that despite the bankers' criminal actions, it was not prepared to let their banks fail. He issued a blanket guarantee for €440 billion of bonds/deposits for Allied Irish Bank, Bank of Ireland, Anglo Irish Bank, Irish Life & Permanent, EBS and Irish Nationwide Building Society (Brennan 2018), effectively socializing the bad debt of

Ireland's elites onto generations of ordinary Irish citizens.¹ Unlike the bankers, developers and bondholders whose bad debts were purchased and bond yields guaranteed, a majority of citizens would never be able to offload *their* personal debt. Despite widespread foreclosure and layoffs, the government made clear that the general public would remain responsible for their debt and the most they could expect was revised repayment terms, making it painfully clear how much the scales were weighted in favor of particular sets of interests. Guaranteeing the banks cascaded Ireland into a sovereign debt crisis, and the government would later use the National Pension Reserve Fund to underwrite an EU and European Central Bank bailout which left Irish citizens as the most deeply indebted in the Eurozone. While bank bailouts in the EU averaged €192 per capita, in Ireland, the debt reached an astounding €8,981 per capita (O'Flynn, et al. 2014: 923; Taft 2013).² Irish citizens were devastated and monumentally angry, and yet, unlike Greece and other hard-hit EU countries, Irish anger never quite transformed into meaningful political mobilization. One had to ask, why not?

I had in fact seen versions of this joke before, but this iteration with its particular antagonisms at this moment of immense political-economic crisis was new, motivating me to re-examine and privilege the ethnographic data about the logics of anti-Traveller and anti-asylee stigma that I had been collecting throughout my fieldwork. Now, confronted with the government's successful containment of massive public anger in the aftermath of the crash, it became clear that my consideration of the ways stigmatizing and scapegoating processes (what I refer to collectively as forms of difference-making) shaped knowledge, feelings and actions during my fieldwork, needed to be extended beyond the level of the individual/group to include modes of governance. The joke had finally crystallized

¹ To properly contextualize the burden being transferred to the Irish Exchequer and its citizens, consider that the much larger US bailout guarantee at the time was \$700 BN (Brennan 2018).

² Though, in population terms Ireland was only 0.9 % of the EU and its economy 1.2% of EU GDP, Taft reports that the Irish people have paid 42% of the total cost of the European Banking Crisis (Taft 2013).

for me that difference-making processes had to be considered as a technique of governance; they needed to be understood not simply as discriminatory but as power-laden, deeply political processes designed to obfuscate and divert critical attention from the logics, structures, and interest groups of Irish capitalism (O’Flynn, et al. 2014: 923; Tyler 2013; Wacquant 2010b; Wacquant 1993). Rather than viewing stigma as an interactionist outcome (Goffman 1963), I came to see it as a form of power (Tyler 2020: 7). But, where did the force of ‘stigma power’ actually come from? How was it crafted, and wielded? Why did people buy into it? Rather than asserting the abstractions of ‘othering processes,’ and ‘racial animus,’ I realized I needed to provide a material account of the work of difference-making, its social corrosiveness and anti-solidarism. And, I wanted use that account to examine the role of difference-making in maintaining the deepening inequality and hollowing out of asylee and citizen rights that proliferated in Irish politics and governance throughout the Celtic Tiger.

There were a few other issues within the joke that resonated deeply with my fieldwork. The joke circulated prolifically in Longford which contained a substantial population of both Travellers and African immigrants. Still, the joke did not climax as one might anticipate, upon an African scapegoat figure. Still, they are not unscathed. The comedic arc satirically acknowledges the rights of African immigrants to a ‘free lunch,’ before homogenizing their presence in Ireland not as the result of forced migration, but of voluntarist mobility. From this perspective, the free lunch is no less than the right to metaphorically devour innocent Irish citizens. Here, not only are the “barbarians ... at the door,” and claiming that “‘our’ home could be theirs” (Trouillot 2001: 131), they are literally given the right to consume the nation’s future, its children. Yet, despite all of this, within the terms of the joke, Africans were not the ultimate villain of the piece. Travellers were.

While none of the characters is spared in either reading of this joke, the absurdist punchline is worth revisiting. It denies Travellers’ ongoing claim to formal ethnic recognition while casually inserting the well-worn trope of Traveller criminality. By referring to them instead via the offensive

term ‘Knacker’ (referencing the difficulty and dirty work of the removal and processing of animal carcasses, supposedly once-dominated by Travellers), the joke recalls the slow death of a productive (albeit stigmatized) occupational niche and the conceptual translation of an entire group of people into a contemporary space of perceived worklessness and unproductivity. For many Irish, Travellers are perceived to have moved from the working classes to the kind of classless lumpen imagined and scorned by Marx in the 18th Brumaire. The effects of this sensibility have been utterly devastating for Travellers, disempowering and marginalizing them while simultaneously situating them as a target for social opprobrium, prejudice and discrimination. For those reasons, it should have been unsurprising that Travellers would emerge as the villain of this joke, yet the punchline was profoundly provocative for me at the time. It materialized my suspicion that anti-Traveller bias was likely more virulent and more entrenched in Ireland than anti-African racism and xenophobia, and that my analysis had to reevaluate this possibility in light of the particular governance forms and structures for each group.

Anthropologically speaking, the symbolism of the African lion was both unsubtle and devious. On its face, we might read the beastly representation in the manner suggested by Mbembe (2001), as Africanity operating under the sign of a ‘lack’ which recalls both pre-modern darkness and incivil Nature. But such a reading is complicated by the fact that Ireland, as a much-denigrated post-colony itself, has also long been narrated as beastly. While it was true that Ireland had been celebrated as a ‘Celtic Tiger’ because of its capitalist successes (MacSharry and White 2000; O’Hearn 1998), for centuries the Irish were featured as a simianized, Caliban-like figure in English writings, imaginaries and governance praxis (Garner 2015; McLoone 1999). What role, if any, might this history play in constructing and empowering contemporary stigma narratives?

When I began the fieldwork for this dissertation in 2000, my research efforts were directed towards understanding the experiences and interactions of Irish poor and African asylees against the backdrop of the development of Ireland’s first asylum and human rights law and policy regimes.

Though I did not think of it in these terms at the time, I had been already examining the parallel experiences of two stigmatized groups. As I said above, what the joke crystallized now was how their respective stigmas/scapegoating operated as a form of political power (Tyler 2020). As a result, I expanded my analysis beyond issues of the constructions of race and expressions of racism to include other patterns and strategies of difference-making and would require anchoring my analysis in the specific content and valences attaching to race, stigma, morality and other difference-making forms; both as metaphor and/or understood social relation in contemporary Ireland. Those activities were crucial to transformations which were happening at the time in Irish governance forms and structures like the legal and policy architectures regulating Irish citizen and asylee lives, and I proposed to understand them by examining how different actors in the asylum nexus -- officials, ordinary Irish people, asylum bureaucrats and all those who carry out the implementation of asylum policy and thus have some latitude for making unofficial interpretive decisions, as well as asylees themselves, activists, scholars, media and other opinion-shaping elites -- deployed and received difference-making discourses concerning asylum and rights.

Summarily, the dissertation traces how the politics of asylum and of difference-making relate to antinomies of Irish citizenship, pluralism and forms of recognition that have emerged in the context of ongoing neoliberal restructuring and a European-wide retreat from forms of social protection.

Description of Fieldwork

My analysis is based on several pre- and post-field visits (1999-2021) with 36 months of intensive ethnographic research (2002-2005). In the interim, I have conducted extensive archival research into Irish and EU bureaucracy, asylum law and policy, as well as Irish human rights, Irish anti-racism, and their policy outcomes and structures. Broadly speaking, the ethnographic portion of

my fieldwork involves three overlapping elements: institutions and NGOs; participant observation in my fieldsite, Longford; and archival research.

Institutions/NGOs: The bulk of the dissertation investigates the governance and practices of Ireland's Department of Justice, Equality and Law Reform's ('DJELR) as it formulated new asylum and human rights regimes before eventually conducting a Referendum in 2004 that removed birthright citizenship from the Irish-born children of migrant and asylee parents. Throughout the research I endeavored to de-homogenize notions of 'the state' by following differences in the policy approaches of different Justice Ministers over the course of three separate governments. I also paid close attention to tensions between civil service unions and senior level management and between different sectors of the Department after it was restructured to incorporate a set of neoliberal governmental reforms called New Public Management. I focused in particular on one Minister, Michael McDowell, who headed the Department after it finally received the resources to develop its own asylum regime. Under McDowell's leadership, DJELR developed a highly stigmatizing discourse of civic discredibility – mainly against asylees, but also against some Irish citizens. Citizens were asked by DJELR to 'safeguard the backdoor of Europe against suspect-patriots and citizenship-tourism' while simultaneously being catechized by its Equality and Human Rights elements for being insufficiently tolerant and pluralistic. For their part, asylees' narratives of contemporary trauma and fear were constrained, not only by the necessity to fall within the parameters of the 1951 Convention Relating to the Status of Refugees, but also by the difficulty of representing such testimony in a manner that was experienced as truthful by their Western-based Irish adjudicators.

I initially proposed to develop a picture of this institution by interviewing departmental officials and politicians. While I was able to initiate relationships with several rural politicians and I interviewed municipal civil servants and county development board employees involved with migration and integration issues in Ireland, DJELR officials steadfastly refused all interview requests.

After considerable effort, I eventually secured an interview with one DJELR official who oversaw a portion of the Office of Refugee Applications Commission, and who afforded me a tour of its offices and interview rooms. I also met DJELR functionaries as they liaised with rural refugee support NGOs in Longford and spoke informally with some of the appointees to DJELR's National Consultative Committee on Racism and Interculturalism (NCCRI). The bulk of my insight into the Department therefore is drawn from an analysis of its internal documents (Annual Reports, Auditor Evaluations and Analyses, Official Statements, Internal Inquiries, Staff Reviews and Surveys and Policy Documents). I supplemented this information with an exhaustive analysis of media reporting on the Department and its officials between 1994-2008, as well extensive background reading into academic research and analysis on the Department, its history, politics and structure. Finally, over the course of my fieldwork, I met with Irish anthropologists and geographers and attended multiple legal and other conferences (in Ireland and the US) on the topic of the 2004 Referendum as well as issues of anti-racism, pluralism/inclusion, and the implications of changes to Ireland's citizenship laws.

Irish NGOs have assumed a large portion of what would otherwise be State responsibility for the welfare and social inclusion of refugees, asylum-seekers and impoverished citizens in Ireland. Throughout the course of my fieldwork, I spoke on multiple occasions with members of the Irish Refugee Council ("IRC") which at the time provided *pro bono* legal advice for asylum applicants and those appealing state deportation orders, on the topic of their interactions with and assessment of DJELR approaches to asylum law and policy. I also volunteered for almost two years with an NGO which had expanded its role to provide refugee support for refugees and asylum seekers in Longford. I attended the training sessions, conferences and activities of groups like Comhlámh (a development and volunteer organization based in Dublin) and Integrating Ireland, a group dedicated to helping refugees integrate in Ireland. I participated in (and later conducted) Active Citizenship trainings with Travellers, refugees and NGO workers and I worked with volunteers in Global Longford to support

local refugees in their attempts to integrate and to assist local Longfordians to better understand the demographic changes occurring in their area.

Ethnography: Throughout my fieldwork, I conducted extensive participant observation in Longford town and county and interviewed refugees, asylum seekers, Travellers and other Irish citizens. A majority of my interviews were informal conversations, conducted anonymously at the request of interviewees, and I have also anonymized some sites to protect discussants' identities. Topics with citizens ranged from attitudes towards the EU, Ireland's responsibility to accept refugees, its history as an emigrant nation, issues of diversity and anti-racism, whether the government was in chaos or in control, changes to their lived experience as the result of the presence of asylees and refugees, and their experience of the Celtic Tiger economy. Topics with asylees often ranged over different subjects – covering their applications to DJELR, their treatment by the elements of the government, public, and media; cultural differences in navigating access to accommodation, healthcare and schools; and for many, their ambivalent feelings about being unable to work and thus forced to accept social welfare. We also discussed their friendships with other asylees and their Irish neighbors as well as incidents of racism and xenophobia which occurred in the news or in their networks.

Other Archival: In addition to conducting archival research on DJELR and refugee-related legislation, I also researched topics such as national identity and the production of national histories, state reproduction, neoliberalism and the effects of transnational capital on Irish labor practices. I also monitored public sentiment concerning migration and collected and analyzed discursive texts and imagery produced by the media (and others) in order to contextualize ethnographic data.

Theoretical Background

Many academic distillations of Ireland's asylum regime (while broadly acknowledging the impact of neoliberal capitalism) have principally read Ireland's asylum policy as the inevitable

unfoldings of a racial and/or racist state (cf. Fanning 2007). One of the most prominent academics writing in this vein, Ronit Lentin has argued that Ireland has evolved from a ‘racial state’ wherein which race and nation were coterminous, to a ‘racist state,’ wherein governmental biopolitics and regulatory technologies (e.g., its Constitution, border controls, law, policy, bureaucracy and so forth) construct racialized populations (Lentin 2008 (2006): 189). Drawing from Baumann (1991), Goldberg (2002) and Foucault (2003), for Lentin any classifying act involving ‘natural life’ by the state is unavoidably racist (Baumann) and homogenist (Goldberg), constituting activities whose effects (*pace* Foucault) can be read as skirmishes in a purifying ‘social war’:

Race no longer serves one group against another, but becomes a “tool” of social conservatism and of state racism: a racism that society practices against itself, an internal racism, that of constant purification and social normalisation [sic]. In constructing homogeneities, the state therefore is not only denying its internal heterogeneities, it is also a normalising, regulating biopower state.

As opposed to scapegoat theories of racism, which argue that under economic and social duress, sub-populations are cordoned off as intruders, blamed and used to deflect anxieties, Foucault’s theory of racism is an expression of an ongoing social war nurtured by biopolitical technologies of purification. Thus racism is internal to the bio-political state (Lentin 2008 (2006): 194)

While I concur with Lentin that Ireland’s asylum regime produces exclusionary, discriminatory and racialized outcomes, I am concerned that accounts of these processes, while descriptively insightful, have tended to be mysterious about biopolitical motivations (Federici 2004), overzealous when it comes to the Foucauldian claim that intensification in population management knowledge production necessarily corresponded with increases in governability (Szreter and Breckenridge 2012: 6), and disappointingly thin and reductionist when it comes to concrete, nuanced rationales and explanations of such processes (Wacquant 2010a). In such theorizations of the Irish state then, we know quite a lot about racialized outcomes, but far less about how such governance happens, or the

whys and wherefores of (at times, seemingly contradictory) policy conception and implementation (Tyler 2013).

Loyal and Allen (2006) have also remarked that much of the writing in Ireland on the subject of racism and immigration has tended to borrow heavily from post-structuralist philosophy (e.g., (Lentin and McVeigh 2002a)). An overwhelming reliance on abstract processes such as the subjective psycho-social fear of difference or ‘othering’, they argue, has produced accounts of racialization which tend to operate at a high level of generality, occluding a meaningful understanding of the dynamics of group making, but also denying the capacity of Irish citizens to feel humanitarian concern, understand situations of mutual exploitation and extend their solidarism, and yet, remain concerned about competition over scarce resources, maintaining wage levels, and living standards (Loyal and Allen 2006: 213-14).

As with his theory of biopolitics, the thrust of Foucault’s theory of ‘Governmentality’ has been largely to view the state’s rationale for classifying and compiling such information as inescapably coercive and nefarious rather than possibly beneficial and empowering for citizens, leading some scholars to argue that it has inclined many to “overstate the bureaucratic enthusiasm for information gathering” (Szreter and Breckenridge 2012: 7). Indeed, when Foucauldian anthropologists write of asylum and other migration processes, the emphasis is often on securitized control. But, what does it do for our analyses to truly accept that governmental control is frequently situational, and often strategically ephemeral? (Rozakou 2017). The government’s failure to collect and thus inability to wield necessary data and statistics at crucial moments had been revealed in the run-up to the 2004 Referendum when it attempted to charge that asylee/migrant women were overwhelming Ireland’s maternity system. As it turns out, the government had no idea how many mothers-to-be were migrant workers, or asylum seekers. This damaged their rationale for the Referendum, discrediting it and forcing DJELR officials to search out other rationales. As my research exemplifies, historically, as

now, sparse resources and the ability of civil service functionaries to remain steadfast in the face of shifting political priorities and messaging have ever been a challenge to the kinds of power/knowledge nexus envisioned by Foucault's biopower and governmentality writings. Governmentality, I argue, also does not truly capture those moments when the state intentionally allows bureaucratic 'adhocery' (Dunn 2012) to emerge during moments of seeming crisis (Collett 2015; Masco 2017; Roitman 2013; Rozakou 2017). Or, when it erects 'architectures of irresponsibility' (Veitch 2007) – structural/legal modes of evading and hollowing out the protections of the Refugee Convention within its asylum and human rights apparatuses (Beneduce 2015; Collett 2015; Hathaway 1984; Hathaway 1993; Hyndman and Mountz 2008; Mountz 2010; Noll 2003; O'Mahoney 2007; Schuster 2004a). Or, when it chooses *not* to amass particular forms of information – such as the details of the asylum claims of all those it refuses to allow permission to land and those some states shuffle onwards under the legal auspices of the Dublin Conventions. Or, when it records those statistics it does collect in forms which will be difficult to parse in comparison with other nations (AIDA 2015; Neumayer 2005).

Perhaps most importantly, many post-structuralist accounts of difference-making in Ireland crucially fail to consider the constitutive role of political economy, and the ways in which the social relations of capitalist accumulation are manipulated by the Irish state to control and organize groups of asylees and citizens in ways which serve the interconnections and needs of Irish capitalism (Loyal and Allen 2006: 228; Wacquant 2010a). To be clear, I am not suggesting the substitution of a political economic account here, merely underscoring its critical supplementary value. In a slightly different vein, Wacquant has also called for a thicker account of the workings of the neoliberal state, arguing that scholars have too often tended to discuss outcomes under neoliberalism as effects of marketized logics rather than as the interconnected, unfoldings of forms of governance. In his own work on urban outcasts, he has argued that three interconnected forms of symbolic and material violence have been effected by neoliberal governmentality: labor precarity, the relegation of people to under-

resourced and decaying neighborhoods and the heightening of stigma in everyday life and public discourse (Wacquant 2008: 24-25) as cited in (Tyler 2013: 2). My research takes up the study of last of these, stigma, but rather than treating it as an effect of neoliberalism, I argue that - like sexism and racism - capitalist relations and neoliberal governance are dependent on and committed to the class work achieved through the denigrations and differentiations of stigma (Federici 2004).

One of the major goals of this dissertation is to repoliticize and historically deepen our understandings of the work of stigma by constructing an epistemology of Irish stigma and a renewed focus on its role in apparatuses of governance as a possible antidote to anachronistic, ahistorical accounts of individualized animus (Tyler 2018: 747). I acknowledge the irony then of turning to Goffman's theory of stigma (1963), because it too is a psycho-social theory tailored to the micro-level of individual interaction. Even more ironic is the fact that I find myself turning to a North American sociologist despite the fact that the dissertation critiques the shortcomings of what I believe to be the application of an ill-fitting theoretical apparatus of race and race relations derived from the American neoliberal context onto the contemporary Irish context. I argue (Chapter 3) that at its most perverse, this theoretical misalignment has contributed to the development of a discourse of Irish claims-making via 'racial victimhood' rather than citizenship rights (Lancaster 2017; Wacquant 2009). A final irony, I suppose, is that Goffman himself was largely uninterested in describing macro power relations, even as he acknowledged that stigma was a relation between stigmatized and normal. Even if one grants that it is the work of a particular moment in time, it is still extraordinary to think that despite being elaborated at a crucial moment in the civil rights era, Goffman pays almost no attention to the politics and power dynamics of the stigmatization of African Americans or the ongoing civil rights struggles of that time (Tyler 2018). Stigma, moreover, is unapologetically written from the normative perspective of Goffman himself - a white, heteronormative, urban, upwardly-mobile male - who

encourages and instructs the stigmatized to ‘manage’ their spoiled identities rather than ratchet up social tensions and disrupt the prevailing social order.

For Goffman, the eruption of stigma is a ‘dramaturgical’ moment of social interaction that contributes to a prevailing social order, wherein one person’s ‘attributes’ can throw up a ‘taint’ in our minds, reducing and removing him [sic] from the available categories (or, stereotypes) of a ‘usual’ or ‘normal’ person. That attributional deficit constitutes a stigma in the mind of the beholder, presumptively rendering them outside the norm. On such assumptions, Goffman writes, “we exercise varieties of discrimination, through which we effectively, if often un-thinkingly, reduce his life chances” (Goffman 1963: 14). However, even though Goffman recognized that many social interactions resulted in one person’s loss of face, alienation, embarrassment and/or stigmatization, he did not delve too deeply into the reasons *why* such social actors did not disrupt that social order, instead deferring and restraining themselves, essentially ‘going along’ with a damaging order and set of interactions (Tyler 2018: 748). Nor, crucially, did he question where those norms came from or the politics of how ‘stigma-knowers’ come to recognize, internalize and redeploy them.

These are power-laden moments whose force and workings are not fully captured, I suggest, by Goffman’s elaboration of recuperative, ‘face saving’ actions (Goffman 1967). While I describe the volunteer labor of African asylees in Longford as a Goffmanian ‘face-saving’ action in the wake of overwhelming governmental and media stigmatization, I also believe that we can better approach an understanding of the coerciveness and political power of such dynamics if we examine the space Goffman delineated between those who are *already* discredited and those who are *discreditable* (Goffman 1963: 13-14). More concretely, I describe one of my African informants, Lucinda, as occupying this febrile space after the Minister for Justice had publicly stigmatized African asylees as ‘bogus,’ and all non-Irish mothers as ‘maternity holidayers,’ ‘citizenship tourists’ and ‘suspect patriots’. She was sexually harassed by teenage boys, and propositioned by an older Irish man while standing in line with

me to collect her welfare benefits. But, perhaps the clearest sense of just how corrosive and politically powerful such stigmatizing logics can be, was revealed when she confessed to me how embarrassing it was for her to see so many pregnant African woman on the streets.

With this in mind, this dissertation asks what if we were to reconceptualize stigma, not just as a relation between the so-called ‘normal’ and the ‘stigmatized’? What if we interrogated those positionalities vis a vis state power to control, divide and make-different? That is, if we viewed stigma *not as an effect of power* (Kleinman and Hall-Clifford 2009), but as a power in itself; stigma-power. What if we were to extend it from the micro-level of the individual to the macro-levels of capitalism and governance? Lastly, what might it do to our reconceptualization of stigma as a relation of power if we considered stigma itself as a form of political economy? (Tyler 2018).

CHAPTER SUMMARIES

Chapter 1: The Governance of Irish Asylum: Bureaucracy And The Alchemy of Audit

This chapter is a focused examination of the development of DJELR bureaucracy and policy. I open with a description of the chaos which characterized the Irish asylum regime between 1994-2000, highlighting the multiple strikes undertaken by civil service unions to force the government to properly resource its asylum division. I contextualize DJELR’s asylum development against the history of asylum statecraft in Europe, the rise of so-called Fortress Europe, and the soft power of unaccountable Intergovernmental Organizations when it comes to formulating EU migration and security policy. Part II of this chapter examines the analytical challenges posed by the counterintuitive phenomenon of ‘crises,’ as the spawning of a bureaucratic ‘adhocracy’ of crisis-power illustrates (Dunn 2012). ‘Policy on the fly’ (Mountz 2010) is depoliticized and naturalized, birthing new ethoi and governance approaches to care in times of seeming political turmoil. I describe one such innovation,

the implementation of a New Public Management governance modality, and forensically examine *how* audit-centric techniques of administrative reform come to produce new modes of self-regulation and professional conduct for civil servants, as well as new categories of ‘subjectivity’ and ‘problem’ for both civil servants and asylees (Shore 2018: S92). Part III returns to the vilification of the ‘heartless bureaucrat.’ Once celebrated as protecting the due process rights of asylees, their implementation of increasingly stringent policies later positions them as loathed ‘folk-devils’ (Cohen 2002 (1972)) and as part of a larger discussion of bureaucratic harm, I illustrate how efficiency measures, case-related speed-up and especially audit reportage harms civil servant workers as well as asylees. The implementation of accelerated procedures effectively inverted asylees’ juridical burdens, forcing them to direct their legal energies towards defending against a processing system whose *modus operandi* had evolved into the apriori rooting out of ‘bogus’ claimants. In the process, new ‘structures of self’ emerged; for asylees who were slowly repositioned from rights-full/victim-subjects to ‘discreditable subjects’ (Goffman 1961). The section ends with a discussion of the backstage deepening of DJELR’s Ministerial Discretion – a non-transparent/undemocratic power to decide cases without explanation or legal reporting. The chapter concludes by highlighting an extraordinary moment when DJELR Minister McDowell denounced the legal standing of over 90% of asylum claims in Ireland and expressed his frustration with affording asylees access to due process. McDowell was ultimately supported in this by UNHCR’s representative in Ireland, underscoring a contention the chapter develops that asylees had been displaced by a new object of protection - the abstract ‘integrity’ of the asylum system itself.

Chapter 2: Discredibility And Architectures of Irresponsibility

This chapter employs three cases studies (the cases of Pamela Izevbekhai, Kunle Elunkanlo and Maqsood Ahmed) to examine the workings of the Irish Refugee Determination System (RDS).

All three case studies facilitate a close examination of the stringent management of asylum seekers' verbal evidence and narrative capital, and illustrate how such testimonies can be normatively discredited in a system peppered with skepticism and organized irresponsibility (Beneduce 2015; Malkki 2007: 338). Through Izevbekhai's case in particular, I probe the ways in which truth-telling and truthfulness are dialectically fashioned through RDS operations, often distorting the political subjectivity of asylees (James 2004: 132). I compare the conduct and logic of adjudication under accelerated procedures to those of a witchcraft trial in the sense that inductive inferences about the testimonial credibility of the claimant are 'divined' in keeping with the standards of internal knowledge production of a particular episteme (Palmié 2007). I show too how, within such frameworks, administrative and legal evaluations of asylee testimony and other evidence can translate into a moral evaluation of individual asylum seekers (Sweeney 2009), interpellating them as perpetually discreditable subjects. And, I argue that while many states practice a catalogue of deterrence and "illegalization" (De Genova 2002: 419), what the Irish case contributes to this discussion is a micro-analysis which illustrates *how* legal irresponsibilization arises, the ways its outcomes are naturalized and normalized, and how states come to disavow responsibility for the suffering to which such measures give rise (Veitch 2007). A significant portion of RDS process involves the interplay of contradictory emotions such as fear and compassion. Throughout the adjudication process, as asylees exchange fear-based narratives for political protection, Irish asylum caseworkers also find themselves embroiled in a moral economy wherein *their* emotional promptings (doubt, anxiety, hostility, etc.) must be negotiated alongside compassion for a (suffering?) Other. As the Irish RDS treatment of what I term 'Customary Dread' cases (witch craft accusations, fear of elders, fear of Tribal customs, cult activities, etc.) as an *abuse* of the asylum process suggests, the bureaucratic parsing of fear – a cornerstone of refugee protection legislation – becomes far more complicated than the legal definition provided by the 1951 Geneva Convention might have anticipated.

Chapter 3: The Alabama of Ireland: Problems of Inequalities

This chapter investigates media and other responses to two racially freighted incidents – the staged ‘lynching’ of a black effigy from a railway bridge and the painting of a graffiti of Tupac Shakur with the tag ‘Still, I Rise’ on the same bridge – which occurred in Longford around the 2004 Referendum to remove birthright citizenship from the children of non-Irish parents. From media portrayals of Longford as ‘The Alabama of Ireland’ it was clear that reporters were unable to properly parse the counterintuitives they encountered in the town – the good experiences of some asylees in Longford, as well as the redistributive fears of Irish citizens who were also friends with immigrants – which were collectively glossed by the media as *racial*, rather than economic or class-based tensions. The chapter begins by asking what might we understand from this turn to race as the *principal* explanation for the events that unfolded in Longford and argues that as a diagnostic, ‘racism’ can often obscure more than it explains. To put this another way, this chapter considers whether contemporary immigration politics are ultimately about the neoliberal economic policies of the EU, or whether xenophobia has a logic of its own that cannot be reduced to some form of exploitation (Fassin and Surkis 2010: 487-505) ... or, whether this question is ultimately a little misguided.

A glaring exception to the Celtic Tiger boom, Longford’s underdeveloped status and the particular ways inequality deepens there is described in the context of modes of governance including neoliberal upward transfers of wealth and an EU-wide shift from the policy object of ‘poverty’ to one of ‘social inclusion.’ For example, Longford had received a proportionately large number of asylees as a result of the government’s policy of subsidizing rural development through tax incentives, resulting in the construction of hundreds of vacant houses as tax vehicles for non-local investors. A related complication in the story of Longford concerns the ways race and racism have typically been understood in this low-income, rural milieu where the most stigmatized category of ‘other,’ Irish Traveller, is racially indistinct.

The long-standing presence of a substantial population of Travellers in Longford and the particular historicity of public stigma which they collectively endure is one reason why the ‘cognitive tool’ of American ‘race relations’ (and, by extension, some anti-racism programs developed there) are conceptually and analytically ill-suited in the Irish context (Wacquant 1993: 366-7, 376). I concretize this assertion by exploring the government’s anti-racism campaign “Know Racism”, describing how outmoded, American anti-racist tools such as Peggy McIntosh’s (1989) ‘White Privilege: Unpacking the Invisible Knapsack’ elicited confusion and misrecognition (of race as class privilege) during an anti-racism workshop in an Irish secondary school. In historicizing (as far as is possible) the construction of Travellers as a pariah figure, I show how the gains of rights-based policy approaches (e.g., ethnic recognition for Travellers) adopted in the wake of the Good Friday Agreement have been attenuated by accompanying regulationist technologies (such as restrictive street trading laws, horse laws and occupation of public space laws) and by the bad-faith of some local authorities. Nowhere is the lack of government attention to the rights and needs of citizen Travellers more starkly rendered than in the juxtaposition of the new, fully-serviced ‘Liosgall’ (a pseudonym) refugee site with its neighboring Traveller site which had, by that point, existed for more than 12 years without running water or electricity.

Chapter 4: Differentiating Rights: Referendum

The final chapter examines that the emotive debate engendered by Justice Minister McDowell’s decision to remove automatic birthright citizenship from the children of migrant and asylee parents and the role his and other’s persistent stigmatization of asylee mothers as ‘maternity holidayers’ and ‘citizenship tourists’ played in the successful passing of the Referendum. I explore the highly gendered discourse of stigma deployed against asylee and migrant women in 2004 in light of the historical particularities of an earlier moment of gendered, state-stigma and moralizing which was

attached to female reproductive behavior and social positioning after the civil war which ended in 1923. The post-1923 hardening of attitudes, not solely towards suffragist and anti-Treaty Republican women but also towards elements of the revolutionary republican agenda espoused in the 1916 Proclamation (specifically, equality and social rights), illuminates how the state's historical disordered relationship with women and with women's reproduction as a conventional site of governmental intervention was integral to its moral perception and treatment of asylee mothers in the early 2000s.

As with the contemporary referendum, the post-Civil War government emplaced a thicket of laws and policies to govern women's behavior, child-bearing and sexuality, rendering women a predominant focus of the state and Catholic church's attempts to reform and mold a distinctly Catholic, post-Independence "moral landscape" (Crowley and Kitchin 2008: 359, 368). In what can arguably be understood as a renewal of the 16th-18th Century 'enclosures' of women's bodies, labor power and rights and a deepening of their subjugation to patriarchal and religious orders (Federici 2004), women's 'proper place' and duties in the home were constitutionally sacralized, and access to divorce, contraception, and abortion was cut off. A church-state architecture of 'School, Church, Court and Hospital' labored to inculcate and enforce these moral sensibilities. Deviance was managed via the construction of an overwhelming discreditation and/or stigma (Goffman 1963) and the appropriation of a carceral network of religious-run laundries established by social purity movements in the 19th Century to rehabilitate prostitutes and destitute women (Crowley and Kitchin 2008: 366). Not only did these gendered efforts to fashion a stable, moral nation normalize a role for the government in the intimate regulation of women's lives and bodies, but a cultural and moral universe emerged wherein oversight of women's sexual behavior and reproductive praxes could be construed as "crucial to national development" (Hewson 2018: 5) and therefore a rightful site of intervention.

More broadly, I argue that McDowell's presentation of the need for the removal of citizenship rights from migrant and asylee children not only served to organize these groups in service to the labor

and other needs of Irish capitalism, it also served to deflect attention from governmental responsibility for a piecemeal immigration policy, a persistent and severely under-funded healthcare system, and the possible impacts Ireland's looming aging crisis would have on its economy and labor market. Most immediately, it diverted attention from its illiberal policies for migrant labor, its increasingly authoritarian approach to legislative processes, and its maintenance (even deepening) of illiberal and undemocratic spaces of ministerial discretion. Moreover, the sensationalism surrounding periodic attacks on immigrants and asylees, and the political flurries incited by his own stigmatizing and racist dog-whistling, worked to camouflage Justice Minister McDowell's untelegenic belief that inequality was necessary for labor 'flexibility' and that extending socio-economic rights to migrant workers and their children would herd the economy towards a quagmire of 'moribundity' (See Mancini and Finlay 2008).

CHAPTER 1: THE GOVERNANCE OF IRISH ASYLUM: BUREAUCRACY AND THE ALCHEMY OF AUDIT

Exploring the heart of the state therefore means, literally, to penetrate the ordinary functioning of public institutions, but also, metaphorically, to examine the values and affects underlying policies and practices. (Fassin, et al. 2015: 273)

The Department of Justice has such a reputation for cock-ups in other areas that it is almost unfair to accuse it of singling out asylum-seekers for special mistreatment. Yet the picture of thousands of people queueing for hours in the rain outside the Department was the perfect illustration of an unfeeling, slipshod bureaucracy in action (Cullen 1997b).

Introduction

Shambolic Workings of the State

November and December 1999 were especially chaotic months for Ireland's Department of Justice, Equality and Law Reform (hereafter DJELR)³ as images of interminable queues outside its Dublin-based Refugee Application Center (hereafter RAC) splashed across Irish television and print media, hinting at the managerial incompetence of the government and ratcheting up anxieties concerning mounting numbers of asylee arrivals. Within the RAC, a handful of poorly-resourced staff

³ Ireland's justice department has changed names multiple times as various portfolios were amalgamated and disaggregated at different moments in the history of the state. As the country emerged from British rule between 1919 and 1923, the department was referred to as the Department for Home Affairs. From 1923 to 1997, it was termed the Department of Justice. 1997-2010 Department for Justice, Equality and Law Reform. 2010-2011 Department of Justice and Law Reform. 2011-present, Minister for Justice and Equality. Because the bulk of the ethnography considered here falls under the period 1997-2008, I refer to the Department as the Department of Justice, Equality and Law Reform or DJELR throughout.

struggled daily to process hundreds of claimants, including some whose already-precarious emotional and mental wellbeing was exacerbated by the bureaucratic disarray they now confronted.⁴

Having worked through the weekend, RAC staff opened their doors on Monday, November 8, to lines of people that spread beyond the undersized facility before again spilling out onto the rainy Dublin streets. Journalists would later note the lack of even a ticketing system to regulate the asylum queues, a tangible absence of orderliness which no doubt heightened a pervasive sense of disorder. As the end of the work day beckoned with little discernible alteration in numbers, an exasperated group of asylees surged towards frontline civil servants, spooking them into barricading themselves in a control room where they called for the Gardaí to come and restore order (Sheehan 1999).

RAC staff had had enough. Citing safety concerns not only for workers, but for asylees themselves, civil service unions called a work stoppage. “Our members continue[d] to carry out their duties in such dangerous conditions because of loyalty to the Department of Justice and a sense of responsibility to people who have queued for days in the rain” said Michael Coffey, Secretary of the porter’s union, (Sheehan 1999). Now it was clear that continuing with such perilously inadequate resources was a disservice to both asylees and staff. Porters and Community Welfare Officers withdrew their services and their FUGE, SIPTU and IMPACT union representatives⁵ announced that

⁴ RAC security staff (prev. Reception and Integration Agency (RIA)) told reporters that, on an almost daily basis, they removed weapons from claimants queuing to enter the Center, including flick knives, pen knives, razors, scissors, hammers and screw drivers (Sheehan 1999). In early November, only the quick action of a porter had saved the life of a man who, despite having finally made it through the queues, slit his wrists once inside the building.

⁵ RAC porters are represented by The Federated Union of Government Employees (FUGE). The Services Industrial Professional and Technical Union (hereafter SIPTU) is one of Ireland’s largest unions, servicing approximately 180,000 workers from diverse sectors across the Irish economy. The Irish Municipal Public and Civil Trade (hereafter IMPACT) was formed in 1991. At its height in 2017 it boasted 60,000 members from across the civil services. In January 2018, IMPACT members voted amalgamate with Civil, Public and Services Union (CPSU), and the Public Service Executive Union (PSEU) to become Fórsa, one of the largest civil service unions in Ireland, with a collective membership of ca. 80,000 (www.forsa.ie).

no further cases would be processed by the center's 11 staff (and four relief workers) until DJELR management came up with "realistic proposals ... [for] safe and efficient services for asylum-seekers and a safe place of work for staff" (Newman 1999).

As evening fell and the news cameras gathered to broadcast news of the shuttered RAC offices, hundreds of stranded, rain-soaked asylees lingered; some without access to food, others unsure about mandated appointments with their case workers, and still others unable to obtain the documentation they needed to access crucial social services (Newman 1999). DJELR was not a particularly well-loved department within the government and opposition politicians did not hesitate to condemn its upper-level management:

"I do not blame the staff at the Refugee Applications Centre, who have been working in intolerable conditions for some time. In many respects, the staff's decision to take action finally forced the Minister to move to acquire additional accommodation as well as extra space and staff. However, the Minister must take responsibility for allowing last week's situation to develop. It besmirched the good name of this country" (Dáil_Éireann_Debate 1999a: Howlin, Labour TD).

Clearly, DJELR's asylum unit had reached an undeniable breaking point in 1999, yet the November strike was not the first time that civil servants had had to resort to work stoppages to compel senior department and government officials to better-resource asylum management infrastructure. In 1997, tremendously backlogged queues had given rise to two similar civil service strikes, each time leading to public outrage followed by denunciations of the government's manifestly chaotic approach to asylum bureaucracy (Irish_Times_Editorial 1997). Nonetheless, for a further two years upper-level management in DJELR persisted in justifying its asylum-related dysfunction as the result of having been 'surprised' by 'an unforeseeable phenomenon'. As time passed however, its pleas for indulgence on this ground carried less and less weight with a dissatisfied general public, much less with its besieged front-line civil servants. If the 1997 strikes had underscored how poorly resourced Ireland's asylum assemblage was at that point, the 1999 strike exposed a stark lack of

governmental progress on an increasingly politicized, morally-charged issue which resonated powerfully with the nation's own history of involuntary out-migration.

This chapter explores how DJELR's asylum unit transitioned from an undersized apparatus characterized by dysfunction and disorder into a substantial bureaucratic apparatus which would go on to receive the highest praise from United Nations High Commissioner for Refugees' (UNHCR) representative in Ireland. I trace how the historical trajectory of EU asylum policy combined with Irish political ambitions and emergent EU-Irish policy and legal relations to affect the shape of the evolution of Ireland's new asylum policy suite. Although a European-wide turn to increasingly stringent decision-making had cohered much earlier among other EU receiving states, an illuminating aspect of the late-1990s Irish asylum context is that it permits us to interrogate the materialization of an interesting governmental paradox; the simultaneous emergence of a progressively more ordered but less generous (because less rights-oriented) protection regime in the wake of the passing of the crucial Northern Ireland Good Friday Agreement (GFA 1998) with its mandated Human Rights Commission and array of rights-oriented instruments.

Alongside these developments and just as the Irish government prepared to assume the Presidency of the European Union for the first time, reforms within its public sector were initiated. I describe how in the wake of some of these civil service reforms, DJELR's nascent asylum operations and values altered gradually from a qualitative set of aspirations loosely congealed around international refugee norms and aspirations concerning the morally 'proper treatment of asylees,' to a more quantitative, politico-technical set of audit-related concerns relating to internal administrative targets to be met and policy alignments to be facilitated with fellow EU member states. Against the backdrop of chaos within the asylum-related elements of the government, a new governance modality entitled

New Public Management (NPM) was introduced which eschewed more traditional reliance on ‘rules and punishments’ governance modes in favor of consensus-building and its accompanying evidentiary form, the “soft law” of audit reportage (Engle Merry and Bibler Coutin 2014: 2).

An OECD-endorsed public sector governance model, NPM is an approach grounded in an ideology and set of practices whose central principles and rationales are derived from the world of accountancy and which has been loosely described by anthropologists as ‘governing by numbers’ or ‘audit culture’ (Shore and Wright 2015b). In the space of a few years, NPM’s audit-driven, customer service-oriented reforms were to subject aspects of the Irish civil service profession and its organizational conduct to elaborate and interconnecting systems of (self-) inspection and ranking in an effort to secure systemic accountability, transparency and other quantifiable ‘indicators of success.’ As this ideology and praxis suffused civil service processes, its elaborate apparatus of audit/metrics reportage displaced other governance praxes as a primary index of policy efficacy and governmental progress. Existing values concerning ‘the proper treatment of asylees’ were deformed, and over time, relocated from the figure of the refugee to that of a functional abstraction – the protection of the ‘integrity’ of Ireland’s asylum system.

Although the history of Ireland’s civil service (and most especially that of DJELR) cannot be characterized as having a monolithically positive approach to rights-based concerns, the context of NPM reform allows us to more readily discern nuanced alterations in government workers’ approach to issues relating to refugees, including most importantly, their reorganization of Refugee Status Determination (RSD) and its related bureaucratic procedures. Through annual reports, internal reviews, union disputes, whistleblower accounts and other official documents, we can glimpse, albeit indirectly, the changes taking place in the everyday concerns and work spaces of DJELR civil servants as they navigated the empirical demands of NPM policy reformulation and audit reportage.

The Irish government's reformist confidence in the systemic metrics of Audit *tout court* as an appropriate political and moral response to internal disorder and ongoing crises of trust in governance metastasized over time, becoming less a tool of governance and more a bureaucratic *telos* of Ireland's asylum apparatus. I argue in this chapter that this development had a chilling effect on DJELR's processing of asylum claims. For example, from a case worker's perspective, the bureaucratic transformation of formerly distressing procedures (such as the issuance of asylum refusals and deportation orders) into dispassionate/apolitical statistical objectives, likely distracted from and helped to naturalize the bureaucratic harm engendered by the government's gradual espousal of a more stringent recognition regime. I propose that the erasure of case worker discretion through the deployment of ostensibly objective metrics (Engle Merry and Bibler Coutin 2014) served in a like manner to emotionally insulate DJELR case workers from the less pleasant outcomes of their case management decisions and new department policy. Under NPM (and particularly under one of its most fervent adherents, DJELR Minister Michael McDowell), case worker responsibility for compassionate treatment could reasonably be evacuated by emphasizing the abstractions of a national asylum regime which (in McDowell's narrative, at least) was *itself* increasingly in need of protection from the purported abuses of 'bogus' asylees.

Parts I of this chapter examines the history of asylum statecraft in Europe, the rise of so-called Fortress Europe, and the soft power of unaccountable Intergovernmental Organizations when it comes to formulating EU migration and security policy. Against this international background, I juxtapose the domestic concerns of an Irish government whose economic fortunes are improving but who must yet balance the caretaking of a nascent economy with foreign policy objectives, including the shepherding of the Good Friday Agreement talks. Resource allocation to the 'problem' of refugee arrivals is not yet at the top of the government's priorities and frontline civil servants begin to be

publicly denounced as heartless ‘devil figures’ in a kind of moral panic which swirls about the issue of Ireland’s humanitarian approach to asylees.

Part II begins by examining the analytical challenges posed by the counterintuitive phenomenon of ‘crises.’ I consider how they can be extremely productive for states in two senses; materially, by spawning a bureaucratic ‘adhocracy’ of crisis-power (Dunn 2012) which works in turn to depoliticize and naturalize ‘policy on the fly’ (Mountz 2010), and morally, by birthing new ethoi and governance approaches to care in times of seeming political turmoil. In the Irish case, the New Public Management governance modality was introduced with its heavy emphasis on audit as a central technology of work/worker reform. I forensically examine *how* these audit-centric techniques of administrative reform comes to produce new modes of self-regulation and professional conduct for civil servants, as well as new categories of ‘subjectivity’ and ‘problem’ for both civil servants and asylees (Shore 2018: S92).

Part III returns to the devil figure of the ‘heartless bureaucrat’. Initially, an intermittent phenomenon, I describe how DJELR civil servants who, by striking for the rights of asylees, were once heralded as protectors of the nation’s humanitarian bona fides come – via their implementation of increasingly stringent policies – to occupy the discursive space of loathed ‘folk-devil’ (Cohen 2002 (1972)) in the Irish media, among human rights and other NGO ‘stakeholders,’ and in much of the public imaginary. I illustrate how such newly-introduced efficiency measures, case-related speed-up and especially audit reportage ‘individualized’ public perceptions of the process of adjudication in new ways, contributing to the vilification of DJELR civil servants, affecting their quotidian working conditions and giving rise to internal reports of work-related stress and mental health issues among its asylum unit workers.

Subject positions also shifted for asylees. The implementation of accelerated procedures effectively inverted their juridical and legal burdens. Initially, they had only been required to legally substantiate their claim for sanctuary. Under accelerated procedures, however, asylees were forced to direct the bulk of their legal energies towards defending against a processing system whose *modus operandi* had evolved into the apriori rooting out of 'bogus' claimants. In the process, new 'structures of self' emerged; for asylees who were slowly repositioned from rights-full/victim-subjects to 'discreditable subjects' (Goffman 1961).

These sections end with a brief discussion of the way crises and the incremental discreditation of asylees facilitated a backstage deepening of the non-transparent (and arguably undemocratic) scope of Ministerial Discretion to decide cases without explanation or legal reporting. The internal character of this operation deepened suspicion concerning the arbitrary character of decision-making, but also, in true Goffmanian fashion, imbued the Minister for Justice with an aura of unassailable political power and a worrying amount of bureaucratic and legal inscrutability.

Part IV of this chapter concludes my focus on the development of DJELR bureaucracy and policy by highlighting an extraordinary moment when DJELR Minister McDowell denounced the legal standing of over 90% of asylum claims in Ireland and expressed his frustration with affording asylees access to due process, as required by the Refugee Convention. In response to the storm of public censure that ensued, McDowell was publicly supported by the UNHCR representative in Ireland, Steven O'Brien, who penned an editorial in the *Irish Independent* in his defense. Underscoring my contention that asylees had been displaced by a new object of protection - the abstract 'integrity' of the asylum system itself - both men exhorted the Irish public to trust the Minister of DJELR on the basis that whatever he did was in service to the integrity of the Irish asylum system. In so doing, McDowell and his supporters exemplify how the transformation of an ethico-moral value of compassion and humanitarian responsibility to care for suffering others into care for a bureaucratic

modality, deforms the moral value and depoliticizes the suffering Other who becomes ‘a purely technical problem’ to be solved ((Li 2007) as cited in (Dunn 2017: 71)).

PART I: STATECRAFT

Post-War European Ethics in Retreat

Since the early 1980s, European States have virtually exhausted the repertoire of feasible restrictions to asylum systems – short of outright abandonment of the 1951 Geneva Convention ((Boswell 2006) (as quoted in Oelgemöller 2012: 30))

From a rights-based perspective, contemporary European Union (EU) migration has reached an undeniably bleak point in its history. So hostile and unyielding has a majority of EU asylum reception policy become that it is jarring to note in retrospect the marked difference in its refugee posture during its initial post-war incarnation. The EU’s institutional progenitor - the Economic Communities (EC) - was forged out of economic and atomic treaties in the difficult political aftermath of WWII, and while these particular concerns have left their mark on the EC/EU’s rather erratic path towards regional integration, for much of its existence there has existed a (contested) belief that the economic and, to a lesser degree at the time, security imperatives for EU co-operation would be expanded to embrace those of the social.⁶ As might be expected of any institution of such unwieldy size, diverse membership and complex voting behavior, attempting to normalize adherence to

⁶ Essentially, multiple European Communities have been created over time. First, the European Coal and Steel Community (ECSC), which was given form through the Treaty of Paris in 1951. Later, the European Atomic Energy Community (Euratom) and European Economic Community (EEC) were established with the signing of the Treaties of Rome in 1957. The Maastricht Treaty (1991/2) incorporated the best known of these Communities into the structure now known as the European Union (Nugent 1999a).

particular rights regimes, not to mention the financial and political commitments such adherence entails, has meant that the EC/EU has often floundered badly in this arena. Its statecraft as it relates to asylum policy has accordingly been a tale of shifting ideologies and policy ebbs and flows. These fluctuations have accompanied each new treaty iteration, each raft of member accessions to the Union, each deepening of new and relinquishing of older approaches to governance, and each time a new crisis or unruly policy issue is confronted. Even those forces that the EU is often optimistically described as being unsusceptible to – shifts in popular opinion and populist politicking – have waxed and waned over its existence, making and remaking notions of Europe and Europeanness in the process (Dzenovska 2016). Over time and especially as neoliberalism has become more and more ascendant, power relations between EU institutions and various intergovernmental organizations have oscillated. Long before 9/11 and certainly before Europe’s most recent refugee ‘crisis’ in 2015-16, the tidal direction of EU migration policy (and most particularly its asylum-related elements) had been retreating toward the more besieged apprehensions that have earned the EU the sobriquet, ‘Fortress Europe’. To really understand how we got here however, it is necessary to begin with the genesis of the EU’s most recent incarnation, resurrected from the social, moral, and economic ruin of World War II.

The success of Europe’s post-war rebuilding initiatives is instructive here not only because governments successfully negotiated daunting shortages in food and housing while organizing post-conflict work for its devastated citizenries, but because it could do so while additionally managing the challenge of rehoming approximately 30 million people displaced as the result of expulsion or conflict (Schuster 2004b: 97).⁷ In contrast to the contemporary moment, the extent of population

⁷ Although there had been massive population movements between 1850 and 1914, the scale of the refugee and asylum seeker problem confronting governments at the end of the Second World War was without precedent (Glynn 2012; Schuster 2004b). The figure of 30 million displaced post-

displacement and pervasiveness of the figure of the refugee meant that there was minimal political resistance to collectively formulating and funding resolutions. This political climate remained relatively unchanged even as extra-European colonial subjects, many of whom had fought on behalf of their European ‘motherland’ throughout the war, began to arrive in their respective metropolises throughout the late 1940s and early 1950s. Independence movements in Algeria, Mozambique, Angola and Uganda prompted thousands to migrate legally to France, Portugal and the UK under the available colonial status of ‘returnee’ rather than ‘refugee’ (Loescher 1989: 620) and the labor demands of an expansive Post-War rebuilding effort paved the way for their relatively unproblematic absorption.

Such was the North European demand for external labor at the time that millions more were later recruited from Southern Europe (Italy and Greece) as well as from former colonies in Africa, Asia, and the Caribbean. With the economic slowdown which accompanied the oil crisis of 1973 however, governments began to limit the number of available legal avenues for labor-related immigration in the expectation that the downturn would stimulate immigrant laborers to return to their country of origin. When this did not occur spontaneously, material incentives to leave were offered, but again, sizeable numbers of long- and mid-term immigrants opted to wait out the surging unemployment which characterized much of Europe during the early 1980s.

States like Germany and the UK found, to their great frustration, that not only were they unable to easily shed their now-unwanted labor force, their ability to do so was constrained by rights-based legal elements (such as the right to family reunification of growing numbers of ‘returned’ colonial subjects) contained within colonially-inflected immigration legislation. The conjoining of

conflict includes approximately 12 million Germans expelled from Eastern Europe and an estimated 4 million who fled the Soviet advance (Hansen 2017: 5).

what came to be viewed as a tangible lack of metropolitan governmental control over imported labor during a period of deep recession, together with the extension of citizen-like rights to former colonial subjects was pivotal to a sharp rightward turn in anti-immigrant sentiment which began to manifest throughout the main receiving countries in Europe in the mid-1980s (Loescher 1989: 621).

In this respect, the political climate could not have been less favorable for the surge in arrivals which was about to occur as an increasing number of asylees from less developed countries bypassed the customary sanctuary of neighboring states in order to apply for refugee status in Europe.⁸ Between 1983 and 1989, the number of asylum applications in Western Europe more than trebled, giving rise to enormous and costly case processing backlogs (Loescher 1989: 622). Numbers peaked in 1992 with 700,000 claims being filed in the then 15 states of the EU (Guild 2006: 631).⁹ Civil war in Sri Lanka and the Lebanon resulted in some 90,000 asylee claims and between 1984 and 1988, the Iran-Iraq war gave rise to almost 100,000 applications. Civil war and famine brought asylees from Ethiopia. Arrivals from Bangladesh, India, Pakistan, Turkey and Ghana also peaked unexpectedly. While under the criteria set forth by the 1951 Refugee Convention¹⁰ a majority of the latter's claims were considered

⁸ While large numbers of unplanned arrivals present challenges for any government, it is important to bear in mind that less affluent countries have typically hosted the largest refugee populations: with more than two million internally displaced, Colombia hosted two million IDPs, followed by Iraq (1.6 million), Pakistan (1.1 million), Sudan (1 million) and Afghanistan (912,000). UNHCR's 2005 statistics show five nationalities which have composed a major portion of the populations of concern this year: Afghans (2.9 million), Colombians (2.5 million), Iraqis (1.8 million), Sudanese (1.6 million) and Somalis (839,000). <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=news&id=448915214>. (Date accessed 3/9/13).

⁹ Between 1985-1994, while different countries peaked as countries of destination at different moments in time, Germany tended to receive an outsized share of applications. In 1992, for example, it received 75% of all EU applications. The UK and France tend to receive the next highest numbers with the Netherlands, Belgium and Denmark also receiving substantial numbers. Italy and Greece received relatively low numbers of applications during this time though in 1987 Italy received 8% of all EU applications (Bocker and Havinga 1998).

¹⁰ In the context of the atrocities revealed during and after liberation, European allies undertook to codify a rights-based protective framework which would deal with the future treatment of refugees by sovereign nations. The drafting history of the 1951 Convention Relating to the Status of Refugees

to be weak if not manifestly unfounded, the legal obligation upon signatory states to afford due process to all claimants meant asylum claims *had* to be processed regardless of growing institutional skepticism concerning their individual merits (Loescher 1989: 622). European asylum case backlogs surged from 100,000 to approximately 250,000 apparently with no end in sight.

Once extra-European flows began to subside, it was the turn of adjacent European nations to act as sending nations. Asylees from Turkey, Poland and Yugoslavia began to seek westward refuge. In 1988, almost 66,000 East Europeans sought refuge in France, the Netherlands, Norway, Spain, Sweden and Switzerland. During the first four months of 1989 alone, Germany received 100,000 Ethnic German applicants and some 20,000 applications from GDR.

Table 1: Asylum Seekers in Select European Countries (1985-1997) / (Table Continues On Following Page)

Table 1: Asylum Seekers in Select European Countries (1985-1997)*														
(In Thousands)														
Country	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Austria	6.7	8.7	11.4	15.8	21.9	22.8	27.3	16.2	4.7	5.1	5.9	7.0	6.7	13.8
Belgium	5.3	7.7	6.0	5.1	8.1	13.0	15.2	17.8	26.9	14.3	11.4	12.4	11.8	22.0
Denmark	8.7	9.3	2.8	4.7	4.6	5.3	4.6	13.9	14.4	6.7	5.1	5.9	5.1	5.7
Finland	—	—	—	—	0.2	2.5	2.1	3.6	2.0	0.8	0.8	0.7	—	—

(Convention) discloses, however, that the final version of this iconic humanitarian instrument was hollowed out in significant ways, not only by nascent Cold War ideology but, as might be expected, by the political, demographic and economic interests of Western nation-states (Hathaway 1990: 143).

In addition to the fact that the territorial basis of the Convention was never designed to cope with sudden mass influxes of applicants (Hansen 2017), its eventual framing provided substantial scope for national governments to negotiate the terms and conditions of their domestic protection regimes and, in one sense, this early quelling of the Convention's more humanitarian impulses foreshadowed some of the ways in which restrictive and ungenerous developments were introduced during the 1980s and 1990s. The 1951 Convention was originally signed by 29 countries and by 2004 over 145 countries had become signatories and it is now a condition of EU membership.

<i>Country</i>	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
France	25.8	23.4	24.8	31.6	60.0	56.0	46.5	28.9	27.6	26.0	20.2	17.2	21.0	22.4
Germany	73.9	99.7	57.4	103.1	121.0	193.0	256.0	438.2	322.6	127.2	127.9	116.4	151.7	98.6
Greece	1.4	4.3	6.3	9.3	6.5	4.1	2.7	2.0	0.8	1.3	1.4	1.6	—	—
Ireland	—	—	—	—	—	0.1	0.0	0.0	0.1	0.4	0.4	1.2	—	—
Italy	5.4	6.5	11.0	1.3	2.2	4.7	31.7	2.0	1.6	1.8	1.7	0.6	—	—
Luxembourg	—	—	—	—	—	0.1	0.2	0.1	0.2	0.1	0.2	0.3	—	—
Netherlands	5.7	5.9	13.5	7.5	14.0	21.2	21.6	20.3	35.4	52.5	29.3	22.9	34.4	45.2
Norway	0.9	2.7	8.6	6.6	4.4	4.0	4.6	5.2	12.9	3.4	1.5	1.8	—	—
Portugal	0.1	0.3	0.5	0.4	0.2	0.1	0.3	0.7	2.1	0.6	0.5	0.3	—	—
Spain	2.3	2.3	2.5	3.3	4.0	8.6	8.1	11.7	12.6	12.0	5.7	4.7	—	—
Sweden	14.5	14.6	18.1	19.6	32.0	29.0	27.3	84.0	37.6	18.6	9.0	5.8	—	—
Switzerland	9.7	8.6	10.9	16.7	24.4	36.0	41.6	18.0	24.7	16.1	17.0	18.0	24.0	41.3
UK	6.2	5.7	5.9	5.7	16.8	38.2	73.4	32.3	28.0	42.2	55.0	27.9	32.5	46.0
TOTAL	—	—	—	—	320.3	438.7	563.2	695.5	554.2	329.1	293.1	244.5	—	—

*Table Reproduced From: (Hansen 1999: 780).

The Rise of Fortress Europe: 'Jet Refugees' And The Narrowing of Rights-Based Asylum

Refugee law is often thought of as a means of institutionalizing societal concern for the well-being of those forced to flee their countries, grounded in the concept of humanitarianism and in basic principles of human rights. In practice, however, international refugee law seems to be of marginal value in meeting the needs of the forcibly displaced and, in fact, increasingly affords a basis for rationalizing the decisions of states to refuse protection (Hathaway 1990)

In the absence of strong, rights-oriented political leadership on the issue of asylum arrivals, absorbing the sizeable increase in claims during in the mid-1980s was gradually becoming both

politically and fiscally challenging for recession-bound EU governments. Receiving countries worried not only about the *number* of arrivals but the fact that they appeared to herald a new *kind* of arrival - the so-called 'jet refugee' (Loescher 1989: 619). In contrast to the carefully negotiated arrival of Programme or Resettlement¹¹ refugees for whom management and care could be bureaucratically planned and financed in accordance with the micro climes of national concerns, jet refugees represented a new and growing category of spontaneous arrival, originating predominantly from distant, often under-developed countries. Moreover, as the phenomenon of the jet refugee demonstrated little sign of diminishing soon, asylum itself came to be viewed by European governance structures (especially policing and security apparatuses) as the harbinger of a new and potentially unmanageable North-South migratory shift.

Costs: Political And Economic

In the meantime, the impromptu nature of these arrivals and the enormous costs associated with processing their cases wreaked havoc on national budgets, reportedly forcing some European governments to grossly exceed their annual social spending allotments.¹² In 1989, reports from UNHCR and government missions suggested that the per annum cost to European countries of processing asylum cases *in situ* and supporting asylees awaiting decisions had risen to \$4 billion, with the expectation that that figure would exceed \$8 billion by 1992 (Loescher 1989: 622).¹³ In addition

¹¹ 'Programme' or 'Resettlement' Refugees typically refers to an agreed transfer of refugees between states. A somewhat lengthy process of identifying, selecting and transferring refugees is sometimes involved but the key point here is that the arrivals are not spontaneous. They are planned and budgeted for.

¹² Germany estimated that its refugee-related costs amounted to \$700 million in 1984, \$815 million in 1985 and \$970 million in 1986. Belgium spent \$5 million in 1985 and \$13 million in 1987. Denmark reported annual expenditures in 1987 of approximately \$300 million and Sweden reported annual allocations of around \$500 million in 1988 (Loescher 1989: 622, FN 15).

¹³ European governments were also concerned that some 70% of the approximately one million asylees to arrive between 1983 and 1989 were from under-developed countries in Eastern Europe, the

to the substantial financial burden, the fact that the Convention did not formally regulate refugee distribution across the EU (and the EU itself did not have the legal wherewithal to do so) was now being keenly felt by those member states which typically received the highest numbers of claims and whose reception and integration programs were chronically overwhelmed.

Between 1983 and 1989, Germany received 44% of Europe's asylum applications. France received 16%, Sweden 10%, Switzerland 7%, the Netherlands 5% and the UK 2%. At the local level, these arrivals also put immense pressure on municipal budgets already challenged by high unemployment and rising welfare costs (in the context, of course, of nascent neoliberal reformism across Europe).¹⁴ By 1992, despite its status as the economic powerhouse of Europe, Helmut Kohl threatened to declare a state of emergency. Declaring that the number of migrants, and especially asylees, had passed the "threshold of our capacity," he warned of the "danger of a profound crisis of confidence in our democratic state" (quoted in Schuster 2004b: 180). Across Europe, local referenda and government proposals began to reveal alarming levels of opposition to continued arrivals, a sentiment which the EU and national governments worried (presciently, as it turned out) would be ripe for right-wing exploitation.

Despite the ascent of human rights as an important legal and political tool of statehood during this period, European governments began to explore ways to evade or attenuate their responsibilities

Indian subcontinent, the Middle East, and Africa and would require costly 'outputs' in order to integrate them into European society and upskill them for its labor market (Loescher 1989: 622). Nor had they overlooked the fact that annual *domestic* expenditures on asylum represented approximately eight times the yearly global expenditures of UNHCR in its extra-territorial missions, a fiscal realization that would prompt several EU governments to suggest that it would be less expensive and more efficient to meet their obligations under the Convention in facilities located in or near to refugees' country of origin rather than within the EU.

¹⁴ Indeed, Loescher describes a series of communities in Brussels where the number of 'aliens' exceeded 50% of the local community at one point, leading to a refusal by local authorities to register new asylee arrivals despite being legally required to do so (Loescher 1989: 623).

under the Convention.¹⁵ In 1993, the German government successfully narrowed the criteria for claiming asylum via a controversial amendment to the German Constitution. Britain introduced a bill in 1992 which aimed to further reduce the number of applicants who could claim asylum in the UK, broadening the types of claims which could be considered inadmissible and speeding up the deportations of asylees whose claims had been rejected.¹⁶ France passed the restrictive *Pasqua Acts* (1993) which not only curtailed access to permanent residence and pathways to citizenship for French-born children of foreign parents but greatly expanded the deportation powers of the immigration authorities.¹⁷ In a securitizing tactic that would be widely adopted across the EU a few years later, Germany and the UK introduced Carrier Sanctions in 1997, effectively forcing airlines and transportation companies to act as border police by penalizing them for transporting migrants without appropriate paperwork.

¹⁵ There was, of course, a spectrum of opinion on this point during the 1980s and 1990s. Scholars such as Jacobson (1996) and Sassen (1988) argued that the fact that states *do* accept unwanted immigration is an indication of the extent to which human rights instruments and global constraints such as inter-state relations and the politico-economic power of multinationals, etc., can impact state autonomy. Joppke (1998), however, argues convincingly that neither the notion of rights regimes nor globalist factors provides an entirely satisfactory explanation as to why states tolerate spontaneous or so-called ‘illegal’ immigration. Citing labor immigration in the Middle-East as a counterfactual, he notes that this is a problem specific to liberal states which, he argues, often operate within two conflicting imperatives – that of controls and rights (1998: 287). In this vein, my dissertation argues (Chapter 4) that under the neoliberal state, approaches to controls and rights often *overlap* (i.e., the control of access to rights, and certain tiers or sets of rights, such as labor rights, or some elements of asylee rights, such as access to judicial review).

¹⁶ *The Asylum and Immigration Appeals Act* came into force in 1993 and was followed in 1996 by the *Asylum and Immigration Act* which denied asylees access to social security or legal aid (Schuster 2004b: 131).

¹⁷ These restrictions culminated in the famous “*affaire des sans-papiers de Saint-Bernard*” where approximately 300 African men and women (10 of whom were on hunger strike) occupied Saint Bernard until the state ordered riot police to evacuate the church in 1996. Anthropologist, Miriam Ticktin (2011) describes how the French public’s unyielding response to the deaths of *clandestins sans-papiers* has translated into increased support for anti-immigrant politicians, forcing the French state to frame protections for undocumented immigrants under exceptional humanitarian clauses rather than immigration policy and legislation.

Successive United Kingdom politicians (from across the political spectrum) floated the possibility of de-acceding from the Convention. In 1999, the British Home Secretary Jack Straw (Labour Party) declared that circumstances had changed since WWII such that the Convention was no longer working ‘as the framers intended’ (Gorlick 2003). In 2002, following the spontaneous arrival in the UK of Iraqi and Afghan asylees from France’s notorious Sangatte refugee camp, Labour Prime Minister Tony Blair again suggested that Britain might have to release itself from its obligations under the Refugee Convention. Some states began to agitate to reimpose a version of the ‘geographic limitation’ removed from the Refugee Convention by the 1967 New York Protocols.¹⁸ Since March 2003, the British Home Office has been lobbying the European Union to allow it to replicate the Australian model which off-shores asylum seekers to ‘regional protection zones’ and ‘transit processing centers’ closer to asylees’ point of origin (Cohen 2003). Indeed, such has been the progressive securitization of the UK regime (redoubled after the July 2005 London bombings) that some UK scholars have suggested that the asylum system there “may be on the way out” (Bohmer 2007).

Adherence to the Convention’s aspirations has faltered beyond the EU as well. In a monograph prepared for the Australian parliament, Adrienne Millbank (2000) outlined how the

¹⁸ The geographic limitations of the Convention were a particularly difficult element during its negotiation and this history is revisited occasionally by contemporary states who wish to (re-)narrow its scope. Essentially, some states (such as the US, Canada and Australia), who at the outset of the Convention had migration regimes which were restricted to European immigrants, feared that underwriting a humanitarian system of universal protection would constitute a kind of ‘blank check’ committing states to extend unforeseeable levels of refugee protection. During the drafting discussions, it was argued by these states that any attempt to provide such universal protection might spark a negative public reaction. Delegates argued that the proper object of this post-war Convention was the needs of *European* refugees, and that non-European refugees should be assisted through regional schemes run by adjacent states. This geographic limitation of the Convention’s scope was agreed in its final draft but overturned by the *1967 New York Protocols* which extended the shelter of the Convention to extra-European asylees (Hatton and Williamson 2004: 15).

Convention fails both asylees and signatory States and has since argued that Australia should leave the Convention (Birrell and Millbank 2011). Indeed, Australia has done what many in the EU have suggested they would like to do; - outsource the administration, processing and detention of its asylum seekers to its regional subordinate, Papua New Guinea (Siegel 2013). It has also expanded its executive power and correspondingly reduced judicial power in the area of migration, and in 2001 passed the Migration Amendment Act which excised almost 4600 islands and ‘offshore places’ from its migration zone (Loughnan 2017: 63).

In 1999, Canada - a country which has often been held up as a model of good immigration and asylum practice - developed a strategy described by bureaucrats as the ‘long tunnel’ approach. Effectively, the long tunnel creates an interstitial processing zone that alleviates some of the state’s obligations to asylum claimants but, as a consequence, creates an extensive legal limbo for them (Mountz 2010).¹⁹ Needless to say, both the intent and the outcome of these strategies are fundamentally antithetical to Convention values and best practice, amounting to a phenomenon which legal scholar Steve Veitch (2007) has described as the creation of ‘legal irresponsibility,’ a concept I explore in relation to the development of Irish policy in Chapter 2.²⁰

¹⁹ The interstitial character of the ‘long tunnel’ is essentially a legal fiction created by the Canadian government that asylees have not entered the sovereign territory of the state and therefore have not triggered Canadian obligations under the Convention (Mountz 2010).

²⁰ Although no nation state has as yet taken the final step of leaving the Convention, the UN’s refugee commission (UNHCR) has been powerless to prevent states from extending less than the minimum standard of protection and care required by its protocols. In late-2000, concerned with the possibility that the entire international system of refugee protection would disintegrate, UNHCR’s Executive Committee participated in a series of global consultations designed to secure the current protection regime while taking account of the concerns of host communities and states (Gorlick 2003: 87). Although these engagements can be read as a (typically) cautious response by UNHCR, it is important to remember that despite its relatively high moral standing in international circles, the organization has never at any point had a mandate to do more than promote refugee protection norms and monitor compliance by states, some of whom fund its mandate on a voluntarist basis. See <http://www.unhcr.org/donors.html>, accessed August 19, 2018.

Fortress Europe v. 'Absent' Borders

In comparison with the much higher peak of 1992 when there were 700,000 applicants in the EU 15, the current levels in the enlarged European Union [of 25] ought to be a matter of concern – is the Union actually shouldering its responsibilities to the international community to provide protection to refugees in number commensurate with its wealth and size? The answer is clearly ‘no’ (Guild 2006: 631)

The undeniable constriction of EC/EU’s earlier (relative?) openness to migration has prompted activists and academic critics to describe the exclusionary logics and effects of these bordering practices as ‘Fortress Europe.’ Yet, an important analytical distinction should be made between the rhetorical potency of that image and the political and judicial limits that constrain the forms of closure realizable *in practice* by EU nation-states. According to some scholars, despite the increasingly spectacular nature of European border violence, states are actually in less control of their sovereign spaces than they would wish some citizens to realize:

States do not have the power to control migration. They may erect a vast battery of measures against asylum-seekers trying to reach European soil ... but once they reach that soil – usually through the help of traffickers – states find it all but impossible to remove them. As a result asylum applications remain high, as does the gap between rejections and removals (Favell and Hansen 2002: 583).

Part of what makes the ‘Fortress’ image so potent yet somehow analytically ‘thin’ is the fact that while the EU and its members deploy a number of highly visible military, legal and paper barriers to obstruct asylee entry, it is often ‘irresponsibility’ or the *absence* of those forms that does the work of exclusion – that is, states deliberately *not* recording deaths, crossings or refused arrivals in order to facilitate illegal push-backs or to pass along responsibility contra the Dublin Regulations to other states (Rozakou 2017); or, relying on the EU’s labyrinthine institutional structures to make accountability for infractions of human rights violations “elusive” (Costello and Mann 2020: 313). In fact, we should not perhaps consider Fortress Europe as existing in counter-distinction to this spectral apparatus of

‘absent borders’ brought about in the wake of the Schengen Acquis.²¹ Without wishing to diminish the very real violence and harms engendered by Fortress Europe’s technics, I hope to argue from the Irish case discussed below that the widespread impunity which these absences and irresponsibilities propagate might reasonably be considered one of the most harmful and concerning elements of contemporary EU deterrence efforts.

That said, some scholars remain convinced that despite the widespread perception of asylum as a ‘costly liability’ (and post-911, as a ‘security risk’), most states appear to have made a calculus between the relative costs incurred by continuing to participate in the Convention as a receiving state and the huge diplomatic costs involved in forfeiting the institutional legitimacy and membership benefits by withdrawing from it. The massive amounts of EU funding which have made their way to the EU’s tech and security apparatuses as a result have also undoubtedly affected this policy direction. Despite decades of attack, and not inconsiderable success developing new methods to deter asylee arrival, the moral principles which undergird the Convention remain politically salient, not least when it comes to legitimizing liberal democratic states (Schuster 1998). This remains the case, formally at least. All EU agencies and bodies must respect the EU’s Charter of Fundamental Rights and, importantly, ratification of the Convention remains a requirement for membership of the EU (Guild 2006: 630). Moreover, in addition to various treaty instruments, it must be said that the EU and national courts *have* acted in some cases (though characteristically slowly and with somewhat limited

²¹ The Schengen Acquis were initially extra-Treaty agreements by member states to remove internal border checks for citizens of members states and a common visa policy for citizens of non-member states (Nugent 1999b). The first Accord in 1985 was made between Belgium, France, Luxembourg, the Netherlands and West Germany, with Spain and Portugal joining shortly thereafter. Eventually, a majority of the rest of the member states and four non-members (Norway, Iceland, Switzerland, and Liechtenstein) joined the Schengen arrangements. Neither the UK nor Ireland participated in this arrangement.

instruments) to curtail or sanction some illiberal state asylum regimes.²² It is indisputable however, that the EU has not done nearly enough to uphold even its own EU Charter of Fundamental Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms, much less the widespread violations of the Refugee Convention (Costello and Mann 2020).

Formulating Contemporary EU Migration Policy

Inter-Governmental Organizations v. Supranational EU Institutions

To properly grasp the role of EU-Irish socio-legal relations in the evolution of Ireland's asylum regime, it is vital to first understand how policy in this most controversial arena has historically been formulated and legislated for within the various pillars of the EU.²³ Before Maastricht (1991)²⁴ created the contemporary institutional structure of the Union, policy formulation in sensitive areas such as migration and asylum had begun to be 'usurped' by intergovernmental collectives (IGOs) whose policy

²² The liberal 'backsliding' associated with the rise of Fidesz in Hungary and Party of Law and Order in Poland would appear to challenge this point, but cf. (Cianetti, et al. 2018). The fact that the EU has continued to pursue this matter by removing crucial budgetary support from non-compliant member states offers a small glimmer of positivity contra its many other less than laudable actions when it comes to the failure of member states to ensure non-refoulement of refugees, to inflict extreme violence at the border in the case of Croatia and Belarus, or the less spectacular but no less abhorrent violence of the UK state, which forces asylees to remain in squalid conditions while awaiting their decisions.

²³ The Maastricht Treaty established the three pillars of the European Union as follows: Pillar I, the European Communities; Pillar II, a Common Foreign and Security Policy (CFSP); and Pillar III, Cooperation in the Fields of Justice and Home Affairs (JHA). For a more detailed understanding of what responsibilities are covered under each Pillar and how competences between the EU and its member states are arranged, *see* (Nugent 2006).

²⁴ Maastricht was one of a series of treaties in the late 1980s and early 1990s which effectively 'relaunched' the European Community. As a result, Maastricht is a particularly important node in the EU's evolution and integration process because it contained a wide range of important amendments to the founding Treaties, introduced the European Monetary Union and gave form to the contemporary institutional pillar structure of the European Union (Nugent 1999b: 75). Additionally, in 1993, the European Economic Community underwent a formal name change to European Union.

proposals were often agreed to by member state representatives without consulting the supranational institutions of the then European Economic Community (EEC) – i.e., the Commission, Council, Court of Justice or the Parliament (Hansen 1999). Apart from the fact that the EEC’s labyrinthine structures did not make for easy or quick decision-making, the Commission’s more socially-inclined attempts at this stage to extend equal work and welfare protections to non-citizens were considered by member states to be too much of an intrusion into sovereign affairs. In fact, several states sued the EU Commission in the European Court of Justice (ECJ) to put an end to such interference.²⁵ Thereafter, some of the most well-known (and most restrictive) asylum and immigration instruments were formulated by IGOs²⁶ who appear to have been able to take advantage of the unfortunate convergence of the waning influence of the more human rights-oriented Council of Europe²⁷ and the

²⁵ Matters reached a head between member states and the EU’s institutions when in 1985 (the year Schengen was passed), the European Commission issued a statement in support of guidelines it published concerning its proposal for a community migration policy:

A number of Member States had to face similar problems: inadequate social education infrastructure and housing shortages as migrant families were increasingly reunited, difficulties in cultural assimilation, uneasy relationships between the national and foreign communities and potential competition on the labour market ((European_Commission 1985) as cited in (Glynn 2012)).

Expressing its desire to provide migrants with the same social security protections as citizens, and arguing that “workers in the same objective situation cannot be treated differently on the sole basis of nationality” (ibid), the Commission barely managed to get the endorsement of the European Council before West Germany, France, the Netherlands, Denmark and the UK sued before the European Court of Justice, arguing that the Commission had exceed its role (Glynn 2012).

²⁶ One such IGO was the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC), founded by Jonas Widgren (who was seconded to UNHCR by the Swedish government before going on to form IGC and later the International Center for Migration Policy Development) in the early 1980s to create a “private space” to think about how best to regain control of European borders (Oelgemöller 2012: 15). Oelgemöller describes the operations of the IGC as a “deeply anti-democratic grouping, where high-ranking government bureaucrats specializing in migration meet – in secret, and in their private capacity” (Oelgemöller 2012: 12).

²⁷ The Council of Europe (founded in 1949) is not part of the EU institutional apparatus though membership within it is a condition of membership of the EU and its judgments are binding on member countries. An independent body, it contains the European Court of Human Rights and has

cumbersome decision-making structure of the EEC to devise and pass a series of pivotal policy instruments that were to radically alter the structure and professed social values of the European Union.²⁸

In 1985 a little-known IGO, the Schengen Group, formulated and passed the Schengen Agreement. The following year European justice, policing and security ministers quietly capitalized on the Schengen Group's success to form an IGO known as the Ad Hoc Group on Immigration (AHI). The Ad Hoc Group (like the TREVI group formed in 1975 as a forum for discussions between interior and justice ministers), the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) and the Group of Co-Ordinators (formed in 1988 to 'supervise activities associated with the implementation of free movement' (Schuster 2004b: 111)), was predominantly composed of senior public sector and civil servants and generally closed to other interested groups, including officials from EU organizations, international and national NGOs and even officials from other ministries (Thielemann 2001: 19):

[S]tate officials such as the military and police interested in cross-national co-operation have found the European meetings have enabled them to find common interests away from the national governmental and civil service control. Police across borders find they have more in common with each other than with their domestic political masters, and have capitalized on this to create more space for action in service of their own

the power to enforce certain international agreements including the European Convention on Human Rights. It should not be confused with the European Council, which IS an institutional body of the EU charged with developing policy within the EU. See <https://www.coe.int/en/web/about-us/who-we-are> (accessed June 5, 2019).

²⁸ By the mid-1990s, most if not all European states, had revised their legal and constitutional provisions for asylum, enhancing their deterrent elements and introducing new deflective measures such as the concepts of 'safe third country,' and 'safe country of origin.' Together with a fleet of new repatriation agreements, these allowed states to temporize protection and/or legally reject claims which they would hithertofore have been obligated to consider (Thielemann 2001: 16-17). For a more detailed legal discussion of these concepts as well as the Dublin Convention system, see (Costello 2012).

independent interests ((Favell 1998: 10) quoted in (Thielemann 2001: 19)).

Characterized by secrecy, these powerful IGOs generate understandable disquiet concerning issues of democratic governance, not to mention accountability and transparency. Worse, not only had the practical power to frame and implement a series of policies with important implications for human rights been captured by small number of security-oriented senior civil and public-sector servants, many of the decisions now being made by such IGOs occurred outside the normative scrutiny of the domestic policy context. Since these decisions were codified mainly in international agreements, interior ministries and governments were often able to sidestep the domestic policy debates such changes might generally provoke:

...by avoiding the supranational fora of the Council of Europe and European Community, it has proved possible to achieve the coordination of immigration policy without any formal renunciation of domestic jurisdiction or submission to substantive scrutiny and procedural accountability ((Hathaway 1993: 733) quoted in (Thielemann 2001: 20)).

One upshot of these developments has been that two major IGO-conceived pieces of legislation - The Schengen Agreement (1985) and the Dublin Convention (1990) – now form the basis of contemporary EU asylum policy. They do so without the expected supranational negotiations or even the input of the Commission which, rhetorically at least, has claimed for a long time to be committed to a more comprehensive strategy.

Foreign Affairs Ambitions

Irish Presidency of the Council of the EU (1996)

Until the mid- to late-1990s, Ireland's sustained poverty levels and well-known emigration profile insulated it from the high asylee arrival numbers and securitized turn among its fellow EC/EU member states. Almost certainly, participation in relevant European IGOs meant that the evolving

tensions regarding EU migration policy were on the radar of senior DJELR civil servants, but the broader government was at that point focused on an entirely different set of political issues.²⁹ Beyond the innumerable domestic entailments of tending to an embryonic globalizing economy, the Irish government took up the Presidency of the Council of the European Union from June to December 1996; a six-month stint of enormous civil service responsibility for which planning had begun in 1994.³⁰ Over 130 officials were seconded to the Department of Foreign Affairs and the Irish government chaired some 2000 meetings at ministerial and official level during that period (Rees 1997).

It was a delicate political moment to helm the Council. An Intergovernmental Conference (IGC) had been initiated to revise elements of the foundational Maastricht Treaty, and the Irish government had been tasked with completing an important, time-sensitive outline for a revised draft treaty.³¹ Ireland had also been charged to begin the groundwork for the third stage of preparation for the European Monetary Union (EMU) involving politically sensitive elements such as the need to negotiate criteria for entrance, securing budgetary discipline, penalties for infractions, and so forth.

²⁹ We know from governmental reports that DJELR's refugee office ORAC was participating in "working groups of the InterGovernmental Consultations on Asylum and Immigration matters (IGC)" as well as the European Union Network for asylum practitioners (Eurasil) during the mid-2000s (ORAC 2007a: 21). Once the Dublin Conventions were implemented, ORAC also participated in their committee-related meetings.

³⁰ The Council of the European Union is the institutional space wherein member state government ministers meet to discuss policy and adopt laws in co-ordination with the European Parliament. Its presidency rotates among the member states (https://europa.eu/european-union/about-eu/institutions-bodies/council-eu_en accessed June 6, 2019).

³¹ The issue of EU enlargement and deepening integration was complicated and torturously difficult to negotiate at a transnational scale where larger states like France, Germany and the UK periodically rattled states like Ireland, which was concerned to safe-guard the interests and power of smaller states. EU-originated law adopted into the domestic law of member states has grown to cover a vast range of activities – including areas like planning permission, the prevention of Monsanto trials of GMOs, milk quota litigation, gender equality and discrimination-related law, and market regulation – giving rise to a widespread perception of deepening 'democratic deficit' at the EU-level.

Lastly, the Irish government was given responsibility for developing an EU-wide approach to a key priority of the union - unemployment. The diplomatic stakes involved were heightened by the fact that Ireland's improving economy had prompted a few larger EU states to want to lower the high levels of structural support Ireland received from the EU at a moment when the Irish government felt a significant amount of EU-promised infrastructural improvement had yet to be undertaken.³² Paying for this from the exchequer of a thriving (though still potentially fragile) small economy at the same time that the government was preparing to meet the convergence criteria for membership in the EMU was risky and the government devoted its energies to negotiating steadfastly on this point while striving for the appearance of impartiality expected of a presidential member-state.

During the latter half of 1996, this task was made even more difficult by the sheer number of security issues confronting the Irish Presidency.³³ The Comprehensive Test Ban Treaty and attempts to ban landmines and reduce the number of conventional weapons were central issues for the UN and OSCE and Ireland worked on these on behalf of the EU. The EU's new third pillar, Justice and Home Affairs, was in the beginning stages of becoming fully operational and issues of improved police cooperation and cross-border policing on matters like drugs and people trafficking required consideration and action during this period. Ireland also participated on behalf of the EU at multiple rounds of talks on the Bosnian peace plan, issuing a report on progress and the EU's position. It oversaw dialogue with Russia and Ukraine on the ratification of the Partnership and Cooperation

³² At this point in 1996, Ireland's GDP had increased by nearly 23% between 1994 and 1996 (6.5% in real terms). The budget deficit had been reduced and inflation was running at 1.8%. However, unemployment was still high, 12.25% and long-term unemployment even more concerning at 7.25% (Rees 1997: 163).

³³ Importantly, Ireland has pursued a policy of neutrality since the 1930s and its engagement with entities like the Organization of Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO) as well as instruments like the Common Foreign and Security Policy (CFSP) and the Partnership for Peace (PFP) was an extremely sensitive issue for many Irish citizens requiring delicate handling by the Civil service.

Agreement and represented the EU and its concern over the deterioration of the peace process in the Middle East. Problems flared in the Great Lakes Region of Africa, East Timor and Burma, all requiring EU attention, and numerous summits and meetings over EU external policy captured the time and energy of Irish officials.³⁴

Domestic Concerns

The Good Friday Negotiations

On the domestic front, the Irish civil service was also preoccupied by the rollout of a range of resource-intensive policy measures. An important review of the Irish Constitution was taking place just as DJELR rolled out a new Criminal Justice Act and a Sexual Offenses Act. The government was defending against a legal challenge to a proposed divorce referendum, and the emergence of details concerning the involvement of several of its ministers in a number of high-level corruption scandals. But, perhaps most time consuming for Irish officials at this point, were the ongoing extremely fractious Northern Ireland peace talks.

Progress on a 1995 agreement to decommission paramilitary groups by means of an independent International Body on Decommissioning was intermittently stalled by challenges such as the difficulty of convening all-party talks in a (nominally) post-conflict setting, DUP intransigence over decommissioning, the struggle to restore an IRA ceasefire, the thorny question of Northern Ireland elections and the challenge of devising an elaborated Principle of Consent for the region. Major diplomatic obstacles arose following the UK/Unionist insistence upon an *apriori* agreement

³⁴ E.g. the Irish Tánaiste visited a number of states on behalf of the EU, including Argentina, Bolivia, Bosnia and Herzegovina, Canada, Chile, Cyprus, East Jerusalem, Egypt, Israel, Jordan, Namibia, Russia, Syria, Turkey and the US (Rees 1997).

from the IRA to pursue exclusively peaceful means and the requirement for full and observed decommissioning of its armory before all-party talks could meaningfully begin. Over the course of 1996, a tumultuous series of talks broke down, eventually prompting the IRA to retract its ceasefire. Bombings, attributed to dissident elements within the IRA, targeted the British mainland (a financial district at Canary Wharf in London, a shopping center in Manchester city) and later a military target (British army headquarters) in Northern Ireland. By the time the Irish government relinquished the Presidency of the EU, a December 9 Anglo-Irish Summit had failed abysmally and as 1997 beckoned, the peace process looked to be in tatters. The political arm of the IRA, Sinn Féin, remained excluded from the all-party talks and the IRA itself seemed unable to secure a new ceasefire across its ranks. Meanwhile the UK/Unionist parties remained intractable on the issue of decommissioning (Rees 1997: 181-182).

The ‘Masterly Inertia’ of Ireland’s Department of Justice, Equality and Law Reform³⁵

The numbers applying for asylum during 1999 increased from 234 in January to 453 in June but jumped dramatically from 571 in July to 962 in August and 938 in September and over 1000 in October. Nobody could have possibly predicted and it is unrealistic to think that any Department or indeed Government could have foreseen such an unprecedented increase in numbers (Dáil_Éireann_Debate 1999a: Wallace, DJELR)

As the numbers of those seeking asylum rose, it quickly became clear that the government and its agencies were taken unawares by the extent and complexity of the problem. Initially there was denial, then an element of floundering and confusion, but gradually a series of systems began to emerge. The administration did react. Resources, and significant resources at that, were made available; attempts were made to tackle the problem in a structured and rational way. The reality, however, was not always co-ordinated, not always adequate, not always enough and, in some instances ill-advised and counterproductive (Manning 2003).

³⁵ The term ‘masterly inertia’ was coined by journalist Andy Pollak (Pollak 1998a).

Against the backdrop of these international and domestic policy concerns, the Irish government made conspicuously poor progress in updating its migrant and refugee-related policy and administration during the early-1990s, despite improvements to its exchequer and persistent, if still relatively small, increases in annual arrival numbers of spontaneous asylum seekers.³⁶ Although the Irish state, like many of its neighbors, performed abysmally when called upon to accept Jewish refugees during World War II, it nonetheless later coordinated with UNHCR to accept small numbers of Programme Refugees from Hungary in 1956, Chilean and Vietnamese refugees during the 1970s, and Bosnian, Iranian and Kosovars in the 1990s (Fraser and Harvey 2003; Phiri 2003).³⁷ In hindsight, its inaction in developing an asylum apparatus appears to have been a political gamble that Ireland would

³⁶ While it is difficult to understand why the DJELR did not prioritize formalizing its asylum capacity, much less its Refugee Status Determination (RSD) at this time, it is plausible that with everything else that lay claim to its attention during the late 1980s/early 1990s, it may have rationalized that the protections offered by the Dublin Convention and then low arrival numbers to Ireland did not warrant the considerable expenditure involved. The government *did* argue at one stage that given that Ireland is an island with few direct flights to traditional sending countries and that the Dublin Convention would therefore be triggered by a majority of spontaneous extra-EU asylee arrivals, Ireland should ideally not become a destination country, or worst case scenario, be spared the lion's share of processing such claims.

³⁷ The Irish Government resisted the presence of Jewish refugees before, during and after the Second World War, arguing that they would be inassimilable. (See (Fanning 2002a; Lentin and McVeigh 2002b; Ward 1998) for further discussion on anti-Semitism, discrimination and closure in Irish asylum policy).

For various reasons, including the powerful role of the Catholic Church as well as domestic ambitions regarding Ireland's diplomatic position amongst its neighbor states (but also within the UN and UNHCR), the Irish state periodically negotiated the reception of Resettlement or Programme Refugees. This category of refugee presented far less expense and administrative difficulty for the government since their status was already in place and their arrival in Ireland took place with the prior agreement of the government which undertook to extend housing, etc. As such, they were managed diplomatic processes negotiated in advance and rolled out with the help of the International Organization for Migration (IOM). There was time to prepare the groundwork, secure accommodation, coordinate with relevant departmental officials and negotiate with community groups and NGOs for local support. Spontaneous arrivals, on the other hand, were an entirely different administrative, and as it would turn out, a social and political challenge.

continue to avoid becoming a significant country of destination for EU-bound asylees. If so, just how badly the government had miscalculated was about to be revealed.

The Al Gutrani Case

In January 1993, Des Nix, a reporter for the *Sunday Press*, stumbled across the case of Marey al Gutrani, a Libyan national who had fled the Gaddafi regime and applied for asylum in Ireland. We know little more about him other than that he had claimed asylum and lived in Ireland for some years before a deportation order was entered against him. Al Gutrani reportedly resisted the execution of the deportation order and DJELR imprisoned him for the 18 months it took to process his appeal. Nix and his editors ran a series of articles about DJELR's treatment of al Gutrani, suggesting that the harsh treatment exposed by his case was not exceptional but rather exemplary of a pattern of practice established by the DJELR over the previous two years.

The Irish record on the treatment of refugees and asylum seekers is widely regarded as the worst in the [European Community]. Over the past two years, between 15 and 20 asylum seekers have spent periods of two months to one year in prison, awaiting deliberation on their claims. Often too, we hear of asylum seekers being hurriedly deported without access to either a lawyer, an independent non-governmental refugee organisation or the United Nations High Commission on Refugees (Editorial, *The Sunday Press*, Jan 24, 1993 as quoted in McGee 2000: 190)

Nix's investigation of the state's approach to asylum eventually exposed the almost incredible fact that in the mid-1990s no domestic asylum policy existed *per se* in Ireland. The Irish government had not yet drafted the legislation necessary to implement the provisions of the 1951 Convention (which it had signed in 1956) and its continued reliance on the outdated 1935 Aliens Act meant there was no

fit-for-purpose legislation or codified Refugee Status Determination (RSD) procedure available to the civil servants who needed to assess asylum claims.³⁸

Underscoring DJELR’s institutional neglect of its responsibilities under the Convention at the time, Former Supreme Court Judge, Mrs. Justice McGuinness described the piecemeal emergence of an Irish asylum system as follows:

As well as there being no refugee status determination process, there was no legal aid available. A handful of lawyers – Bobby Eagar, Suzanne Egan, Teresa Blake, Derek Stewart, Noeline Blackwell – began to take on cases. Eventually a framework for dealing with asylum claims began to emerge through UNHCR. The Head of UNHCR in London, on his visits to Ireland, would meet with Bobby Eagar and Bill Shipsey. Bill Shipsey was already involved with Amnesty International and began to attend conferences of the European Council on Refugees and Exiles (ECRE) which helped inform the thinking of the lawyers involved (McGuinness 2013)^{39,40}

The journalistic investigations stemming from al Gutrani’s case also disclosed that DJELR had, since 1985 at least, been quietly processing small numbers of asylum claims through a discreet arrangement with UNHCR in London. Outsourcing Irish asylum processing to the UK was underwritten by a 1985 judicial agreement referred to as the Von Arnim Letter; essentially a legal understanding between DJELR and UNHCR in London which would go on to function as *de facto* asylum law in Ireland for

³⁸ The Aliens Act, 1935 was found to be unconstitutional at the beginning of 1999 because it did not specify criteria for categories of persons to be deported (Dáil_Éireann_Debate 1999b: 6; Mr. Higgins (Mayo)).

³⁹ Writing in a 2001 Annual Report, then newly-appointed Refugee Applications Commissioner, Berenice O’Neill, recounts a ‘history’ of RSD in Ireland that contrasts strongly with Mrs Justice McGuinness’ and other accounts. In her account, processing of applicants during the early 1990s occurred for the most part at Shannon airport (in the south west of the country) where the RSD “process in use at that time” consisted of an “applicant being interviewed by an official of the Immigration and Citizenship Division of the then Department of Justice, and the report of the interview being sent to the UK Office of the UNHCR to be assessed” (ORAC 2004: 8).

⁴⁰ In addition to the paucity of institutional capacity, few governmental resources had been devoted towards scaffolding local organizations with legal and reception standards knowledge and resources for the work they would be facing (Phiri 2003: 117).

almost a decade (Phiri 2003). During this time UNHCR's London office processed a majority of Ireland's asylum claims and was remunerated by the Irish state for services it had neither the appropriate legislation, legal knowledge, civil service infrastructure or (apparently) the political will to provide.

The Von Arnim arrangement persisted despite protests to DJELR that this outsourced process was arbitrary, lacked procedural transparency, access to meaningful appellate mechanisms and failed to provide legal aid for asylees (Fraser 2000: 6). In 1994 a DJELR-chaired Interdepartmental Committee on Non-Irish Nationals publicly acknowledged that such critiques were not entirely unfounded:

... there has been disquiet expressed by the public and by organisations concerned with human rights in the operation of the existing procedures for dealing with applications for asylum. Criticisms have been levelled against the Department of Justice, in particular, to the effect that the procedures set out in the 1985 agreement with the UNHCR have not always been as rigorously followed as they might be. It has been argued that access to legal advice and assistance as well as proper interpretation has, at best, been restrictive. Criticism has been levelled also at the lack of any formal right of appeal ((Nationals) as quoted in (Cullen 2000: 25)

In the wake of that report, then Minister of DJELR, Nora Owens, finally introduced a draft refugee bill to the Dáil, where it was subjected to such a large number of amendments that it had to be withdrawn (Cullen 2000: 25).⁴¹ A second draft of this document was the Refugee Bill 1995, which was widely viewed as relatively progressive, addressing issues such as asylee and refugee rights to residence, health care, social welfare and, most importantly, meaningful access to the courts. It also

⁴¹ The Irish legal system is based on Common Law as modified by subsequent legislation and by the Constitution of 1937. Bills are first presented in the Dáil or the Seanad and go through a series of stages during which the Bill is read, debated and amended in both houses. At the fifth or final stage, a debate takes place on whether the Bill would constitute good law and if passed, the Bill is passed to the other House to go through a similar series of stages. From there, if successful, it is submitted to the President of Ireland who signs the Bill into law (Quinn 2009).

provided for an Independent Refugee Commissioner, a Refugee Appeals Tribunal and a Reception and Integration Agency (Cullen 2000). An Irish asylum unit with three civil service staff members was to be set up within DJELR,⁴² and while articles introducing a range of so-called ‘efficiency measures’ such as new criteria for ‘manifestly unfounded’ applications, and ‘fast-track’ mechanisms for speeding such cases through the system resulted in yet more amendments, the Bill survived to eventually be passed by the Oireachtas (Ireland’s legislature) as Refugee Act 1996 (Cullen 2000: 25-6).

Heartless Devils And Ignoramuses

Unfortunately, the Act passed just as the so-called Rainbow Coalition government lost power.⁴³ In June 1997, Nora Owens was replaced as Minister of DJELR by John O’Donoghue, a center-right politician and lawyer who made much of his ‘zero tolerance’ approach to law and order issues. Although while in opposition O’Donoghue had described the Refugee Act as “enlightened” and enthused that it would be of great assistance to the “unfortunate asylum-seekers and refugees,” once installed as Minister he deferred implementing it in totality (Cullen 2000: 26). Instead, he enacted only the sections dealing with procedural and definitional issues (such as the formal acceptance of the principle of non-refoulement and the ratification of the Dublin Convention), deferring crucial elements which required more extensive operational commitment, like the establishment of a right to

⁴² In 1997, the unit expanded to 16, in 1998 to 72, by 1999 144 and by 2003, 640 (Cullen 2000: 29), (Fraser and Harvey 2003).

⁴³ The Rainbow Coalition was in power from December 1994 to June 1997 and was the second government of the 27th Dáil. It was a coalition arrangement composed of Fine Gael (center-right), the Labour Party (center) and the Democratic Left (a fission from the Workers’ Party split in 1992 that was eventually absorbed into the Labour Party).

legal aid and the appointment of a Refugee Applications Commissioner to head up the new asylum unit (Cullen 1997a; Ruane 1998).⁴⁴

Six months after becoming Minister of DJELR, O'Donoghue's headway on asylum-related matters was widely decried as dismal. Crucial sections of the Refugee Act 1996 remained log-jammed in the Oireachtas and although DJELR had formally initiated the transition of case processing responsibility from UNHCR in London to its proposed new Asylum Division in Dublin (Fraser and Harvey 2003), its RSD process was still not fully operational. DJELR management had yet to secure adequately-sized processing facilities, properly train a sufficient number of case workers or provide the necessary administrative staff and informational systems to support them. They also struggled to acquire appropriate housing and provide for the healthcare and educational needs of the asylees under its care. "The Department of Justice has disgraced itself again" declared the (center-right) *Irish Times* in October 1997, adding that "this latest piece of humiliation for refugees should be a signal that the accelerating deterioration in their conditions must become a matter of greater public concern":

The common thread running through these developments is a disgraceful lack of financial and human resources to deal with what is in fact a perfectly normal part of Ireland's growing economic and political maturity. Resources are needed to cope with

⁴⁴ Before the entire 1996 *Refugee Act* could be officially passed, two significant pieces of legislation effectively amended it. One was *Immigration Act 1999*, and the other was *Illegal Immigrants (Trafficking) Act 2000* (Fraser 2000: 9). Constant reviews since then have resulted in further extensive amendments in the *Immigration Act 2003* and the *Immigration Act 2000*. The 1996 Act was phased in with Section 24(1) coming into force on October 1, 1996 and Sections 1, 2, 5, 22 and 25 taking effect on August 29, 1997. The remainder of the Act came into force on November 20, 2000. Lastly, the Dublin Convention came into operation on September 1, 1997 (ORAC 2004: 8).

⁴⁵ One of the less credible reasons proffered by DJELR for the delay was a remarkable High Court injunction filed by a former minister, Patrick Cooney, objecting to the age restriction for the post of Refugee Commissioner. As a rationale for delay, it was widely disbelieved by refugee support organizations and members of the public since the DJELR failed to file any legal challenge to Cooney's injunction. As many observers have pointed out, the government could easily have implemented the Act then submitted simple amendments to provide for items like multiple commissioners, yet it chose not to do so. Cullen reports that a Labour TD, Pat Upton, did in fact publish such a bill but Minister O'Donoghue apparently ignored it (Cullen 2000: 27).

the greater number of asylum-seekers. They are entitled to a speedy hearing, in line with this State's international obligations – to say nothing of its own history of sending economic migrants and political refugees into the wider world, or, indeed, of the higher levels of development aid to which this Government is committed. Resources are also needed, urgently, to ensure that the next round of refugee registrations is carried out in a proper indoor facility and staggered to suit the convenience and the numbers of asylum-seekers presenting themselves (Irish_Times_Editorial 1997).

Despite the terrible political optics involved, it would be yet another year before DJELR made any visible progress on the issue. In November 1998, it announced the opening of a 'One Stop Shop' asylum center in Dublin. The center would house together for the first time an array of administrators, including DJELR's asylum division, the Eastern Health Board's refugee unit, UNHCR's Irish office and a team of lawyers dedicated to hearing rejection appeals (Pollak 1998a).

Nonetheless, refugee lawyers, media commentators and human rights advocates remained steadfastly critical of O'Donoghue's administration. At the outset of his tenure, he had elicited concern from UNHCR and earned the distrust of the NGO sector when he tried to use the negotiations during the transition from the Von Arnim to the Hope Hanlan arrangements to further compress procedural response times and avoid including an explicit acknowledgement of the rights of asylees to legal representation (Phiri 2003: 117; Ruane 1998). Indeed, relations between DJELR staff and the voluntary/sector grew increasingly polarized during O'Donoghue's tenure, with NGOs collapsing the distinction between lower-level case workers and management by characterizing DJELR civil servants as "heartless devils." In turn, DJELR officials dismissed NGO support groups as "ignoramuses who know nothing about the complexity of the problem" (Pollak 1998b).

Significant internal grievances also percolated within DJELR during this period. O'Donoghue angered civil service unions by continuing to resist creating full-time civil service staff positions for the RAC and its related DJELR positions. Instead he proposed to bring older Gardaí, social workers, teachers and other civil servants temporarily out of retirement to administer those positions. Civil

service leaks disclosed that “the situation with numbers” had not been kept under proper review by the DJELR (Holland 1999). When a DJELR spokesperson claimed that “erratic” increases in asylum applicants were impossible to plan for, they were publicly contradicted by the Assistant Secretary General of IMPACT union, Sean McHugh, who bluntly informed reporters that “planning ... had been erratic at best, almost non-existent at worst as regards operating a refugee center that can cope.” The RAC had moved to larger premises three times since 1997, he noted, and each move had been “precipitated by staff protests over crisis conditions” - not management planning (Holland 1999).

DJELR’s PR nightmare was further intensified when Peter Finlay, one of its legal appointees to the Refugee Appeals Tribunal (RAT), suddenly quit in a very public fashion, denouncing its asylum process as a “complete travesty” which trammelled the rights of asylum seekers (Haughey 1999).⁴⁶ Finlay’s widely disseminated condemnation was reinforced by one of O’Donoghue’s colleagues in government, Minister Liz O’Donnell (Department of Foreign Affairs), who also publicly issued a series of stinging criticisms. Noting poor inter-departmental relations and describing DJELR’s handling of asylum as “ad-hoc” and an “administrative shambles,” O’Donnell claimed that presenting asylees to the public as a “difficulty and a problem” lay at the heart of DJELR’s challenges (Irish_Times_Editorial 1999).⁴⁷ “If you have the wrong credo or mind-set, your politics will be flawed from the outset,” she declared. The issue required “joined-up governance,” including “specific coordinated action by positively focused civil servants and ministers” but, she lamented, “to date that has not happened” (Bushe 1999).

⁴⁶ RAT was then known as the Independent Appeals Authority.

⁴⁷ Ms. O’Donnell was a member of the Progressive Democrats, a socially liberal, fiscally conservative party which had entered into government as a junior coalition member with Fianna Fáil, a socially conservative or center-right party, in 1997. The successor to Minister O’Donoghue, Minister Michael McDowell, was also a Progressive Democrat.

Joined-up Governance: Strategic Management And Civil Service Reform

O'Donnell's reference to 'joined-up governance' and 'positively focused civil servants and ministers' was not only a jab at DJELR's infamous sectarianism but also a not-so-subtle reference to ongoing discussions concerning the need to reform Ireland's civil service in line with public sector restructurings already adopted by its global counterparts. The Irish government launched a White Paper in 1994 entitled Strategic Management Initiative (SMI) to explore how public service management could best contribute to Ireland's national development (PA_Consulting_Group 2002). The following year, then Taoiseach John Bruton tasked a working group of senior civil servants (known as Departmental Secretaries) to develop an agenda for institutional reform focused on enhancing the levels of service, accountability, and transparency of the government. Their findings were outlined in a 1996 document entitled Delivering Better Government and undergirded the Department of the Taoiseach's arguments re: the necessity for comprehensive public sector reforms.⁴⁸

In this "competitive environment" wrote Bruton, it was vital that Ireland have a flexible, efficient and effective civil service (Taoiseach 1996). Belatedly following the example of countries like Canada, New Zealand, Denmark, the UK and Zambia, the Irish government decided to draw upon New Public Management (NPM), an OECD-promoted program of reform that proposed to transition the public sector civil service towards a more entrepreneurial form of governance (Boyle 1996).⁴⁹

⁴⁸ Civil service staff – those who work in core elements of the state such as parliament, government, courts, auditor's office, etc., are distinguished from the public service which includes those staff working in health, policing, education and other sectors of state bureaucracy (MacCarthaigh 2017: 28).

⁴⁹ Ostensibly, the impetus behind these reforms was an asserted need to respond to intensifying globalization by reorienting the traditional role and functions of the public sector away from the alleged inertia of centralized decision-making structures (so-called "traditional government arrangements") and towards the presumed transformative aegis of a new "governance practice" – essentially a decentralized managerial ethos capable of more "flexible and facilitative forms of

Changes in structures, systems, processes, human resources and skills would be required, the Taoiseach told the nation, and there would be a new emphasis on and “attention to the objects of service delivery and indicators of success.”

A more results and performance oriented Civil Service is essential. Rigorous systems of setting objects and managing performance need to be put in place to support this. Civil Servants must be clearly rewarded for good performance and take responsibility for poor performance, within a structure that emphasizes teamwork within and between departments (Taoiseach 1996)

This reformist agenda was the political backdrop to a November-December 1999 Motion of No-Confidence tabled against Minister O’Donoghue following the strike-action of DJELR civil servants and his colleagues’ public criticisms of the ‘shambolic’ outcomes of his administration.⁵⁰ O’Donoghue narrowly survived the challenge to his ministerial position, but the Taoiseach intervened anyway, convening an inter-departmental committee on asylum and immigration issues. In a material demonstration of the governmental reforms he had been promoting, Bruton chaired the committee himself, publicly soliciting input from civil service unions, NGOs and relevant governmental

collaboration” between the government and “stakeholders” like the market and community sectors (Larragy and Bartley 2007: 197-8).

⁵⁰ In November, 1999 the Labour Party finally tabled a motion of ‘No Confidence’ in O’Donoghue’s leadership of DJELR. Though O’Donoghue would ultimately survive the vote, it is notable that during the hearing he was admonished for being ‘in thrall’ to the senior civil servants in his department, which was excoriated by other members of the government for being one of the most secretive and conservative departments in the State (Dáil_Éireann_Debate 1999c). Further detail of internal discontent within DJELR and its operations surfaced including suggestions of chronically poor industrial relations with its Gardaí, prison officers and other civil service staff, leading one TD to declare:

... seldom have so many different elements and sections of a Ministry been found wanting or malfunctioning simultaneously as the arrangements under the Minister for Justice, Equality and Law Reform, Deputy O’Donoghue (Dáil_Éireann_Debate 1999c: 6).

departments. Ultimately a €70 million package of reforms was hammered out across multiple sectors of the government, setting Ireland's asylum regime on a significantly better resourced and managed course. Unfortunately, as we would soon learn, it was also an increasingly ungenerous and deterrence-oriented path.

PART II: CRISIS REFORM: AUDIT CULTURE AND BUREAUCRATIC HARMS

While policies may be clothed in neutral language – their ostensible purpose merely to promote efficiency or effectiveness – they are fundamentally political (Wedel, et al. 2005)

'Adhocracies' of Crisis

Before turning to the reform of Ireland's asylum system, it is worth panning out to briefly consider the 'adhocracy' (Dunn 2012) of crisis-power and its associated 'policy-on-the-fly' instruments which have materialized in governance structures across the world (Mountz 2010). Drawing upon her ethnography of humanitarian disorder in the wake of the 2008 Georgian conflict with Russia, Dunn's concept of adhocracy adroitly captures the mutation of particular bureaucratic forms of aid into forms of power that 'create chaos and vulnerability as much as [they] create order' (Dunn 2012; Dunn 2017: 66). The materialization of such counterintuitives is not a new area of investigation for social scientists. Long before authors like Naomi Klein (2007) popularized the notion of disaster capitalism, social scientists had come to understand that far from threatening a state's viability, 'crisis' could be a condition of its very possibility (Feldman 2005). Over two decades ago, anthropologists recognized that governments could easily withstand states' 'essential paradoxes' – which is to say, their capacity to be "ordered yet incoherent, rational yet absurd, violent yet impotent; to elicit compliance and contestation, discipline and defiance, subjection and insurrection ... [s]ometimes all at once" (Comaroff 1998).

Despite our improved understanding of how *productive* crisis can be for governments, and even as the expansion of crisis-related state paradoxes rightfully continues to be a seminal topic of inquiry for social scientists, it remains challenging to extract meaningful analytical insight from the contemporary cottage industry of crisis diagnoses and description (Valverde 1996). Part of the challenge lies in the opacity and temporal complexity of crises which are often polysemous in their origins and almost always in their effects and outcomes. Roitman goes further with this point, counselling that as an analytic, the notion of ‘crisis’ has fabricated a kind of ‘blind spot’ in social scientific thinking. She cautions wariness when it comes to the construction of crisis, both as an object of knowledge and as a “founding term for the elaboration of ‘history’” (2013: 8). And indeed, we can see this latter concern materially borne out in a temporal caution offered by well-known refugee legal scholar, James Hathaway. He notes that although the work of crisis occurs along a spectrum of governmental actions to deter asylee arrivals (e.g., refusal of permission to land, or the institutionalization of poverty-level subsistence while claims are being processed), it is important to distinguish those crisis-related developments from what he views as a longer-term goal of international governments; that is to narrow the legal parameters of refugeehood *per se*. The latter, he believes, is a governmental response which has been evolving since the massive displacements following WW1 (Hathaway 1984: 348-9).

Writing in a similar vein about the American counterterrorism context, Masco also proffers a caution concerning the narrative saturation of crisis reporting and the ways in which a singular language of crisis acts to compress and dehistoricize complex political presents (2017: S65). Drawing our attention to the contemporary displacement of an established “crisis-utopia circuit” by a “crisis-paralysis circuit,” he warns that this development is a marker of a greatly reduced political horizon in the United States. Moreover, in the interim, a language of collective progression has disappeared from political conversation:

‘Progress’ is no longer tied to collective social conditions (e.g., the elimination of poverty) but increasingly restricted to the boom and bust of markets and changes in consumer technology product cycles (2017: S65)

Though policy in both social and economic domains has failed spectacularly in recent times, these failures have not brought about a radical reassessment of the supporting assumptions or institutions involved. Ergo Masco’s ultimate reading of crisis as a counterrevolutionary force: “The crisis in crisis today” he writes “marks a new political modality that can experience repeated failure as well as totalizing external danger without generating the need for structural change” (Masco 2017: S67).

In the instant case however, DJELR’s repeated crises/failures *are* eventually succeeded by a structural shift of sorts, specifically the internal adoption of NPM’s metrics as a technique of governance. As I explore below, this post-crisis reform of the Office of Refugee Applications Commissioner (ORAC) affords us a glimpse of the ways NPM-related transformations operated, altering the bureaucratic norms and values of one of the government’s most reticent departments.⁵¹ Yet, while ‘revolutionary’ in a structural sense, I show how these NPM technics/modalities nonetheless worked regressively to neutralize and depoliticize particular moral concerns, constricting asylee access to certain rights and judicial protections during and after the processing of their cases, resulting in higher numbers of unfavorable outcomes.

As an epistemological ‘paradigm shift,’ this audit-driven bureaucratic form and its rationales became increasingly embedded and normalized within DJELR, effecting a substantive side-lining of

⁵¹ Despite its security-oriented mandate, DJELR is often described in the media and by commentators as “secretive.” It turns out that what is understood by this is that DJELR is considered by other departments to be unreasonably uncommunicative even when such high levels of discretion are unnecessary. In this vein, a 2014 external review of DJELR, conducted in the wake of a serious internal scandal involving the political smearing at the highest levels of the Department of a whistleblower within the Gardaí, concluded that it has a “closed, secretive and silo driven culture” (Toland 2014: 2).

broader social commitments and moral values (such as those relating to social rights writ large, modes of refugee care, and issues of trust and equality) in favour of a superficially apolitical, managerialist commitment to the efficiencies of performance-driven regulation (Lynch and Grummell 2018; Masco 2002). More crucially, when we look past process to one of NPM's most touted advantages – meaningful accountability – it becomes clear that while lower-rank civil servants came to be highly surveilled in their day-to-day work and attainted by a folk-devil trope, the actual policy architects (higher-level Department Secretaries and Ministers) remained far less accountable. To the contrary, the Minister for Justice managed during this period to expand the scope of his official discretion, denying asylee lawyers access to court transcripts of asylum cases and refusing to discuss Ministerial decision-making rationales. I examine why/how their public reputations remain so intact, arguing ultimately that higher-level civil servants and politicians were insulated in part by the interactions of NPM praxis with various layers of policy and legal instruments - a phenomenon described by Veitch (2007) as the workings of 'architecture(s) of irresponsibility'. An ominously unprogressive outcome of the turn to NPM, DJELR's transition from institutional to technical modes of legitimation ((Scott, et al. 1991), naturalizes ungenerous policy outcomes while simultaneously rendering it impossible to pinpoint individual and structural nodes of responsibility.

Reform

New Public Management in DJELR: The Abridged Version

Novel modes of accounting ... enable the production of new qualities, subjects, sensations. Even as rationalization proceeds, the traffic between quality and quantity constantly gives rise to new forms of meaning and value (Comaroff and Comaroff 2006a: 212)

In the early 1980s the Irish government collapsed three times in the space of 18 months following attempts to resolve issues of government debt by imposing extremely high levels of taxation

while implementing cuts in public spending.⁵² What role those economic difficulties played in the chronology of Ireland's uptake of NPM is unclear, but Ireland was slower to adopt the OECD-promoted NPM reforms than most of its European counterparts.⁵³ By the late 1980s, in the wake of a host of conjunctures – including renewed political violence in Northern Ireland, the rise of Thatcherite Conservatism in the nearby UK, political instability in the Republic and deep economic recession following the oil crises of the 1970s, the deepening of EU-Irish institutional engagement and the need to satisfy various EU and upcoming EMU membership tests – the Irish government embraced the 'negotiated governance' models being promoted by the OECD and the IMF, restructuring the administrative apparatus that would helm Irish governance into the 21st Century. Perhaps more pragmatically, as Ireland's economy improved throughout the 1990s (boosted by massive injections of EU cash), resources finally became available to tackle the kinds of governance shortcomings that had been flagged in internal reviews of its civil service since the 1930s.⁵⁴

⁵² From 1981 to 1985, the country's debt ballooned from 94% of GNP (£10.2bn) to 134% of GNP £20.4bn ((NESC 1986) as cited in (Larragy and Bartley 2007)) and by 1986, even though 75,000 people had emigrated from the tiny country, unemployment rolls soared month by month. Other serious problems involved the need to prop up Ireland's over-valued currency until it was finally devalued in 1986 and the extreme political corruption among Fine Gael and Fianna Fáil, the two main political parties at the time.

⁵³ The OECD is a yet another remnant of post-war attempts to re-organize. It came into being in 1948 as the Organization for European Economic Cooperation (OEEC) in order to manage US aid and encourage trade and joint economic policy among its European members. Its successor, the Organization for Economic Cooperation and Development (OECD), was initiated in 1961 and its membership at that point was opened to non-European countries (Nugent 1999b).

⁵⁴ Historically, the civil service had been reviewed multiple times since Independence with the 1932 Brennan Commission and the 1969 Devlin Report representing two of the most important critiques. One finding, among other problems, was that Irish governance was structurally unbalanced with too much power centralized in Dublin leading to underdeveloped Local Government structures in rural areas. The government also issued two White Papers which are worth consulting: the 1985 *Serving the Country Better*, a document which became a touchstone for modernizing the Irish Civil Service, and the 1996 *Delivering Better Government*. See also (Coakley 2005) for a detailed discussion of the history of the Irish Civil Service. See (Connolly 2005; Murray 2001) for a discussion of Irish government management and power structure.

Most succinctly, the overarching practice of NPM can loosely be characterized as having two inter-related categories of ideas. The first is mainly concerned with managerialism and endeavors to improve its approach to public expenditures by producing more efficient governmental operations and improving the effectiveness of government policy. Here, management becomes significantly more results-oriented, necessitating substantial performance administration and auditing to ascertain the promised efficiency, effectiveness and service quality. This approach often involves managerial restructuring such as decentralization, disaggregation and downsizing. A second variant of NPM involves the adoption of market-centric and private sector management practice (including a belief in the primary efficacy of the market, the importance of competition, and so forth) into public service operations. It too requires a significant amount of audit, and can involve out-sourcing public sector tasks and contracts to the private sector and privatization of public services and utilities (Mongkol 2011).

In the end, the Irish civil service adopted a somewhat potted version of NPM, and the depth and permanence of even that abridged form is not straightforwardly discernible (Hardiman and MacCarthaigh 2010).⁵⁵ NPM's most zealous reformers, like the UK and Australia, largely ceded their government's monopoly on the provision of public services, however, despite the attempts of several Irish governments to follow in their footsteps, this scenario has made only moderate headway in Ireland.⁵⁶ There has been some 'devolution' of public services to statutory agencies and outsourcing

⁵⁵ I should note here that my argument concerning the reformist structuring of ORAC (and to some degree DJELR more broadly) departs from the findings of senior scholars such as Niamh Hardiman and Muiris MacCarthaigh who argue that Irish Public Administration was not fundamentally altered by the adoption of NPM, in part because they believe the absence of "strong political drivers" meant that reform initiatives did not fundamentally alter the Administration's configuration (Hardiman and MacCarthaigh 2010).

⁵⁶ The recent failure of the government's controversial attempt to privatize Ireland's water provision attests most volubly to this (Hearne 2015; Muehlebach 2017). However, see Chapter Three below for a deeper discussion of neoliberalism in Ireland.

to private sector and nonprofit providers. Still, the success of these programs has been mixed and retention of control over the provision of public services has (possibly as one result of the country's significant history of political corruption) remained a contentious issue.

If the extent and penetration of NPM within the broader civil service is difficult to accurately gauge, the logic, vocabulary and taxonomy of the market nonetheless rhetorically saturate contemporary Irish governance plans, statements and white papers, discursively recasting the service's principal duties away from the law-governed care of 'public goods' to a governance model anchored in the customer servicing of 'commodities' (Lynch and Grummell 2018). Within DJELR (and ORAC in particular), asylees, citizens and governmental partners have been transfigured into 'customers' and 'stakeholders' through the nomenclature, values and goals of NPM. Moreover, the aspirational technologies of 'efficiency' and 'openness' have gradually displaced the protection of vulnerable people as a guiding ethical precept in favor of one which, as I illustrate below, gradually comes to argue for the *system itself* as the object most in need of protection.

ORAC: Office of the Refugee Applications Commissioner

In November of 2000 the Oireachtas finally created a new statutory framework under the Refugee Act 1996, establishing an independent Office of the Refugee Applications Commissioner (ORAC) and a Refugee Appeals Tribunal (RAT). Berenice O'Neill was appointed as Commissioner and tasked with overhauling the entire asylum processing system. Equipped now with significant financial resources, O'Neill's reformist vision for ORAC was a *mélange* of the corporate and the governmental, reflecting the government's desire for a practical and epistemological shift within the Irish civil service, away from its Whitehall-originated bureaucracy and towards the kind of 'entrepreneurial governance' encouraged by NPM.

Eschewing traditional governing arrangements, O'Neill's Commission was constituted as an independent Agency, albeit funded by and operating from within DJELR's larger institutional framework. A corporate logo was commissioned and a framework document laying out the Agency's strategic and business plan was fashioned, committing ORAC to building a "high quality service [for] our customers through the implementation of policies and procedures which are fair and open" (ORAC 2002: 5). Performance Management and Development System (PMDS) training was organized for ORAC's staff, which practically doubled in size. Two Principal Officers were appointed beneath O'Neill and together they oversaw the hiring and induction of 16 Assistant Principal Officers, 62 Higher Executive Officers, 115 Executive/Staff Officers, 95 Clerical Officers, 21 Service Officers/Attendants and 2 Legal Researchers. Premises were secured and furnished and computer equipment was purchased. Case processing systems were updated in line with best UNHCR practice and assigned Key Performance Index (KPI) metrics at each step so that data relating to processing speed, efficiency and quality assurance could be tracked. In its first year ORAC closed over 12,500 cases, making substantive inroads into the backlog inherited from the previous system and winning enthusiastic plaudits from the new Minister of DJELR, Michael McDowell (ORAC 2002: 48, 14).

Audit Culture, a Technic of NPM

[A]udit culture refers to contexts where the principles, techniques, and rationale of financial accounting have become central organizing principles in all aspects of society, from the provision of safe nurseries and the transformation of government to the execution of war (Shore and Wright 2015a: 422)

Understanding ORAC's newfound processing speed, necessitates delving a little further into NPM's technics. It was not simply that ORAC civil servants finally had the facilities, RDS, computer systems and trained staff numbers that such large numbers of applications required. Those, it goes without saying, were crucial. It was also the fact that each step of the asylum claim process was

available for administrative apprehension in new ways; i.e., processually visible via a new and extensive metric-apportioned apparatus of audit reportage. Moreover, it was not only 'process' itself that had been made available to audit's systemic metric assignment, target setting, measurement, monitoring, review, assessment, and reportage. Civil service staff themselves became subject to audit praxes, completing mandatory courses in performance management training and becoming accountable and auditable in new ways via (self-) monitoring, assessment and (self-) reportage. Collectively, these praxis of audit have been shown to have given rise to a novel workplace ethos (Shore 2008: 279) that anthropologists and sociologists have termed 'audit culture' (hereafter, 'Audit').

As a technic of NPM, Audit has propagated a qualitatively new governance milieu in which the organizing principles for the care and management of its population are derived primarily from the financial; in other words, the domain of book-keeping and financial regulation (Lynch and Grummell 2018; Shore 2008). However, it would be a mistake to think of Audit as reductively neoliberal in the sense that NPM is. This is a metric-driven governance milieu, factually re-structured via the techniques and values of accountancy and infused with the principles of financial audit - though as Shore and others have been at pains to point out - *operating in contexts far removed from the world of financial accountancy* (Shore 2008: 279; emphasis mine). And yet, in the context of a crisis-riven department like DJELR, who could argue with the detached, actuarial demeanor of Audit and its accompanying NPM restructurings? It is this seeming quality of being apolitical and uninvested in outcomes which has been so disarming, both for critics of these governmental reforms and for civil servants themselves.

Costs of Audit: Moral And Financial

Audit is essentially a workplace add-on, a technic which is time-consuming to create and expensive to maintain. As such, it creates a relentless cost-savings circularity, requiring ever-more

cost-effective measures (or ‘rationalized inputs’) to justify its implementation in the service of systemic efficiency. Within Audit’s financialized rationales, certain processual elements, for e.g., legal protections for asylees (like access to Judicial Review), come to be viewed as speed blocks for time-to-output processing metrics. In fact, DJELR was specifically exhorted by its own external auditors to use more securitized and deterrence-oriented legal instruments to overcome its systemic ‘slowdowns’ and bottlenecks.⁵⁷ This is not to say that quality of decision-making was not a consideration of DJELR’s Audit regime, but to suggest that taken as a whole, it is hard not to conclude from my review of the ‘Task Objectives’ prioritized through multiple years of Annual Reports and Value for Money reviews, that quality decision-making per se was gradually subsumed by the quantification of Audit. In other words, ‘quality’ came to be gauged by departmental auditors and managers more as a series of operational ‘metrics achieved’ rather than a rights-oriented, juridical *quality* of decision process and outcome.

NPM’s administrative and operational restructurings were also gradually augmented by additional governance tactics to ‘manage’ the arrival of large numbers of asylees. Despite a global decline in asylum claims between 2001 and 2003 resulting in application numbers in Ireland dropping by almost 40%, DJELR aligned its EU posture by espousing deterrence measures already emplaced in peer EU member states. It implemented legislative changes such as the introduction of carrier’s liability, the designation of certain countries of origin as ‘safe’ (to nullify asylum claims from those

⁵⁷ See for e.g, a ‘Value for Money & Progress Achieved’ review conducted by PA Consulting for DJELR in 2006 which notes: “End-to-end asylum and Leave to Remain processing timelines, while affected by internal resource availability, are seriously lengthened by the instigation of Judicial Reviews at all stages of the process. The number of Judicial Reviews is growing which has the effect of slowing down the time taken to process applications while also consuming additional internal resources” (Department of Justice and (INIS) 2006: 36).

areas and enable fast repatriation) and the speed-up of procedures through techniques such as case ‘prioritization’ were introduced to the 1996 Refugee Act via the Immigration Act 2003.⁵⁸

Similarly, adjustments to the eligibility conditions for social welfare and child benefit payments of asylees – which incidentally provoked the civil service community welfare officers to protest over what they viewed as an infringement of a constitutional welfare provision for non-nationals - were described in internal DJELR reports as an “operational strateg[y]” which external auditors believed had helped to lower Ireland’s overall application numbers.⁵⁹ Those reports also credited “the withdrawal of rent supplement ... for asylum seekers, and the 2004 referendum on citizenship” as tactics which had assisted in depressing arrival numbers (Department of Justice and (INIS) 2006: 7, 9, 35).

In addition to these legislative and operational strategies, Ireland’s asylum regime gradually became more institutionally diverse. In keeping with NPM/Audit epistemology which disaggregated elements of the asylum processing system across DJELR, new units were created alongside ORAC and RAT. An EU Dublin (Convention) transfer and enforcement unit was added, a Minister’s Decision Unit (MDU), a Reception and Integration Agency (RIA), a legal and documentation service unit, and finally, a Garda National Immigration Bureau (GNIB) with an attached Repatriation and

⁵⁸ Carrier liability essentially holds airlines and other transportation companies liable if they failed to properly vet the immigration documentation of people travelling to Ireland (Quinn, et al. 2008).

⁵⁹ While acknowledging that the function of the 2006 Department of Justice and INIS report is primarily to review expenditures, it is significant, I argue, that nowhere in its recommendations does the review group ‘proof’ the human rights aspects involved in the massive acceleration of processing. Nor does it consider the tremendous harm inflicted on those who must endure waiting for these multiple processing streams to be exhausted because DJELR refuses the CEAS standards set out by the EU. Effectively, the Irish government’s allegedly sovereignty-based reluctance in this regard means that some asylees are forced to remain in Direct Provision for periods up to and exceeding 5 years; a very real bureaucratic harm which is professionally, emotionally and psychologically debilitating for the people in question.

Deportation unit. Congruently, the cost of Ireland’s restructured asylum regime rose steeply from the initial €70M package hammered out in 1999 to €93.9M in 2001 and then to €122.6M in 2004. Even as arrival numbers tumbled, ‘unit costs’ per asylum applicant spiralled from €9,098 to €25,721, with the deterrent form of outsourced Direct Provision accommodation for asylees (introduced in 1999) accounting for a staggering 70% of total expenditure (Department of Justice and (INIS) 2006: 9).⁶⁰ Even when accommodation is not included in ‘unit costs,’ the expense of processing asylee claims was found to have trebled, with each case costing in the range of €7,817 to €8,367 (Ibid: 9, 123).

‘Impossible to Assess’ Savings

Under pressure to produce evidence of ‘value for money’ policy and operational outcomes, DJELR’s expenditure auditors projected that “impossible to assess” savings *had* occurred if one used the highest year of arrivals and attributed those putative savings to its deterrent initiatives:

Such savings to the Exchequer are *impossible to assess* but they are likely to be substantial on the basis of projecting forward from 2000 what asylum numbers would have been *if the various strategies and initiatives mentioned had not been successful in reducing numbers so dramatically* (Department of Justice and (INIS) 2006: 9)(emphasis mine)

Not only does this ‘assessment’ conveniently ignore that global asylee numbers were (independently) trending downward at this time but, more importantly, within the econometric logic of this approach, yet more costly increases in deterrence would be required to bring the cost down further. The ‘unit

⁶⁰ The startling increase in accommodation costs likely includes what would have been welfare costs before DJELR reduced welfare for asylees and decided to accommodate post-1999 arrivals in Direct Provision sites. However, after lauding the removal of rent allowance as a deterrence factor, DJELR explicitly acknowledges (50 pages into its expenditure review) that “[t]he increase in accommodation costs between 2003 and 2004 may be related to the withdrawal of the entitlement to a rent allowance for asylum-seekers” (Department of Justice and (INIS) 2006: 54). Using government reports dating through 2017, investigative journalists have recently disclosed that the cost to the state of employing the highly controversial form of Direct Provision to house asylees, has topped €1.1bn (Moore and Hosford 2020).

cost' would "only improve ... if the level of expenditure on accommodation is brought down through a more effective removals process," it claimed (Department of Justice and (INIS) 2006: 55, 9).

Conspicuously, by April 2005, DJELR's epistemological approach to refugee protection began to be expressed in a markedly oblique fashion in its Annual Reports, revealing an altered cascade of asylum-related priorities:

the main thrust of the Department's approach in relation to asylum has been to develop fair and efficient procedures in line with best international practice while meeting its obligations under the Geneva Convention (Department of Justice and (INIS) 2006: 30)

Here, fairness and efficiency are primary concerns – though as I've outlined above, fairness (at least as measured by 'quality of decision-making' are distilled within Audit/NPM into metrics of efficiencies achieved. This is followed by the Department's desire to now be in policy and legislative lock-step with its international peers. Tellingly, refugee rights do not feature here, and Ireland's duties under the Refugee Convention come last in this formulation, hinting at a slightly begrudged obligation. The moral aspirations and rights-based intentionality of the Convention – solidaristic elements which were lauded in the wake of a ruinous world war – have become costly and tedious impediments to some imaginary 'holy grail' Audit metric.

DJELR's 2006 internal report also reveals that *speed* in processing and repatriation/deportation outputs was valued as one of the most important indices of "progress" and "achievement." Average timelines for processing cases and appeals within ORAC had "improved" between 2001 and 2005 with *prioritised* cases now taking an average of 4-6 weeks in ORAC and another 4-6 weeks in RAT. In 2005 new "arrangements" further sped up processing at all stages in cases originating from Nigeria, Romania, Bulgaria, Croatia and South Africa, resulting in a total end-to-end timeline for prioritized cases of 10 weeks. In 2005, almost 40% of the total asylum applications was designated as

“prioritized,” allowing caseworkers to apply accelerated processing methods to them (Department of Justice and (INIS) 2006: 38-39). Speeding up the processing of such a large number of cases further decreased the timescale of other prioritised cases to “three weeks in both the ORAC and the RAT” (Ibid). For non-prioritised cases, the timeline was judged to be “improving” but could still range from 78-114 weeks, a time differential which gives some sense of the juridical and administrative disparity inflicted upon prioritized claimants; a point I take up in Chapter 2.

Ironically, given all the speed-up, accelerated procedures, and KPI efficiencies seemingly achieved through NPM’s costly Audit praxis, there was one insuperable impediment that severely retarded ORAC’s ‘time to case resolution’ metric. That hindrance was structural and derives from the fact that although Ireland is part of the Common European Asylum System (CEAS) and has transposed parts of CEAS into Irish law, it never amended its legislation to allow either ORAC or RAT to *simultaneously* consider applicants for subsidiary protection⁶¹ (like Leave to Remain) or if they fail to reach the threshold for full refugee status at first instance or the appeal stage.⁶² Instead, unlike most of the rest its fellow EU member states, applicants in Ireland who fail in their claim for asylum

⁶¹ Subsidiary Protection is granted to asylum claimants who would be at risk of serious harm if returned to their country of origin but who may not meet the Convention’s standards for full Refugee Protection.

⁶² Ireland has the discretion to opt in/opt out of instruments of the EU Common European Asylum System. It declined to opt into the recast Asylum Procedures Directive, 2013/32/EU which requires Member State to operate a single protection procedure (Smyth 2016: 409: Note 2-3). Specifically, Ireland refused to opt into some of the Phase One CEAS instruments (in particular, the Reception Conditions Directive 2003/9/EC). It also refused to accept most of the Phase Two instruments (notably, the recast Reception Conditions Directive 2013/33/EU, the recast Qualification Directive 2011/95/EU and the recast Asylum Procedures Directive 2013/32/EU). The rationale behind these refusals is somewhat opaque. On the one hand, if the findings of a DJELR Working Group are any indication, there is a sense on the part of DJELR that to accept CEAS standards here is to “cede sovereignty to the EU” in this area, a somewhat strange hesitation at this stage of Ireland’s EU membership (Smyth 2016: 400). It may point, too, to a difference in willingness to accept securitized IGO instruments like the Schengen and the Dublin Conventions versus more rights-based instruments like EU standards on reception and procedural administration.

must begin *an entirely new process* of applying for subsidiary protection (Conlan, et al. 2012: Annex V 55; Joyce 2010; Smyth 2016).⁶³

DJELR and its auditors likely recognized that processing cases under successive rather than simultaneous protection tiers was systemically irrational, but again, its expressions in this regard are telling in that the availability of important legal protections (such as *Non-Refoulement*, access to Judicial Review, and recourse to Subsidiary Protection categories such as Leave to Remain) appear to be viewed as impeding their ‘time-to-end’ processing metrics:

[a]nother important factor contributing to the length of time to process asylum applications are the Leave to Remain and Refoulement issues where legislation gives unsuccessful refugees applicants the right to apply to the Minister for Leave to Remain

The number of Judicial Reviews is growing which has the effect of slowing down the time taken to process applications while also consuming additional internal resources ...

Another factor which fundamentally affects the end-to-end timelines is the removals process where current arrangements are based on outdated removals legislation (Department of Justice and (INIS) 2006: 36)

‘Robust legislation’ was suggested by external auditors as a potential method to attenuate these resource-intensive ‘speed blocks’ and DJELR management was encouraged to “review s.3(6) of the Immigration Act 1999 relating to Leave to Remain” in this regard. It was also advised to revisit and update its deportations legislation.

⁶³ In 2015, the Irish government passed the International Protection Act of 2015, introducing a single determination procedure. While this succeeded in reducing the bottlenecks of the previous procedures, it was “handicapped” by a backlog of ca. 4000 cases which the International Protection Office failed to clear before the new system was implemented (Day 2020: 43).

Audit Opacities: Counting Under Audit

Returning for a moment to the celebratory rhetoric of ORAC's first annual report, it is clear that 'what counts' most to the ORAC's report authors is the resolution of bureaucratic disorder, and this accomplishment is signaled via ORAC's caseload clearance metric. The 12,577 cases 'brought to conclusion' that year are mentioned multiple times in different contexts. Arguably, what is obscured by the many clearance and interim processing metrics is the fact that only 467 people (3.7%) were actually granted asylum by ORAC in 2001 (ORAC 2002: 14). Moreover, a significant number of cases - 4,873 (39%) - were mysteriously designated as 'withdrawn'.

ORAC's 2002 annual report metrics do not clearly communicate what constitutes a withdrawal or how this status is triggered under Irish legislation. Nor do they impart any sense of what happens to such asylees and their cases. We learn from later ORAC annual reports that such 'administrative withdrawals' constitute a revised category, apparently re-engineered for the efficacy of case disposal. Such unclear amendments to category rationales from year to year also make comparative analyses challenging. For example, in its 2002 Annual Report ORAC designated a category as "Withdrawals Processed." A year later, ORAC made a distinction between "Withdrawn cases" and "Refused – Withdrawn s.13(2)." It notes somewhat circularly that section 13(2) refers to an application which "has been withdrawn or deemed to be withdrawn." 'Withdrawn cases' is now a category that seemingly refers (only?) to cases where the "applicant has withdrawn their application for refugee status." There is clearly some distinction or bureaucratic import which attaches to the s.13(2) designation, but whatever it is remains uncertain for external observers.

Understanding why and how a case comes to be deemed 'withdrawn' is not only obscure, the category also seems unnecessarily punitive. Under its rationales, cases may be designated as 'withdrawn' due to the failure of the claimant to attend ORAC without 'reasonable cause' on the date provided. Cases are also considered 'withdrawn' if asylees fail to promptly notify ORAC of their

change of address, or fail to properly ‘co-operate’ with the asylum process, “by, for example, [not] providing information relevant to their asylum applications” (ORAC 2007b: 14). Despite UNHCR’s Refugee Status Determination (RSD) guidelines, decision-making parameters which involve case worker assessments of what constitutes ‘reasonable cause,’ ‘proper co-operation’ and ‘relevant information’ are highly subjective and can be susceptible to external work pressures. We cannot know whether or how the existence of new Audit categories and performance metrics might have influenced such decisions, but it is difficult not to question such a high number of ‘withdrawals’ given that this is the primary way that almost 40% of the overall clearance metric in this first year was achieved.

ORAC’s ‘withdrawal’ metrics also indicate that a sizeable number of asylees, 1,972, (16%), failed to attend their Section 11 (second) interview. This is a somewhat surprising development since it indicates that applicants who had successfully surmounted the difficult first hurdle of the claims process had apparently decided to drop out or ‘withdraw’. Again, ORAC’s metric-oriented reportage does not clarify why this might be or speculate about what happened to these claimants. According to NGO interviewees, however, I learned that explanations for asylee failure to attend range from reasons as mundane as an incorrect interview notification address, or the difficulties encountered by non-English speaking asylees navigating public transportation from some of the rural Direct Provision sites to ORAC’s Dublin-based office. Sometimes asylees choose to apply for residential rights on grounds other than asylum or become disheartened and simply drop out of the process, becoming, in legal terms, irregular migrants. Whatever the reason, it seems improbable that in a single year, almost 2,000 asylees lost faith in their ability to succeed at the next stage of the process.

In the context of NPM Audit priorities, the construction of these case processing categories and the aggregation of their administrative rationales means that outside analysts have, at best, a murky

sense of the ways in which these cases are disposed.⁶⁴ What is clear is that when we parse (even superficially) what is counted, in what way, and why, ORAC's jubilant count of 12,577 cases 'brought to conclusion' may constitute more 'mythostat' than actuality. Most worryingly, its much-vaunted publication and celebration as an end to asylum chaos and vindication of the effectiveness of the methods of NPM and the newly-reformed ORAC, overwhelmed the emergence of an exceptionally low recognition rate of 3.7% that year.⁶⁵

Mytho-Data: Statistical, Policy And Organizational

For all the attention it attracts in political, legal and media circles in Europe, the asylum debate remains based on fragmented, opaque and even at times misrepresented data (AIDA 2015)

⁶⁴ There *are* moments when large numbers of withdrawals from the asylum process are to be expected, for example in situations where a form of 'amnesty' status is granted. Such was the case in 2005 when DJELR encouraged many of the parents of what it termed 'Irish Born Children' (IBC) to withdraw their asylum claim and reapply for residency if their child had been born in Ireland before Jan 1, 2005. Despite a narrow application window (applications to the The Irish Born Child 2005 Residency Scheme had to be submitted between January and March 2005), over 17,917 applications were received. 16,693 were eventually successful. This residency status was granted for an initial period of two years whereupon parents had to reapply for a further three years (O'Mahoney 2007: 15). On its face, this appeared to be a relatively generous scheme. However, two considerations mitigate against this reading. First, temporary residency status in this situation was not particularly generous and in fact produced unnecessary anxiety over its renewal and uncertainty concerning the long-term prospects of each family. Second, under the Irish Constitution, Articles 41 and 42 extend several rights to Irish citizens, including the right of a family to consort together. Under Minister McDowell, DJELR had had to confront the fact that attempts to deport the parents of Irish citizen children whose asylum cases failed, meant that DJELR would *de facto* be deporting Irish citizen children. In 2004, McDowell resolved this by passing a highly controversial Amendment to the Irish Constitution which removed automatic birthright citizenship from the children of non-Irish parents. Simultaneously, he brought test cases before the courts, creating precedent which ultimately narrowed the scope of interpretation of Article 41 of the Constitution for non-citizens. See Chapter 4 for a more detailed discussion of this.

⁶⁵ A national recognition rate of 3.7% is just over half of the (already low) EU average recognition rate of 6% (at that time). Although DJELR insists its recognition rates are on par with its EU peers, those low rates have continued to emerge from ORAC, signaling what most non-governmental supporters and scholars believe is a growing impoverishment of Ireland's ethic of sanctuary. I address this in more detail below.

Despite its affectation of openness and transparency, the proliferation of Audit has also, perversely, functioned to render aspects of organizational conduct opaque, promulgating what Power has described as empty ‘rituals of verification’ or the reshaping of organizations into more perfect candidates for Audit by encouraging a focus on ‘what counts’ ((Power 1994) as quoted in (Shore and Wright 2015a: 423)). As modern governance forms have deregulated and outsourced more and more functions of government, modes of statistically analyzing ‘what counts’ have proliferated, adding to the acknowledged difficulty of accurately measuring *policy*-related activities and outcomes (See also Comaroff and Comaroff 2006a: 211).⁶⁶ Often such work is ‘once-off’, the time scales involved can be extensive, and it may be difficult to describe (never mind, ascribe) cause and effective processes. Indeed, rather than Audit’s much-touted transparency, what performance indicator advocates and policy analysts confess to settling for most often, is a “reasonable picture of performance with regard to policy work” (Boyle 1997: 21).

Paradoxically however, even as most policy analysts accept that there exists an unavoidable degree of indeterminacy when it comes to policy-outcome statistics, confidence in asylum statistics appears to be much higher – in government circles at least. One could attribute this to the seeming specificity of asylum processing and the ease with which its task-oriented management structure appears to lend itself to mensuration. However, upon closer examination it quickly becomes clear that asylum statistics need to be treated with the same level of caution as policy statistics, a realization that should be of great concern given their seminal role in political and legal pronouncements within the contemporary European asylum debate. In the Irish case, the construction of asylum statistics is

⁶⁶ While I am cognizant of the multi-functionality of statistics – both as modes of objectification and as a means through which realities may be apprehended - the constructed quality of statistics and its entanglements with governance has a long analytical history which need not be revisited for the purposes of this chapter (but see (Beck, et al. 1992; Hacking 1990; Rose 1996)).

crucial since, as I discuss in Part III, the ensuing low recognition rate was used discursively by DJELR ministers to undermine the legal standing of a majority of asylum claimants. Low recognition rates were also recursively deployed to justify the further attenuation of asylee rights through a growing series of legal and administrative devices.

Given the detailed audit structure of asylum processing, one might reasonably ask how these critical data myths arise. To begin with, some of the challenges involved in comparatively analyzing ORAC, DJELR and its many counterparts across the EU lie with the kind and quality of statistical data collected, as well as the data purposely *not* recorded by authorities and the construction of the categories under which both conditions obtain and are presented to the public (Rozakou 2017). In Ireland, data on asylum seekers are compiled principally by ORAC and the Refugee Appeals Tribunal (RAT) (AIDA 2015; Quinn, et al. 2008: 12). Data on applications for judicial review of decisions made by ORAC, RAT and the Minister for Justice, however, are published separately by the Courts Service – rendering it slightly more difficult to get a comparable, holistic view of the system. Ireland is not alone in this. In fact, complying with EU Regulation (EC) No 862/2007 on Community Statistics on Migration and International Protection to provide the “harmonized and comparable” statistics necessary for the monitoring of EU immigration and asylum policies has proven ‘problematic’ for almost every EU member state (AIDA 2015: 2). AIDA, the EU’s Asylum Information Database, is clear that this is “due to lacunae both in the EU legal framework of asylum statistics and to Member States’ compliance with reporting obligations” (Ibid: 3).⁶⁷

⁶⁷ For example, the Dublin System necessitates an incredibly complex mechanism of allocation of responsibility between member states that it has had to have a statistical collection process of its own created for it. Yet, the methodology employed for collecting and compiling Dublin statistics still seems to leave yawning knowledge gaps. For a detailed discussion on this and other statistical difficulties in the EU see (AIDA 2015).

Problematic reportage has meant that one of the most basic gauges for comparing state approaches to asylum – i.e., national recognition rates – is quite difficult, if not impossible to ascertain. Apart from more trivial issues like inconsistent and delayed data releases, multiple reporting outlets and non-uniform presentation of information, there are several more serious data/category issues.⁶⁸ For example, in the Irish case no distinction is made in the data provided by ORAC between the year of application and the year of decision. Thus, an annual positive decisions metric can include applications which have been in the system for years, proportionately inflating the recognition rate of any particular year. Also, because ORAC continues to have a bifurcated processing system (First Instance/Appeal Stage) it tends to provide recognition rate numbers at both first instance and then RAT appeal stage, which essentially double-counts individual applicants, distorting the overall recognition rate (Quinn, et al. 2008: 13). A similar problem with Dublin Convention numbers impacting overall recognition rates has been raised by AIDA. Using the example of Sweden, it writes:

A noteworthy approach is followed in this regard in Sweden. The Swedish Migration Agency provides a detailed breakdown of decisions, distinguishing between rejections, Dublin decisions, and “others” – meaning withdrawn asylum applications. It also clarifies that the recognition rate differs if Dublin and “other” decisions are counted or not. For instance, during the first half of 2015, Sweden has a recognition rate of 62% if all decisions delivered during that reporting period were to be counted. However, excluding Dublin and other decisions, the rate went up to 80%. More specifically as regards Eritreans and Syrians, Sweden had a recognition rate of 100%; however if Dublin and other decisions were taken into account, these rates would be 86% and 90% respectively (AIDA 2015: 5)

There are also many compounding factors that can affect the quality of decision-making relating to Refugee Status Determination (RSD) which are not easily captured by ORAC’s Audit

⁶⁸ E.g., AIDA notes that in 2014 Eurostat reported a total of 626,055 applicants for international protection in the 28 EU States, while UNHCR referred to 570,820 applications. The numbers are not necessarily incorrect given that a single asylum application may cover more than one applicant. However, the data is technically incomplete and opaque as a result (AIDA 2015: 4).

conduct. For example, the availability of high-quality interpretation and legal advice prior to first interview; the quality of training, legal knowledge and cultural literacy of the case worker; demeanor of both interviewer and applicants on the day of interview; and so forth. Most simply, a significant deviation in recognition rates at first instance versus appeal (see Table 2) suggests a possible systemic issue in the Irish regime when it comes to low First Instance recognition rates.

ORAC defends against such concerns by employing Quality Assurance Audit checklists which case workers must maintain in order to signal – in the grammar of NPM Audit at least - that at each step of the process, the ‘highest quality decision-making’ has taken place. While some observers have dismissed this exercise as a form of pointless verification (Power 1994), ORAC also periodically invites UNHCR to review some of its decisions and Audit output in order to identify problems and make suggestions to improve upon the overall system (ORAC 2007b: 25). UNHCR overseers have not publicly raised any concerns about the significant divergence between RAT’s recognition rate (which is double that of ORAC’s, and at around 12% cannot by any stretch of the imagination be deemed generous), however, the existence of such a difference implies at a minimum that ORAC’s recognition rate is more stringent than warranted. The point here is that Audit *conduct* ‘papers over’ the fact that caseworker adherence to ungenerous legal and administrative categories can still be adjudged a *qualitatively assured decision* even if the entire process trammels the spirit and (sometimes) the legal intent of the Convention.

Table 2: Refugee Recognition Rates (2004-2007) / (Table Continues On Following Page)

Table 2: Refugee Recognition Rates 2004-2007*				
	2004	2005	2006	2007
Total ORAC Recommendations	6878	5243	4244	3787
Total RAT Appeals (complete)	6305	4029	1950	1878
Positive ORAC Recommendations	430	455	397	374

Table 2: Refugee Recognition Rates 2004-2007*				
	2004	2005	2006	2007
“Positive” RAT Decisions***	717	514	251	203
Total Decisions/Recommendations	13183	9272	6194	5665
Total Positive Decisions/Recommendations	1147	969	648	577
Recognition Rate ORAC	6.3%	8.7%	9.4%	9.9%
(Appeal) Recognition Rate RAT	11.4%	12.8%	12.9%	10.8%
Overall Recognition Rate	8.7%	10.5%	10.5%	10.2%
NOTE ONE: These data include withdrawn/deemed withdrawn/abandoned cases as ‘negative’ recommendations/decisions because comprehensive data excluding such cases are not published				
NOTE TWO: Recommendations issued by the Refugee Appeals Tribunal to the Minister for Justice, Equality and Law Reform to overturn the decision of the Refugee Applications Commissioner are counted as “positive decisions”				
Table Reproduced From: (Quinn, et al. 2008: 14)				

Table 3: Irish Asylum Cases and Decisions at First Instance / (Table Continues on Following Page)

Table 3: Irish Asylum Cases (1982-2009)* ORAC First Instance Only				
Year	No. of Asylum Applications	Asylum Cases Recognized	Recognition Rate %	% Chg on Prev year
1991	31	0		
1992	39	0		0.00
1993	91	0		133.30
1994	362	9	2.49%	297.80
1995	424	23	5.42%	17.10
1996	1179	42	3.56%	178.10
1997	3883	333	8.58%	229.30
1998	4626	195	4.22%	19.10
1999	7724	546	7.07%	67.00

**Table 3: Irish Asylum Cases (1982-2009)*
ORAC First Instance Only**

Year	No. of Asylum Applications	Asylum Cases Recognized	Recognition Rate %	% Chg on Prev year
2000	10938	334	3.05%	41.60
2001	10325	1003	9.71%	-5.60
2002	11634	893	7.68%	12.70
2003	7900	345	4.37%	-32.10
2004	4766	430	9.02%	-39.70
2005	4323	455	10.53%	-9.30
2006	4314	406	9.41%	-0.20
2007	3985	359	9.01%	-7.60
2008	3866	248	6.41%	-3.00
2009	2689	67	2.49%	-30.40
Total	83099	5688	6.44%	
*Table Compiled From: (Quinn, et al. 2008: 14)				

Public Trust And The Many Alchemies of Audit

As I mentioned above, during the early 1990s, a series of corruption scandals involving senior members of the government severely eroded public trust.⁶⁹ NPM's implementation toward the end

⁶⁹ In the 1990s alone, these scandals included: the Beef Tribunal which uncovered widespread corruption between members of the government and Larry Goodman, then chairman of a massive meat export company; the Lindsey Tribunal which investigated the governmental negligence which resulted in Irish haemophiliacs being transfused with HIV and Hep C infected blood; the Mahon and Flood Tribunals which investigated corrupt payments to politicians and local county council members in return for favorable planning decisions. The Moriarty Tribunal which investigated the financial misdoings of members of the government (including a former Taoiseach) – all of whom were found to have practiced widespread tax evasion. And, the McCracken Tribunal which investigated a former Taoiseach and a well-known businessman for corruption and tax evasion, as well as obstruction and lying under oath.

of that decade seemed well-positioned to diagnose and offer concrete solutions to the kinds of regulatory scandals which frequently besmirched the Irish government. It was also an opportune way for successor governments to politically signal that they were working zealously to restore public confidence in their governance praxes. Broadly speaking, the public was given to understand that NPM's audit techniques could earn their trust by conjoining accountability with transparency, or as Strathern puts it, the 'financial with the moral' (2000).⁷⁰ (For example, ORAC's first Annual Report prominently cites "Openness" as one of the Key Values it hoped would "instil confidence in the operation of the Office" (ORAC 2004: 10)).

Also underpinning this aspiration towards transparency is the NPM foundational postulation that setting targets, gathering processual metric data and then revealing one's Audit 'outcomes' renders the processes of governance more intelligible (or, 'legible' in James Scott's (1998) terms), and thereby more accountable to the public. This lends itself to the somewhat naïve notion that just as bureaucrats must increasingly labor under the revelatory spur of Audit, its mere practice can be read as government in would-be 'confessional' mode (Comaroff and Comaroff 2003: 290). Internal reviews of DJELR following substantial in-house scandals (e.g., the 2014 Toland Report), have divulged however, that

Nor has the EU itself been immune. In 1999, the entire EU Commission resigned as a result of a scandal within the Commission itself, prompting a series of investigations into the ethics, accountability and transparency of transnational entities like the EU (Shore 2005: 132-3). In his research on EU institutions, Shore likens the proliferation of corruption scandals to a phenomenon akin to the witchcraft accusations of the 17th Century. The sources of such allegations are complex (and include such issues as newfound intolerance for formerly acceptable practices such as patronage and clientelism), but it is irrefutable that a large number of organizations were publicly revealed as corrupt throughout the 1990s and early 2000s, including Enron, WorldCom, Xerox, UNESCO, the United Nations, the football organization UEFA, and the International Olympic Confederation. Many governments within the so-called G7 (including Germany, France and Italy) have also been mired in corruption scandals.

⁷⁰ Claims to transparency have a moral underpinning even if, in practice, the production of transparency is often a circular exercise in metric setting and achievement.

this is rarely the case in actuality.⁷¹ Most obviously, a majority of departmental accountancy metrics have little or nothing to do with ministerial and political accountability, the upper-level tiers of political life wherein much of the (known) corruption in Ireland has tended to occur.⁷²

Similarly, as a meaningful account to the general public of whether the political charge and duties of a governmental department have been carried out, Audit conduct can only ever provide a partial account which is always (over-)determined by the categories and administrative ends set forth by NPM audit and policy architects. Stripped of its discursive window-dressing, it is the *conduct* of Audit per se which comes to perform as a quasi-public ritual of governmental ‘unmasking,’ intended to disarm public mistrust by unveiling the moral objective of governmental ‘transparency’ (Shore 2008: 280-1). As scholars like Power (1994) have been at pains to point out since the mid-1990s, there is misdirection – even alchemy – at play here. As with the notion that ticking constructed quality assurance boxes equates to actual quality in RSD decision-making outcomes, the public is being encouraged to misconstrue Audit conduct as the production of accountability; or as Shore puts it, to misrecognize accountancy for accountability (2008: 281).⁷³ But, perhaps the greatest alchemy of Audit

⁷¹ The ‘performativity’ of accountability became clear in 2014 when a serious scandal within An Garda Síochána led to an external review of the entire DJELR Department. Known as the Tolund Report, the review noted multiple instances where it believed accountability was lacking, including most notably the weakness of management oversight which it claimed led to a “lack of clear responsibility and accountability, both within the Department and when dealing with external agencies and stakeholders” (Toland 2014: 7).

⁷² It is worth underscoring that many of the largest scandals of the late 1990s and early 2000s (e.g., Xerox in 2000 and WorldCom in 2001) were accounting scandals, many of which involved the collusion of the very firms which governments and commercial entities paid to audit them such as KPMG, Deloitte, Pricewaterhouse-Coopers, and Ernst and Young. The audit and accountancy firm of Arthur Anderson was dissolved in 2001 as the result of the Enron scandal of that year. For a more detailed discussion of this history of corruption among large auditor firms, see (Shore 2005; Shore and Wright 2015a).

⁷³ In this vein, a final entailed outcome of the turn to Audit is that accountability to the public is now increasingly cast as econometric reportage, as for example, ‘Value for Money’ or ‘Fit for Purpose’

however, is that under its privileged accountancy perspective, asylees have been recast as a new form of problem. In Simmelian fashion, Audit has produced a bureaucratic currency capable of reducing manifold differences, enabling the production of new subjects and the ‘dis’counting of state forms of deterrence. In this sense, DJELR’s efforts to mediate certain statistics and audit outcomes had the effect of discounting, even erasing, other important statistics, in the process underwriting a ‘truthiness’ to a sensibility Minister McDowell worked hard to disseminate; that of a higher level of bogus asylum claims (Comaroff and Comaroff 2006a: 212, 216). In the whirl of performance management, entrepreneurial self-governance, Audit conduct, systems training and the influx of new information streams, case workers (understandably?) struggled to retain a view of asylum sanctuary as an humanitarian goal rather than a quota or other performance-related metric to be realized.

PART III: BUREAUCRATIC FOLK DEVILS AND HARMS

Scapegoating The Faceless and The Heartless

[S]ome bureaucrats were outrageous in their biases, but ... others were very sympathetic and actually wanted to help (Conversation with Caelan, Fieldnotes, February 8, 2003)

The “blank” quality of the scapegoat is notable here; its ambivalence and undetermined quality such that its ‘uncertainty of status’ is crucial to the crisis of order which ultimately manifests about it (Hetherington 2005: 247)

Although they occupy a critical position in our society, bureaucrats themselves have rarely enjoyed a high level of social regard. In fiction, academic writing, film, social and news media, they are regularly depicted as unfeeling technocrats, Kafkaesque enforcers of byzantine rules (cf. (Graham

reports, which are functionally designed for government auditors and regulators, and not for citizens whose values lie mainly outside the domain of the financial.

2003)). Throughout the early years of Ireland's asylum chaos, the media, NGOs, civil rights groups and members of the government consistently singled out DJELR bureaucrats as "heartless devils" (Pollak 1998b), noting the department's pervasive "reputation for cock-ups" and its widespread representation as "uncooperative" and as "an unfeeling, slipshod bureaucracy in action" (Cullen 1997b). Analytically, the figure of the 'heartless devil' bureaucrat occupies the conceptual space of the 'folk devil' so aptly described by Stanley Cohen in his 1972 work on societal scapegoats and their role in symbolically condensing social anxieties, becoming focal points for the ordering energies of accompanying moral panics (Cohen 2002 (1972)). (Indeed, the Thatcherite reforms implemented by civil servants in mid-1980s Britain are described by Cohen himself as just such an example. Despite the serious confrontations between Thatcher's UK government and its civil service over Thatcher's attempts at civil service reform (Boswell 2015: 495), civil servants were singled out during this time as a kind of "middle-class folk devil," blamed for the very policies and spending cuts they were being forced to implement (Cohen 2002 (1972): xv)).⁷⁴

⁷⁴ While much of the attention to Cohen's work has focused on his sociological elaboration of moral panic, what interests me here is his notion of the role of 'folk devil' during times of crises. Although Cohen acknowledges his main intellectual debts are to British Labelling Theory and Subcultural Theory (on deviancy, etc.) (2002 (1972): xlviii) one cannot help but read echoes of Turner's slightly earlier anthropological ideas (published on conflict and ritual in (1966) and again in (1969)), into Cohen's elaboration of the phases of moral panic: from public disquiet » moral enterprise » mobilization of control culture (2002 (1972): lxvi). Echoes too in the discussion of function and role of scapegoats (and similar figures such as the trickster, the joker, coyote, the stranger) where the folk-devil figure acts like a lightning rod, condensing or representing anxieties about social order. Indeed, Cohen's scapegoat figure may be read as a quintessential Turnerian anti-structure character, associated with a liminal stage of societal disorder in which rules are inverted or transgressed before order is reasserted. But, it is also possible to use the notion of scapegoat as a devil figure through which crisis is rendered legible:

it is not that the stranger brings disorder but that he or she reveals order to always be a process rather than a thing, and processes have a habit of being associated not only with keeping things the same but also of changing them (Hetherington 2005: 250).

One would imagine that DJELR's Ministers – such as Michael McDowell (whom I discuss in more depth in Chapter Two) or John O'Donoghue, who barely survived a No-Confidence Vote – would receive the bulk of the public's condemnation for the asylum chaos and seeming lack of kindheartedness. However, while they do come in for a goodly share of public denunciation, it is the abstract figure of the 'blank' – the faceless, front-line (but, back-stage) bureaucrat – which chiefly haunts the political spectacle of Ireland's asylum scandal, condensing the popular swirl of emotion and anxiety surrounding the issue and drawing unto itself the bulk of opprobrium. This distinction between anonymous, lower-level staff and those actually responsible for both the initial chaos and the alchemies of Audit (a series of DJELR and Exchequer Ministers, Departmental Secretaries and other senior civil servants, as well as external auditors) blurs in critical ways, vital to the creation of an abstraction, the scapegoat bureaucratic 'folk devil' figure. Moreover, the 'blank' quality of this faceless caseworker abstraction conveys not only the moral emptiness of an absence of feeling, it also invokes the Orwellian figure of the interchangeable, thus unaccountable, bureaucrat - which through its very lack of specificity can come discursively and imaginatively to embody an uncaring government and its seeming inability to resolve disorder.⁷⁵⁷⁶

⁷⁵ Ken Loach's wonderful film "I, Daniel Black" is an interesting instance of this. A compelling critique of the cruelty of post-2008 austerity welfarism in the UK, the film unfolds the consequences of a policy regime which refracts contempt for poor British citizens through a labyrinth of deterrence in much the same manner at its appropriately-titled Hostile Environment suite of immigration policies did for its non-citizens. However, while Loach's moral target here is clearly the UK Tory government, it is arguably not Iain Duncan Smith, the (2010-2016) UK Secretary of State for Work and Pensions whom we most recall as responsible for these pitiless policies but rather Theresa May, the Home Secretary.

⁷⁶ In anthropological thought, a symbolic 'sacrificial crisis' may take place when social order is perceived to be breaking down from within and the menace of chaos or violent disorder threatens to erupt throughout the community. The crisis portended by these disruptive energies is theoretically displaced onto the sacrificial figure of the scapegoat who comes to be viewed as a source and representation of the crisis (Hetherington 2005: 248). Generally, the main power of sacrifice resides at the level of the symbolic (e.g., the discursive denunciation and professional and moral stigma ascribed to DJELR bureaucrats), and the symbolic violence visited onto the scapegoat figure

While this haunted sensibility re: bureaucrats may arise for any number of reasons - because of our anguish for the objects of such harsh policies or because we wonder at the seeming lack of fellow-feeling on the part of its enforcers – it also raises the analytic issue of how/why we continue to imagine that a bureaucrat’s moral universe coincides with the policy outcomes of the apparatus that employs him/her, but not the voters who elect the policy architects themselves? Academics, at least, must confront the paradox of (implicitly) wanting bureaucrats to use sentiment-driven discretion to ameliorate some of the callousness of policy instruments even as we usually shrink from allowing low-level bureaucrats such discretionary power. We must then ask what effect this may have on our capacity to distinguish bureaucratic behaviour from our understanding of the structural system that they represent and work within?

My point here might best be exemplified through a brief discussion of the work of anthropologist Michael Herzfeld on Greek bureaucracy in the early 1990s. In his exploration of the symbolic roots of western bureaucracy, Herzfeld (1992) is notably uncharitable in his treatment of Greek bureaucrats whose responses, most particularly to foreign clients, he describes as bureaucratic ‘indifference’. He opens and closes with a puzzle: “how is it that some of the world’s most hospitable societies seem beset by the most obstructive and callous bureaucracies?” His interim ruminations are peppered with anecdotes of his negative encounters with Greek bureaucratic corruption, arrogance and incompetence. Their vivid presence in such a classically underwritten text illuminate how acutely

represents the processual element of ‘sacrifice’ and initiates the process of restoring the social order within the community. Even so, when moral panics or other crisis energies crystallize about a folk devil figure, the violence of ‘sacrifice’ is not always contained in the realm of the symbolic; racist attacks, arson and other violent attacks upon outcast figures (such as the Irish Travellers described in Chapter 3) all too poignantly testify to this (Hetherington 2005: 248). Similarly, the recent 2019 arson attacks upon Asylum Direct Provision sites in Ireland exemplify the spillover of violent energies into the realm of the real. See e.g. <https://www.thejournal.ie/fire-shannon-key-west-hotel-roscommon-4434185-Jan2019/>; <https://www.irishtimes.com/news/crime-and-law/fire-breaks-out-again-at-proposed-leitrim-asylum-centre-1.3790373>.

affected Herzfeld was by such unpleasant interactions, yet he takes pains to explain that he wants nothing to do with an interactionist analytical frame, à la Goffman, for example. Mentioning Goffman's interactionist work only once, Herzfeld notes in passing that it focused only on "the practical devices with which clients and bureaucrats negotiate with each other" (1992: 5), paying little attention to the role of "conventions of explanation" in such interactions, and especially of "attacks on the system." It is not until the end of the book that Herzfeld is most forthright about the weakness of interactionism for his purposes, revealing that he explicitly wants to "challeng[e] explanations of bureaucratic indifference as the more or less automatic outcome of bureaucratic *structures*" (159 (emphasis mine)). This stated goal is based on his adamant belief that blaming the 'structure' for the character of social interaction is worse than no defense at all:

If social boundaries emerge in social interaction, where they are constantly negotiated and redefined, blaming "the system" is implicitly to accept the argument of those who defend their territories, and who excuse their less laudable actions on the grounds that these were dictated by the system or by its supreme officials. We would do well to remember that this was the defense at Nuremberg (Herzfeld 1992: 159)

To fathom the "the evils of bureaucracy" as he puts it (1992: 5), or why hospitable Greeks tolerate such abusive bureaucratic 'social indifference,' Herzfeld advances Weber's notion of theodicy and the conceptual order work it performs, via the symbols of blood, race and family as well as national stereotypes like obedience and conformity, in "propping up belief against the evidence of a flawed world" (1992: 7). Foreigner clients exist outside this conceptual order, hence their indifferent treatment. However, this explanation leaves little or no room for the emotional factors that Herzfeld's opening puzzle rests upon. As I show in chapter two, and as other ethnographies of bureaucrats have demonstrated, in many circumstances bureaucratic indifference is more often likely the result of emotional exhaustion – or even the anticipation of emotional exhaustion – rather than the result of a 'category violation of a conceptual order' (Graham 2003: 210-11).

In describing the iterative changes within DJELR, from poorly-resourced chaos to a well-resourced yet still challenging work situation saturated by Audit, this dissertation makes a less inflexible point about ways we might think about bureaucrats and their seeming ‘indifference’. This chapter departs from Herzfeld quite sharply by attempting to meld an interactionist consideration of bureaucrat/public encounter with what we know and can infer about shifts in the structural elements of the system within which these encounters take place. While it is understood at one level that a bureaucracy’s expressions (its policies, processes, legislation, public campaigns and so forth) have complex ontologies and social lives (Appadurai 1988), and exist not simply as dry classificatory mechanisms or the ideological tools of legitimation and domination, our analytic approaches often tend to mute this nuance. For one thing, we persist in the expectation that bureaucrats would generally adhere to structural rationales when we already know that such rationales may not hold in an individual context, such as that experienced by civil servants who in their daily encounters with the public must negotiate ‘customer’ uncertainty, work pressure, and the difficulties of treating all claims equally while being appropriately responsive to the individual (Lipsky 2010 (1980)).⁷⁷

Not only do our analytics frequently fail to fully capture the fact that bureaucratic expressions can have interactive force and contingent outcomes (see Chapter 2), but for the most part we fail to recognize that they make legible not just the population being governed but the governing entity, its processes and the bureaucrats themselves. Part of what I am trying to get at here is what I have come to see as weakness of Foucauldian approaches to state bureaucracies. Some of the problem may lie in

⁷⁷ Herzfeld concedes that the goal of most bureaucrats is not simply ‘rational efficiency.’ However, while he acknowledges Goffman’s work on social interaction, such as that between bureaucrats and their clients, he is more interested exploring the concept of secular theodicy and to this end more focused on the role of the conventions of explanation in such interactions, especially those that reference the system (as when bureaucrats blame the system when they cannot assist a client) (1992: 5).

the fact that a majority of these tend to be dominated by the Foucauldian concept of governmentality, wherein studies of governmental processes, power, and the changes they produce are directed towards the state's efforts to render legible a *population* that, in the process is transformed into a governable entity (Biehl 2005; Ferguson 2002; Shore, et al. 2011; Stoler 1991). The rationality here is an interesting inversion of the Foucauldian claim that intensification in population management knowledge production (such as the growth of statistics, or the keeping of registration and/or census data) corresponded with increases in governability (Szreter and Breckenridge 2012: 6). Indeed, the thrust of Foucault's theory of 'Governmentality' has been largely to view the state's rationale for compiling such information as inescapably coercive and nefarious rather than possibly beneficial and empowering for citizens, leading some scholars to argue that it has inclined many to "overstate the bureaucratic enthusiasm for information gathering" (Szreter and Breckenridge 2012: 7). When Foucauldian anthropologists write of asylum and other migration processes, the emphasis is often on control. But, what does it do for our analyses to truly accept that governmental control is frequently situational, and often strategically ephemeral? (Rozakou 2017). Historically, as now, sparse resources and the ability of civil service functionaries to remain steadfast in the face of shifting political priorities and messaging have ever been a challenge to the kinds of power/knowledge nexus envisioned by Foucault's biopower and governmentality writings. Nor does it truly capture the moments when the state intentionally chooses not to capture particular forms of information – such as the asylum claims of those it refuses to allow permission to land and those some states shuffle onwards under the legal auspices of the Dublin Conventions. Lastly, and, perhaps most importantly, these approaches have paid insufficient attention to the possibility that the psychological and moral conditions under which these frontline workers labor is part of the structural violence and bureaucratic harm that has spilled outward from Europe's bordering practices over the past three decades. It is to such potential harms that I turn now.

Bureaucratic Harms

*The 'Glass Cage' of Transparency*⁷⁸

As I discussed above, within the Irish civil service, Audit's calculative praxes have wrought a profound change in the organization and conduct of its workplace (2008: 278). In its first full year, ORAC's Business Plan included 8 key Audit categories:

- Overall Strategy,
- Organization Structure,
- Systems and Procedures,
- Work Practices and Standards,
- Quality Assurance,
- Inputs/Outputs,
- Resources, and
- Monitoring and Feedback Arrangements

Its management team and staff were required to report on these in consultation with DJELR, UNHCR and 'relevant' Departments, NGOs and public bodies (ORAC 2002: 58). That year, ORAC also implemented Performance Management and Development System (PMDS) training and the first PMDS module, which most staff completed by December 2001, taught workers how to develop a "Role Profile Form." Designed to delineate job objectives, these Profiles identified "key deliverables" and illustrated what "competencies" staff needed in order to be "effective and achieve results" (ORAC 2002). The overarching goal of PMDS was to train workers how to "align" their individual and team performances with the 8 audit categories of ORAC's Business Plan. Moreover, staff attention to these Audit goals and forms had to be managed alongside ORAC's ongoing caseworker trainings to develop staff skills in interviewing, evidence assessment, decision-making, asylum law and procedures, appeals

⁷⁸ The phrase 'glass cage of transparency' is borrowed from Shore and Wright who update Weber's well-known notion of the 'Iron Cage' to reflect the coercive work that 'transparency' does in the workplace (Shore and Wright 2015a: 422).

documentation and management. And, all of the above transpired under significant internal pressure to achieve the stringent new performance indicators relating to the timely processing and disposition of cases (ORAC 2004).

In Audit terms, the transformation in ORAC's 2001 staff performance 'outputs' is remarkable. ORAC accounts its 'Volume of Business' throughout the year as including 10,000 applications, ca 30,000 visitors to its Offices (almost 600 per week) with thousands of additional 'work item' requests ranging over approximately 14 query categories (such as, appeals tribunal enquiries, health board inquiries or inquiries about asylees' right to work) (ORAC 2002: 23-4). Furthermore, ORAC had begun service in November 2000 with an inherited backlog of 9,431 cases and had received a further 11,457 applications during 2001. By the end of 2001, over 12,000 interviews had been scheduled, and 12,577 cases were closed. A Customer Service Center (CSC) was opened in November 2001 and its metrics are similarly impressive. A handful of staff dealt with approximately 1200 'work items' a week, including telephone and written enquiries and various liaison needs with legal officers. It is not until the 2004 Annual Report that we get a sense, albeit obliquely, of the toll that these remarkable metrics may have taken on ORAC staff.

After two extremely busy years, "Occupational First Aid" and "Stress Management" trainings appear under the list of ORAC's Staff Supports. Several paragraphs of that year's Annual Report are devoted to concerns about the emotional and mental health of its caseworkers:

Provision of appropriate supports for staff is particularly significant in this organisation where staff meet applicants face to face and in the course of their work often hear applicants' accounts of traumatic experiences in their countries of origin. Such accounts can include killings, torture, sexual violence, mutilations, etc. (ORAC 2004: 61)

At the request of staff, ORAC initiated a peer support/debriefing project for caseworkers. It was run by the Department's Employee Assistance Officer together with a member of ORAC's management

team and case officers were able to discuss issues of concern and try to come up with best practice solutions in small, facilitated groups. ORAC also arranged for members of the Dublin Rape Crisis Center to provide self-care training for caseworkers alongside training on best practices for interviewing traumatized applicants (ORAC 2004: 60).

Other pressures were also made possible by the availability of new metrics. Anecdotal accounts of an internal ‘quota’ system for ORAC caseworkers floated around the NGO sector. In its 2001 Annual Report, ORAC flatly denied that quotas existed, noting that:

At the risk of stating the obvious there is no quota system in operation. Applicants are not in competition with each other or the indigenous population for services. We are entirely ‘demand-led’, literally whoever turns up at the door forms our client base (ORAC 2002: 15).

That may have been the case in 2001 but the quota rumors were resuscitated in 2003. At an anti-racism training session in Dublin, Caelan, a legal officer for a well-respected refugee support group, told me that he too had heard about these alleged quotas: “If [caseworkers] appear too lenient they come under scrutiny and there is internal pressure not to accept large numbers of applications” (Pers. Com., February 8, 2003).⁷⁹ Whether or not official quotas *were* in place (or, perhaps the better phrasing might be whether the institutional hierarchy recognized such pressures as *de facto* quotas), by the end of 2003, a ministerial prioritization directive was issued which effectively meant that caseworkers had to have issued a decision within 5-6 weeks of receiving the initial application on more than 40% of all new cases (ORAC 2004: 14). “There are pockets of good practice in the system” one external ORAC auditor noted, “but also areas which require increased focus ... where HEOs should continue to take

⁷⁹ Canning reports that in 2010 an UKBA whistleblower revealed a highly racialized, institutional pressure for Welsh caseworkers to keep asylum grant numbers at the Cardiff office low. Staff put a toy gorilla ‘grant monkey’ on officers’ desks “as a badge of shame” when they granted refugee status to asylees (Canning 2017: 140, 148).

action to note the number of cases that are awaiting recommendations with each caseworker, i.e. each individual's work-in-progress. Obviously, the number of interviews each caseworker completes per week is an indication of the outputs of the caseworker. However, it is just as important to consider and monitor the final recommendations from each caseworker to ensure that cases are not waiting an excessive length of time for completion" (Department of Justice and (INIS) 2006: 88).

In Chapter 2, I discuss the impact that the compression of processing time has on issues of asylee credibility and the production of 'truth.' Here, it suffices to note that this kind of 'speed-up' is an irrefutable outcome of the broader turn to Audit within ORAC. The moment aspirational metrics have been achieved, the logic of Audit is always to push to improve upon that metric; aiming at greater efficiencies, more savings, and better staff performances. Moreover, regardless of whether the impetus for speed-up is political or administrative, once a specific recognition rate has been established as an ambient quotient, there is often political and other pressure not to retreat from that metric regardless of arrival numbers, staff capacity or, crucially, the complexity and legal merit of individual cases.

From Self-Regulation to Self-Surveillance

Collectively, Audit techniques have displaced older workplace forms of autonomous regulation with practices of unremitting 'self-audit' whereby employees are trained and incentivized to imagine these forms of self-regulation as entrepreneurial, and their self-surveillance as meaningful in the 'value free' ecosystem of Audit. Over time, the subjection of workers to these modes of assessment has generated new 'structures of self' - new kinds of habits, practices and forms of relationality in the workplace. These have been accompanied by increased rates of depression, anxiety

and stress-related exhaustion, corroborating that frontline workers too are often subject to the structural violence and bureaucratic harm of the border.⁸⁰

Yet, the neoliberalization of contemporary labor has also meant that when work conditions – such as striving to meet quotas/audit metrics – prove difficult, staff often ‘self-responsibilize’ before questioning the reasonableness of the quotas. Some of this – loyalty to DJELR yet strain from overwork/under-resourcing – is evidenced in a 2014 employee survey of DJELR as a whole.⁸¹ A majority of the more than 1,000 survey respondents (69%) felt strongly committed to their division with 71% claiming they were proud of their work at DJELR (Independent_Review_Group 2015 5). Still, one in five reported *often* feeling burned out, while a further 46% admitted to *sometimes* feeling burned out. With regard to workload and performance standards, 51% said they “never seem to have enough time to get everything done” and “they have too much work for one person to do,” yet only 12% thought the performance standards for their job were too high (Independent_Review_Group 2015 2).

⁸⁰ I first encountered the concept of ‘bureaucratic harm’ through online conversations on bureaucracy and notions of harm with Dr. Victoria Canning and Dr. Claire Loughnan. Drawing from Mathieson’s (2004) notion of ‘silent silencing’ which sketches an account of the ways people are silenced and acquiesce to structural violence, Dr. Canning’s (2017) notion of ‘bureaucratic harm’ is focused on the kinds of harm (gendered, mental, emotional, economic) inflicted by the structural violence of the state during the asylum process. Dr. Loughnan’s (2019) notion of ‘active neglect’ and, *pace* Veitch (2007), ‘legal practices of irresponsibility’ focuses on the ways responsibility for harm is dispersed and disavowed in modern forms of legal and bureaucratic governance and is seminal to my consideration below of ‘faceless’ bureaucrats as folk devils.

⁸¹ This employee survey was carried out in the wake of a serious internal scandal, followed by an external review of DJELR in 2014. At this point, ORAC no longer exists. It has been reformulated as INIS, the Irish Naturalization and Immigration Service. Post-2008 hiring freezes and the 2010 Croke Park Agreement to reduce the costs and number of civil service employees has meant that DJELR is again under-resourced and understaffed in significant areas. However, performance indices appear to have become significantly less prominent as their absence and the existence of poor management structures are noted in the 2014 Tolund Report which convened to examine the culture and other workers of the Department in the wake of such a significant scandal (Toland 2014).

Workplace collegiality too is often a casualty of Audit, becoming distorted, not only by interminable ranking exercises, but also by the regimes of reward/punishment which function to solicit compliance with such management forms (Shore 2008: 291). Like the employee survey cited above, another independent review (instituted after the alleged smearing by officials in DJELR of a civil servant whistleblower) noted remarkable levels of loyalty to DJELR among staff and a “sense of duty and obligation underpinned by strong public service values to contribute to and act in the best interests of society” (Toland 2014: 6). Nonetheless, reviewers also found feelings of insecurity between staff, a sense that knowledge was hoarded and not as freely shared as it could be and that it was not wholly safe to speak out if individuals felt something was wrong. It also found that the post-NPM-related constitution of independent Agencies and Offices (like ORAC) left staff in those agencies feeling institutionally balkanized from the central Department. Internal tensions had arisen as a result of the former’s sense that less consultation, participation and fewer promotion opportunities were available to them as a result of these reforms (Independent_Review_Group 2015 12).

The Scope of Ministerial Discretion

It is precisely the *relation* between the manifest and the inscrutable – or the front and backstage, to invoke Goffman’s (1959) more mundane, dramaturgical image – that undergirds the enduring fascination evinced by human beings almost everywhere with the properties of power (Comaroff and Comaroff 2003: 288)

Despite its glossy Annual Reports and discursive genuflection towards governmental transparency, processual and legal matters within ORAC and RAT were often frustratingly inscrutable. Asylum-related legal opinions were withheld from publication by DJELR for several years, allegedly on the ground that asylees and their lawyers might borrow from successful asylum narratives. Rationales for cases decided by the Minister (or, more likely by the MDU) were also often withheld, to the great consternation of legal aid lawyers and other asylee support workers. Decisions re

deportation orders were often made in a seemingly arbitrary fashion with no clear explanation, logic or rationale proffered. In response to questions, NGOs and legal aid lawyers were routinely informed that it was within the Minister's purview to use his discretion regarding asylee cases. A powerful legal instrument, the Minister's scope to exercise discretion reaches into decisions concerning the application of legal exceptions or exclusions on extremely broad grounds, including the security of the State, public security, public policy, public health and, last but not least, that very capacious and subjective terrain, the Minister's sensibility of what contributes to (or detracts from) the Common Good. Beyond these stated grounds, the legal scope of ministerial discretion is itself poorly defined, affording the Minister a worrying amount of bureaucratic and legal inscrutability.

Against this corrosive backdrop of unrestrained power, the performativity of governmental transparency (despite its moralizing discourses re anti-corruption and enhanced democratic process) was continually unsettled by imaginaries of a 'dark truth' concerning its obverse – the hidden and the invisible, (Comaroff and Comaroff 2003: 291). Just as Minister McDowell's discursive characterization of asylee claims as predominantly "bogus" became something of a fetish within Irish public discourse, so too had DJELR's longstanding penchant for concealment acquired a fetish character; its routine suppression of relatively unimportant detail becoming suggestive of greater, more sinister cover-ups.

It was a concern that serially erupted onto the public stage. Lawyers working within the Refugee Appeals Tribunal (RAT) framework had long complained that they dealt with an almost entirely discretionary system whose decision-making structure lacked both openness and accountability. In 1999, credible testimony concerning anti-asylee bias within Ireland's entire decision-making process had been made by one of RAT's own Commissioners, Peter Finlay, J., declared that some of the decisions being made at first-instance would not bear public scrutiny. In particular, he denounced RAT's legal standards as being "lower than would be applied to Irish people" before

concluding that the entire process was a “travesty of a system ... that bears all the hallmarks of a narrow and prejudiced state of mind” (Finlay as quoted in (Cullen 2000: 43)). At that point, DJELR had weathered the scandal by creating ORAC and touting its Audit praxes as a kind of methodological inoculation against future malfeasance. Yet, as the internal scandals and whistle-blower accounts that periodically trickled into the public sphere suggest, the Department has never been able to fully cast off the conspiratorial taint of undemocratic dealings.

Misgiving that RAT’s enigmatic workings continued to conceal bias and suppress asylee claims was vindicated in March 2005, when *Village Magazine* revealed that one RAT Commissioner, James Nicholson, J. had granted asylum in only 2 out of 400 cases to come before him (Murphy 2006). The suspicion of unfairness was reignited the following year when solicitors from the Refugee Legal Service (the *pro bono* legal advice available to the majority of asylees in Ireland) officially requested that ‘substantive appeals’ not be assigned to Nicholson, providing affidavits which stated that they had never known him to grant asylum. Solicitors for three asylum-seekers subsequently sought the assistance of the Courts to enable them to boycott him. The case was settled following plaintiffs’ demand that statistics concerning Mr. Nicholson’s affirmation rates be provided to the public. Nicholson subsequently resigned and the RAT was slated for yet more administrative ‘transformation’ in the forthcoming 2008 Immigration, Residence and Protection Act.

In its bill stage, that legislation was subject to significant protest by NGOs and rights-based organizations – unfortunately, with relatively little effect. The Irish Human Rights Commission (IHRC) noted “a large number of reservations” about the proposed 2008 Immigration, Residence and Protection Bill, in particular “the large degree of ministerial discretion in immigration matters provided for” within it (Thornton 2011). It observed that it would like the scope of Ministerial discretion and the manner of its exercise to be defined with sufficient clarity in order to give individuals protection

against arbitrary interference and requested that guidelines be developed which outline this scope in compliance with international human rights standards (Commission 2006).

PART IV: SAFEGUARDING THE INTEGRITY OF THE SYSTEM

The figure at the helm of DJELR during these latest scandals was Minister Michael McDowell.⁸² Of the four justice ministers who headed this department since asylees first began arriving in Ireland in the early 1990s, McDowell's tenure (which extended throughout the period of my fieldwork) has arguably attracted the most controversy. Balding and slightly plump, McDowell has been described by the Irish media as a 'marmite politician' (you either love him or hate him) and as one most polarizing people in Irish politics over the last 30 years. While his political career has involved a number of impolitic outbursts (for example, when he called Richard Bruton, an opposition spokesperson on justice matters, the 'Joseph Goebbels of Irish political life'), McDowell is widely reputed to be a shrewd tactician.

He was so pleased with ORAC's results under his leadership that he took the unusual step of publicly launching its 2002 Annual Report. In his opening remarks, the Irish public would have a glimpse of a forthcoming shift in DJELR's discourse concerning its asylum system, what was valued by the government and what would – through repetition – henceforth signify in public discourse about it (Comaroff and Comaroff 2006a: 224). McDowell emphasized that in addition to the state's duty to those "genuinely in need of protection" it also needed to "address the many challenges being faced by

⁸² The son of a barrister father and architect mother, McDowell hails from an upper-class family. He attended a private Jesuitical boys school in Dublin, before he was called to the bar in 1974. In 1985, McDowell helped found the Progressive Democrats ("PDs"), a political party which was liberal on social issues like divorce and contraception, but pro economic liberalization (that is, for welfare reform, privatization, fiscal conservatism, lowering of taxes, etc).

the whole area of refugee protection” lest public support for the principles of the Geneva Convention be undermined (McDowell 2002b: 2-3). The system’s challenges, in McDowell’s view, included the:

“... high cost of hosting asylum seekers and maintaining asylum determination systems, the growth of associated trafficking and smuggling of persons, [and] the problems of safeguarding asylum systems against abuse by those who do not qualify for asylum but who use the asylum channel in the hope of entering countries for economic purposes ...” (McDowell 2002b: 3)

The task of his department, as he saw it, was to continue advancing the efficiencies of the government’s new asylum strategy, a key priority of which included ensuring the prompt disposal of cases through the use of fast-track procedures for ‘manifestly unfounded’ applications. McDowell’s emphasis was quickly reflected in ORAC’s publications. The stated High Level Goal 3 of its 2003 Annual Report was “to contribute to the preservation of the integrity of the asylum process” (ORAC 2004: 16). It adopts McDowell’s qualification that its obligations are to “genuine” asylees and reiterates as its HLG 3, Objective No.1 - to quickly identify those who do not qualify.

McDowell went on to successfully pass the controversial Referendum on Irish Citizenship in 2004 (Chapter 4). By 2005 he had shepherded through a series of successively restrictive policies and legislation in the area of immigration and asylum; - all of which passed with the tacit, if not express, approval of UNHCR’s representative. Most controversially, between February 2002 and June 2003, under McDowell’s tenure DJELR refused ‘permission to land’ to over 6,444 extra-EU nationals. When questioned in the Dáil about this practice and the expense associated (€4,072,850 or, \$4,656,900) with deporting 1301 people between 1999-2003, including citizens from EU accession states, McDowell insisted the cost was worth it because not enforcing deportations “would call into question the integrity of the entire immigration system” exposing the country to “further illegal immigration and even more expense to the taxpayers.”

Cock And Bull Stories

Tensions between the DJELR and refugee support groups had been running high since the McDowell's Referendum to remove birthright citizenship from the children of non-citizen parents in June 2004, but on May 18, 2005, he made one of his most provocative public statements to the Oireachtas Justice Committee. Video from the meeting, which was widely broadcast on the national television station Radio T elef is  ireann (RT ) showed the Minister bluntly asserting that the majority of asylum claims made in Ireland were "bogus" and were being filed at the expense of the Irish people. McDowell went on to list for his judicial colleagues and a national audience the kinds of bogus narratives which, he claimed, the Office of the Refugee Applications Commissioner (ORAC) was "unfortunately ... require[ed]" to process:

... cock and bull stories about *ritual sacrifice* in the family, that they have to escape because they have been selected [and here the video shows McDowell pausing, counting on his fingers for emphasis] as - the third son, the fifth son, the seventh son - in the family for sacrifice and they have to come to Ireland. *If the Irish people had even the remotest idea of the nonsense that lies behind ... a huge amount of these bogus claims ... I would much prefer to have a system where I could have an interview at the airport, find out the cock and bull story and say you're going home on the next flight, but unfortunately the UN Convention requires me to go through due process in respect of all of these claims* (emphasis mine)⁸³

McDowell's unequivocal condemnation of the standard of asylee claims processed in Ireland was serially replayed in the Irish media over the following days and weeks. The notorious secrecy of his department and its much-contested lack of transparency regarding asylum decision-making now served to heighten his public denunciation of asylees. McDowell's accusations were intensified too, I submit, by the evocative inclusion in his statement of the inverse of transparency – the fetish of ritual

⁸³ "McDowell blasts 'bogus' asylum-seeking." Video/Audio, RT  News (Dublin, May 18, 2005), <http://www.rte.ie/news/2005/0518/asylum.html>.

sacrifice. Rehearsing a “standardized nightmare of savage unreason,” McDowell’s highlighting of human sacrifice as a common foundation of bogus asylee claims was to elicit a modern anathema; primitive paranoia and its occult insistence on “a sort of essential, fateful connectedness between people, objects and spiritual forces” (Comaroff and Comaroff 2003: 292; McCarthy-Brown 2003). (I explore the relationship between occult-based fear and asylee credibility further in Chapter 2).

Predictably, McDowell’s unapologetically illiberal performance before the Justice Committee and his unseemly exasperation with the ‘due process’ required by the Refugee Convention elicited outrage among asylee solicitors and NGO groups, many of whom suspected that a ‘dark truth’ of McDowell’s private sentiment concerning asylum in Ireland had finally come to light. In print and on television, they solicited a response from UNHCR’s officer, Steven O’Brien. Surely, he would agree that McDowell’s was not an appropriate posture for the head of an asylum adjudication department? But, O’Brien was to severely disappoint. Rather than rebuke McDowell, he instead took to the national newspapers, penning a letter supporting McDowell. As evidence, he cited ORAC and RAT statistics and UNHCR’s official support for the ‘prerogative’ of states to return ‘failed’ asylum seekers:

A large portion of Ireland’s asylum applications does not qualify for refugee status; in fact, 96% at the first stage of assessment in 2003. Frustrating as this may be for those who take the view that all asylum seekers are ‘abusing’ the system, it is necessary nevertheless to maintain this system in order to protect the institution and principles of asylum.

The office of the Refugee Applications Commissioner, the statutory body commissioned with assessing asylum claims, is able to clearly identify who are refugees and reject those who are not in need of protection. If 96% of claims do not qualify after due process to establish whether they fear persecution, then the Irish State has the prerogative of deporting these individuals, within the limits of international, and European law.

Worth keeping in mind is the fact that over the last decade Ireland has become host to over 6,000 valid refugee claims. I ask, if the system was to prejudge all asylum applicants, call them ‘bogus’ and reject them straight off, *then would you support a system that could potentially return 6,000 people to face persecution in their home countries? If not, then there is no alternative but to have confidence in the credibility of the State’s asylum process, which*

manages in a very capable manner at present. (Letter to the Editor, Irish Independent, June 18, 2004) (emphasis mine)

Ignoring the substantial record of critique from senior legal scholars concerning the growing illiberality of the Irish regime and the inordinate difficulty of securing a successful decision in a system whose processes UNHCR itself had largely conceived and assisted ORAC and RAT to implement, O'Brien avoided any mention of McDowell's dog whistle concerning ritual sacrifice and his impolitic statements re: due process. Ending his letter with the mildest, indirect rebuke of McDowell's preemptive judgement by gently reminding the reader that over 6,000 valid refugee claims *had* been recognized within DJELR, he concluded that the Irish have "no alternative but to have confidence in the credibility of the State's asylum process, which manages in a very capable manner at present."

Conclusion: Workings of Suspicion

This chapter traces the transformation of Ireland's asylum system from the mid-1990s crisis years of its early chaos through significant structural reform and into its much-celebrated manifestation as an efficient and capable system by the mid-2000s. What emerges against the backdrop of EU membership is an increasingly less generous protection regime, even as the human rights legislation mandated by the 1998 Good Friday Agreement is implemented and commissions of policy review are created. Much of my attention is devoted to those structural alterations, in particular the adoption of New Public Management (and its technic, Audit) as a method of civil service administrative reform. I describe how the financial accountancy praxes of Audit produce new modes of conduct and self-regulation for civil servants, altering their working conditions and giving rise to internal accounts of work-related stress and mental health issues among some of its asylum unit workers. I argue that these worker-related harms should be added to the tally of bureaucratic violence that such forms of bordering have produced within the EU over the last several decades. Even more

worryingly, Audit's metric-oriented efficiencies and case-related speed-up systemically recasts asylees from 'right-full subjects' to potential 'abusers,' juridically inverting their legal and procedural burdens. Where initially asylees had only been required to legally *substantiate* their claim for sanctuary, under ORAC's accelerated procedures they now needed to direct their efforts towards *defending* against being adjudicated as 'bogus' – a bureaucratic effect I discuss in greater detail in Chapter 2.

Despite their multiple strikes protesting asylee treatment and their own working conditions, lower-level DJELR civil servants soon come to be blamed for the policies they were required to implement. Imaginatively, they are abstracted as a scapegoat figure whose very anonymity and 'blank' qualities insinuate the Orwellian nightmare figure of the interchangeable, thus unaccountable, bureaucrat and the moral emptiness of an absence of feeling. Occupying the space of bureaucratic 'folk devil,' these civil servants figuratively embody the disorder of an uncaring government, and are loathed as 'heartless' among asylee supporters and in much of the Irish media. I propose, moreover, that some social scientists have mistakenly treated bureaucrats and processes of governmentality as the unrelenting grasping of power, knowledge and control. What such approaches miss, I submit, are those moments when impediments such as sparse resources, overburdened administrators, and the ability of civil service functionaries to remain steadfast in the face of shifting political priorities and messaging, combine to disrupt governance strategies. Such approaches can also fail to discern those moments when the state intentionally chooses *not* to capture and record particular kinds of information – such as the data of those it refuses to allow permission to land and of those whom states shuffle onwards under the legal auspices of the Dublin Conventions. Governmental control, as Rozakou reminds us, is frequently situational, and often, strategically ephemeral (2017).

In many senses however, this chapter is an ethnography of suspicion. Suspicion of the state, its legislators, ministers and bureaucrats. Suspicion of its Audit praxes and unlimited discretion. Suspicion of the asylees who seek to claim sanctuary within the state. Suspicion, too, of their tales of

ritual sacrifice and its taint of fetish and the primitive. In one way or another, all of these suspicions are nourished through an interplay (or tension) between secrecy/opacity and transparency and the technics - such as ORAC's low asylum recognition rates - that enable both. The constructed quality of statistics and their entanglements with governance tactics has a long analytical history in social science (Beck, et al. 1992; Hacking 1990; Rose 1996), but within this chapter I have chosen to focus instead on how such counting comes to mediate the 'real' for frontline civil servants, routinely transforming uncertainties concerning the credibility of asylee testimony into convictions of processual 'abuse' of the Irish asylum system. This mediation is magnified and given force by the highly public statements of DJELR Minister McDowell, who uses ORAC's high number of refusals to broadly discredit the testimonial fears of a majority of asylees as a quasi 'social fact' of fakery and bogusness. Counterintuitively, his success in steering public discourse towards asylees' narrative discredibility rather than their right to due process, may have much to do with DJELR's own tension between secrecy and transparency ((Masco 2006: 265, 277)) and how that tension has in turn mediated internal contradictions such as its illiberal practices versus the proclaimed asylee abuses of the Irish system. In the aftermath of May 18th, McDowell (supported by UNHCR's O'Brien) replayed a well-known deflection of humanitarian critique of exclusionary bordering practices; invoking the Rule of Law and its normative entailment 'the integrity of the system' (Kneebone 2008) rather than asylees themselves, as the object(s) most in need of protection.

CHAPTER 2: DISCREDIBILITY AND ARCHITECTURES OF IRRESPONSIBILITY

In this [Irish Refugee Act 1996] “a refugee” means a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it ...⁸⁴

PART I: PROBLEMS OF RIGHTS

There is no such thing as a simple ‘belief’ in witchcraft in twenty-first century Soweto. With most people I know well, the recognition of the reality of witchcraft is coupled with a belief that, somehow or other, one ought not to believe in witches. For example, a neighbour says she ‘partly’ believes in witchcraft: ‘Witchcraft ... it partly exists. That’s true. But me, I don’t believe’. That is to say, she does believe, but would rather not (Ashforth 2003: 219)

Witchcraft and the occult in Africa are a set of discourses on morality, sociality and humanity: on human frailty. Far from being a set of irrational beliefs, they are a form of historical consciousness, a sort of social diagnostics. In this sense, they strongly resemble other forms of social, economic and political diagnostics, originating in the academy and without, that try to explain why the world is the way it is, why it is changing and moving in a particular manner at the moment (Moore and Sanders 2003: 20)

Customary Dread And The Irish Refugee Determination System (RDS)

Minister McDowell’s ‘conflict’ with frustrated solicitors and critical asylum support NGOs did not end with the letter of support from UNHCR’s Representative, Steven O’Brien. If anything, matters became even more contentious. On the 7th of June 2005, McDowell took yet another unusual

⁸⁴ Source: <http://www.irishstatutebook.ie/eli/1996/act/17/enacted/en/print#sec2>.

step, issuing a formal statement (with attached briefing documents) entitled ‘The Real Facts about the Asylum and Deportation Systems’ (McDowell 2005). He opened by alleging a conspiracy:

A small but well-placed minority of commentators have sought to create the impression that Ireland's treatment of asylum seekers is harsh and unfair. *They have consistently concealed the real facts from Irish people.* Moreover, they have sought to create the impression that anyone who points out the true situation is engaging in political racism. They hint at international comparisons which do not exist. They refuse to address the very large abuse of asylum protection in Ireland. They claim to believe that it is wrong to point out what is happening lest it create prejudice against genuine asylum seekers. *They are engaging in a form of verbal intimidation of those who would tell the truth* (emphasis mine)

McDowell laid out what he claimed were ‘key facts’ about Ireland’s asylum and deportation systems which, he remarked, stood up well to scrutiny in “comparable jurisdictions such as the European Union.” His was an approach, he declared, that was balanced “between fairness and firmness - fairness in ensuring that those genuinely in need of protection receive that protection quickly; firmness in dealing rigorously with abuses in our system which tie up resources which could be better utilized elsewhere.”

Minister McDowell then turned to the matter of Nigerian applications since, he maintained, a good deal of media commentary had been centered on the cases of individual Nigerian applicants and their families. Less than 1% of all Nigerian claims succeeded at first instance, he noted, and Ireland was in line with other European countries in producing this high refusal rate. The controversial application of accelerated procedures to Nigerian cases was warranted, he insisted tautologically, because “[i]t is a country with a proven record internationally of unjustified applications for asylum status, as evidenced by the enormous international rejection rate.” He asserted that it was impossible for Nigerians to arrive undocumented in Ireland - the hundreds who had done so were clearly part of a trafficking strategy, as evidenced by their destruction of their travel documents. McDowell then proceeded to describe how a joint Irish and UK police investigation had revealed cases of “flagrant”

abuse of Ireland's immigration law, including forged documents, multiple identities, and numerous asylum applications under those identities.

In closing, McDowell returned to the topic he had raised in his provocative May 18th speech to the Oireachtas Justice Committee; the use of what he termed and 'Cock and Bull stories' as a 'nonsense' ground for claiming fear of persecution. An internal analysis he had conducted since then had thrown up "a significant number of common grounds" advanced in the claims of asylees who were subsequently "found not to be in need of protection." Many, he said, "cite fears of persecution from a secret cult as the basis of their claims," while other reasons included:

Fear of local tribal customs as the first born son of a royal family; Fear of village elders arising from requirement to replace grandmother as head of the village; Successor to be king after father's death; Heir to father's throne; treated as a domestic servant by his mother's friends; Sacrifice of first born child; Fears persecution as he lost money which belonged to his boss; Fear that a former employer may kill her and place body parts around his house; Fear of persecution for failing to bring home the bodies of deceased family members killed in a fire; Male members of tribe carry out ritual sacrifices of children (McDowell 2005)

There is a lot to unpack in McDowell's oral and written statements, not least his assertion that asylum commentators were trying to intimidate him – a government minister – from telling 'the truth,' and were themselves concealing the 'real facts' from the Irish people. (Indeed, portions of McDowell's statement resemble the logic of a witchcraft accusation ... 'a powerful, anonymous cabal have tried to intimidate/harm him for telling the truth.' They 'consistently lie to attain their ends ...'). There is also the fact that tautological claims clearly have a common-sensical quality for the Minister – e.g., applying accelerated procedures to Nigerian claims was warranted by the high number of refusals which those abridged techniques produced. And, there's his explicit association of Nigerians applicants with the criminality of trafficking, forgery and duplicate asylum claims. Finally, and most importantly for my purposes here, there are the particularities of the fears he enumerated as 'common,'

yet implicitly bogus, given that they have repeatedly failed in ORAC's adjudication process. I refer to such fears below as 'Customary Dread.'⁸⁵

McDowell's strategy of defending his May 18th intemperance before the Oireachtas Justice Commission by particularizing the "nonsense" his caseworkers had to sift through is inadvertently revealing.⁸⁶ Dread-related African social hierarchies, inter-generational tensions (Comaroff and Comaroff 1999b), religious and cultural beliefs are here discredited and disparaged as traditional, backward, anti-modern, and anti-scientific (Moore and Sanders 2003), poignantly illuminating how contemporary RSD regimes re-inscribe the kinds of primitivist, racist and culturalist imaginaries that have haunted Europe's relationship with its historical Others.

Such disparagements have long been part of the 'epistemic scaffolding' of a north-south binary sustained by orientalism, bigotry, and Eurocentric ideas concerning Africa as a constitutive Other, and as a simulated but largely failed modernity (Comaroff and Comaroff 2012). *Yet*, as anthropologists since Evans-Pritchard (1937) have been at pains to explain, rather than hide-bound, regressive superstition, African belief in witchcraft is an ever-changing, meaning-making (epistemological) practice, coherent and logical within its own terms as a way to make sense of their world (Moore and Sanders 2003: 6). Indeed, in the wake of Evans-Pritchard's elucidating work, many anthropologists have focused less on *why* Africans believed in witchcraft, at times relating it more closely to the workings of kinship (e.g., its seeming resurgence in moments when "social relations were ill-defined

⁸⁵ This phrase borrows from Ashforth who refers to witchcraft belief as a system for the 'management of danger and dread' (2003: 207).

⁸⁶ Unlike his May 18th oration when he openly spoke of such fears 'Cock and Bull stories,' McDowell does not expressly denigrate the listed fears in this written statement. Nonetheless, the scornful context in which he situates them – as the ridiculous (failed) attempts of Nigerians to advance backward fear of the arcane and the occult in their abuse of the Irish asylum system – does the work of denigration and discredibility for him.

or abrasive”), and at other times analyzing its periodic recurrence as a quasi-functionalist social ‘pressure-valve’ (a “mechanism” for resolving social tensions and dealing with new modes of production, new forms of consumption, and changes in structures of political control) (Moore and Sanders 2003: 7-9).

All of these analyses were of course, as Douglas (1970) (cited in Moore and Sanders 2003: 9) points out, supremely untestable. Whether surges in occult practice and belief indicated moral decline or anxieties about socio-structural changes wrought by colonialism, Christianity, modernity, capitalism, globalization and so forth – it was difficult to say, and anthropologists have differed on these points. What contemporary theorists *do* seem united about is a confidence that present-day witchcraft beliefs are not merely contiguous with modernity’s many forms but also constitutive of them. Post-structuralist Africanists, including Bastian (2003b), have taken this refutation of a particular telos to globalization a step further, asking pointedly whether people’s *experience of being* modern/global can be the same if our histories, social structures and cosmological frameworks differ?

Such questions direct us to see modernity then, not as the unfolding of a master narrative of post-Enlightenment teleology, but a deeply cultural project whose ‘self-evident truths’ must always remain subject to inquiry (Moore and Sanders 2003: 12-13). If one accepts this, one must (while remaining attentive to historical specificity and local context) pose the same questions of contemporary Irish belief in Marian apparition, the protection offered by Miraculous Medals, the purchase of Masses for specified needs, the existence of blessed wells, the trickster qualities of fairies, and moral panics concerning the international trafficking of human organs, as we do of Nigerian

asylees' belief in (and dread of) magical practices, the commoditization of body parts, ritual sacrifice, tribal customs, and the onerous demands of lineal kinship relations.⁸⁷



Image 1: Contemporary Prayer Grottos In An Abandoned Irish Church (photo by A. Tormey, 2021)

More immediately, from the perspective of a working RDS, the abundance of easily-accessible academic and journalistic reporting on customary dread and forms of related violence makes it difficult to reconcile Minister McDowell's Real Facts Statement. Put bluntly, had McDowell and his ORAC Research Unit conducted even the most cursory inquiry into the matter, they would have uncovered the ample evidence recorded by anthropologists, academics and journalists of a noticeable surge over the past few decades in recourse to the use of the occult (Ashforth 2003; Bastian 2003a; Bastian 2003b; Comaroff and Comaroff 1999b; Sanders 2003). The Italian theorist Silvia Federici has written

⁸⁷ <https://www.irishtimes.com/life-and-style/health-family/i-would-never-dare-disturb-a-fairy-fort-irish-times-readers-on-their-superstitions-1.4634744> Accessed August 3, 2021.

extensively about the resurgence of witch-hunting in Nepal, India, Saudi Arabia, and Papua New Guinea. In Tanzania, there are estimates of up to 5,000 women a year being murdered as witches. ISIS has also reported killing ‘witches’. Rebel soldiers in the Central African Republic have used witch accusations to extort money from potential victims and in 2016 alone burned over a hundred so-called ‘witches’ at the stake. Federici also describes the modernization of ‘witch-finding’ through the use of technology such as computers, the internet and hundreds of online ‘how-to’ manuals purporting to explain how to unmask and identify witches. Across the world, hundreds of women have been forced from their homes and communities by witch accusations and continue to live in exile as a result. Ghana, for instance, is famously host to ‘witch camps’ which shelter contemporary women accused of witchcraft (Federici 2018). The post-Apartheid state of South Africa has an Occult-Related Crimes Unit in its South African Police Services (Comaroff and Comaroff 1999b: 282). In 1995, its government commissioned a formal investigation (the Ralushai Commission) into witchcraft-related killings in South Africa’s Northern Province, of which there were an estimated 389 between 1985 and 1995 (Niehaus 2003) and a ‘45-fold increase’ in the first half of 1996 to 676 (Comaroff and Comaroff 1999b: 285).

Far from its discreditation as ‘nonsense’ by Ireland’s Justice Minister, anthropologists have repeatedly described contemporary witchcraft (and related occult belief) as a mode of social diagnosis. In the case of Soweto, Ashforth depicts witchcraft (like Irish prayer shrines) as a rubric for dealing with spiritual insecurity – a mode of managing “danger and dread” and the “key epistemological problems of everyday life” (2003: 207-215).⁸⁸ Occult activity among the Ihanzu in Tanzania is

⁸⁸ It is important to note that under this rubric, both Ashforth and Sanders’ informants include calling on the ‘powers and forces’ of Christianity (specifically Jesus Christ and the Holy Spirit) as a non-malicious technique among the ‘medicines,’ charms and other praxes of witchcraft (Ashforth 2003: 215; Sanders 2003).

described as surging in relation to the ‘hope and despair’ produced by shifts in moralities accompanying the imposition of structural adjustment, newer (conspicuous) modes of consumption, and most particularly, the transition to ‘free market’ in those countries (Sanders 2003). In a world of “unbridled liberalization” where everything is commodified - society, culture, history - humanity, and even life itself, have not remained untainted by the reach of the free market and its moralities. Seeking to avail of the hidden power of the occult is explained as a diagnostic of “just how vulnerable people feel in a system which they see as draining them of their resources to the benefit of remote others” ((Colson 2000: 341) as cited in (Sanders 2003: 178)).

As for the cults of which McDowell is so dismissive, Nigerian journalists and anthropologists have also written extensively about the growth of secret societies, confraternities and cults in contemporary Nigeria (Bastian 2003b). To take just one example of these groups – that of campus cults – dozens have been recorded since the 1950s, including the Pyrates, Buccaneers, Blood Suckers, Black Cat, Vikings Confraternity, Mafia, Red Devils, Black Berets, Green Berets, the Black Axes and the Neo Black Movement (Bastian 2003b: 78). Originally elite networking and professional associations, these groups have altered over time (following the Biafran war (1967-70), the Oil Bust of the 1980s-90s, the Structural Adjustment Program of the IMF, and harsh military rule) as colleges have become more accessible for poorer Nigerians who then graduate to face little or no prospect of advancement in contemporary Nigeria. By the late 1980s, Bastian reports that rumors abounded among Nigeria’s educated youth of disaffected males from elite universities taking over the leadership of local gangs involved in the growing drug and weapons trade in SE Nigeria (Bastian 2003b: 79). The forms of violence committed by these campus cults includes the occult and initiations are thought to include terror and violence (often against women on campus) as well as “medicines”, “power objects”, and even the “ritual accoutrements of European Masonry or Satanism.” Initiated cult members are

generally believed to be supernaturally immune (to gunshots, for example) and to possess the magical ability to influence others to do their bidding (Bastian 2003b).

Clearly, such cults are a pervasive, formidable and frightening force in Nigeria, their post-university incarnations known to extend into the military, state police and higher levels of government. Why therefore does the well-known evidence of campus rape, injury and death attributed to their activities not constitute acceptable grounds for well-founded fear under Irish Refugee Determination Systems (RDS)?⁸⁹ Relatedly, how are we to understand the Irish Minister for Justice's very public rejection of such fears as an asylum *abuse*?

Complicating matters further, as I discuss in more detail below, are the moments when particular kinds of Customary Dread, such as those concerning fear of involuntary Female Genital Cutting (FGC), *are* found to be acceptable grounds to begin a claim within the Irish adjudication system. Presumably, a partial explanation for the acceptability of certain practices lies in the particular histories, “problematizations” (Hodžić 2017) and resonances certain intimate customary practices have embodied within the Euro-American imaginary, bequeathing them a legal presence in EU and US asylum adjudication process and law that is not available to other Customary Dread forms, like cults or witch accusations. That said, even cases of FGC (especially those of Nigerian origin) have difficulty overcoming the systemic disbelief of Irish RDS.

As I described in Chapter One, the systemic impediments to asylee success within the adjudication process are considerable. Here, with the help of three case studies, I dive more deeply into how those processes operate to constrain asylee rights in practice. What I discuss below as an

⁸⁹ I leave it to the lawyers to decide whether, strictly speaking, such a fear would fall under the purview of the Convention. However, if it does not, it surely would be covered by Subsidiary Protections designed to update the grounds covered by the former.

oscillation between juridical and divinatory logics has meant that much of the adjudication procedure, policy, and even legislation asylees encounter, remains poorly-developed and overly discretionary – even as it also falls prey to the abstract, financialized logics of Audit that I described in Chapter One. Collectively, such legislative and bureaucratic moments have two worrisome outcomes (Mullally 2001; Mullally 2003; Noll 2005). The first concerns is a contention on my part, following the work of Steve Veitch (2007), that spaces and mechanisms of legal and other ‘irresponsibilization’ abound in asylum law and policy, normalizing bureaucratic harm and the subsequent suffering of asylees. The second relates to the capaciousness of discretion in asylum regimes. My discussion here departs from my critique in Chapter One of the opacity and undemocratic qualities inherent in extensive Ministerial discretionary power. To the contrary, the discretion I am concerned with here is a crucial part of caseworker adjudication and, I argue, an important potential corrective to the abstractions of Audit processes. However, for particular reasons having to do with the evidentiary structure of asylum adjudication, caseworker discretion relies heavily on the testimony and personal/narrational credibility of individual asylees. While it is impossible to adjudicate caseworker attitudes in this regard with any certainty, it is not unreasonable to imagine some might be influenced by their own Minister’s public denigration of the narrative capital of asylees. If so, are they then properly capable of assuming the ‘shared burden of proof’ suggested by UNHCR processing guidelines for testimonial credibility? In turn, some asylees suffer from a corrosive suspicion that decision-making rationales are unclear and seemingly arbitrary, perceptions which fuels despair and desperation among asylees, affecting the quality, consistency and – at times the content – of their testimony.

Architectures of Irresponsibility

... with respect to certain instances of mass suffering, what is often seen to be an excess has its basis in the ‘normal’, in legal norms themselves. And crucially, what makes such suffering appear legitimate is the fact that legal mechanisms work to

disavow the very question of responsibility for it arising (Veitch 2007: 2)

In Chapter One, I discussed how the rights of refugees are defined in international law, and the fact that all prospective EU states must accede to the Refugee Convention as well as the numerous EU charters concerning fundamental rights before attaining membership. I also discussed the many ways that the *implementation* of such rights by states in national legal systems often constrains and undoes those legal rights in such a way as to deter and deny asylees, thereby undoing international law within the national sphere (Coutin 2001: 67; De Genova 2002; Kneebone 2008).⁹⁰ States achieve this in multiple ways; by forging agreements with fellow states to contain asylees on non-sovereign territory, by designating states-of-origin or transit as ‘Safe Third Countries’, by offshoring refugee centers, by conflating migration with asylum and diminishing asylees as ‘economic migrants’, by designating the irregularities⁹¹ of asylee flight (such as the destruction of identity papers) as illegal and as constituting a security risk, by preventing access to the full panoply of asylum adjudication via the introduction of attenuated processes known as ‘accelerated procedures’, and by denying asylees leave to land and present their claims (Kneebone 2008). Still other modes of constraint include the specific concerns of this chapter, the apriori discrediting of entire groups of asylees and categories of customary dread claims, the institutional cultivation of preemptive skepticism among RDS adjudicators concerning narrative capital and particular grounds for fear, and the use of ministerial

⁹⁰ Since this fieldwork was carried out, and particularly post-2015, the EU itself has opted for a more aggressively deterrent policy posture, forging deals with states such as Libya and Turkey to contain migrants beyond EU borders, sinking billions of Euros into a border police force, and failing to quickly and decisively deal with states which refuse to ‘burden share’ asylees arrivals or breach the EU’s minimum standards for upholding the Convention. For a more detailed discussion of the ongoing delegitimization of asylum, see (Bigo 2006; Costello 2005; Fassin 2005; Huysman, et al. 2006; Nyers 2003; Puggioni 2006).

⁹¹ Article 31 of the Convention contains a non-penalization provision which applies to refugees who have entered a country without permission (Kneebone 2008: 7).

discretion to dispose of cases in a manner considered to be opaque and impervious to legal recourse. On a broader scale, these practices add to the above catalogue of state deterrence and “illegalization” (De Genova 2002: 419), however, what the Irish case contributes to this discussion is a micro-analysis which illustrates *how* legal irresponsibilization arises, the ways its outcomes are naturalized and normalized, and how states come to disavow responsibility for the suffering to which such measures give rise (Veitch 2007).

I build on Chapter One’s discussion concerning the ways that the conduct of Audit in DJELR’s adjudicative practices contribute to this catalogue, by emphasizing a related effect -- that many of the above-mentioned practices give organizational substance to an emergent ethos and politico-legal ‘architecture of irresponsibility’ (Veitch 2007). Veitch’s concept of legal irresponsibility was developed to describe how certain legal actions (e.g., the extensive sanctions regime in Iraq during the 1990s) can give rise to massive harms while simultaneously erasing or disavowing any responsibility for those harms. ‘Responsibility’ is methodologically conceived in two ways here: first, as covering a range of institutionally-situated ‘techniques,’ ‘purposes,’ ‘logics’ and ‘forces,’ and second, as encapsulating a more ‘free-floating’ sensibility which receives its content and form in various ways and through different practices, but – crucially – is available to be ‘*managed*’ (Veitch 2007: 3). Of interest then are not just the ways that institutions manage, organize and practice responsibility but how such logics and forces underwrite and manage its more ‘clandestine’ counterpart, irresponsibility (Ibid: 2). Veitch’s broader argument is attentive to “diversionary mechanisms and tactics, in institutions, concepts and social forms” and the manner in which they facilitate “dispersals and disavowals” that collectively constitute practices of irresponsibility (2007: 3). The disparagement of the claims of those who fear certain forms of customary dread is one such diversionary tactic in the service of irresponsibility. Another is contained in elements of modern governance structure such as the balkanization of institutional knowledge and the division of labor described in Chapter One relating

to policy conception, legislation and administration. Yet another resides in the various modes of responsibility ‘transference’ across politico-legal structures and systems (including for example, the abstractive and enumerative effects of Audit conduct within ORAC, or the reassigning of asylees back and forth within Europe as a result of the Dublin Conventions). Together, they not only contribute to a proliferation of irresponsibility but, as Veitch’s work is keen to underscore, *organize* that proliferation.

Through case studies of two Nigerian asylum claimants, Pamela Izevbekhai and Kunle Elunkanlo and one Pakistani claimant, Maqsood Ahmed⁹², I examine in greater detail the operational methods and consequences of the bureaucratic and juridical practices of Irish decision-making. Izevbekhai’s case involves the customary practice of FGC and unfolds the particular challenges Nigerian applicants face in being comprehended as credible by adjudicators in the current political moment, especially as they are automatically subjected to accelerated procedures in Ireland. Izevbekhai underwent over 23 court appearances and spent a brief period in jail before eventually being deported with her two daughters. Maqsood’s case involved a blasphemy indictment and illustrates both the knowledge failures of ORAC caseworkers concerning the institutional and individual persecution of his Ahmadiyya faith, as well as the challenges he faced with his legal team following the rejection of his claim and his subsequent Appeal. Kunle Elunkanlo’s study is different in that the details of his case are not at issue here. Instead, it exemplifies the clandestine qualities of Irish asylum decision-making by drawing attention to the arbitrary operations of Ministerial Discretion as a secretive ‘administrative legal-cultural’ form and organizational method of (potential) irresponsibility (Veitch 2007: 2). Not only does the tension produced concerning this space of legal

⁹² Maqsood Ahmed is a pseudonym for an Ahmadi man I interviewed during my fieldwork. Pamela Izevbekhai and Kunle Elunkunlo are real names in the public domain in Ireland.

opacity energize conspiracy theories and speculation concerning the unnecessarily secretive workings of the justice department, but it organizes and hardens the boundaries of insider/outsider networks between government officials, legal aid solicitors/support groups, journalists and members of the public (Masco 2006).

All three case studies facilitate a close examination of the stringent management of asylum seekers' verbal evidence and narrative capital, and illustrate how such testimonies can be normatively discredited in a system peppered with skepticism and organized irresponsibility (Beneduce 2015; Malkki 2007: 338). Through Izevbekhai's case in particular, I probe the ways in which truth-telling and truthfulness are dialectically fashioned through RDS operations, often distorting the political subjectivity of asylees (James 2004: 132). I compare the conduct and logic of adjudication under accelerated procedures to those of a witchcraft trial in the sense that inductive inferences about the testimonial credibility of the claimant are 'divined' in keeping with the standards of internal knowledge production of a particular episteme (Palmié 2007). I show too how, within such frameworks, administrative and legal evaluations of asylee testimony and other evidence can translate into a moral evaluation of individual asylum seekers, interpellating them as perpetually discreditable subjects (Sweeney 2009).

Lastly, I argue that much of this translation process involves the interplay of contradictory emotions such as fear and compassion. Throughout the adjudication process, as asylees exchange fear-based narratives for political protection, Irish asylum caseworkers find themselves embroiled in a moral economy wherein *their* emotional promptings (doubt, anxiety, hostility, etc.) must be negotiated alongside compassion for a (suffering?) Other. As the below stories of Customary Dread suggest, bureaucratic parsing of fear - the cornerstone of refugee protection legislation - becomes far more complicated than the legal definition provided by the 1951 Geneva Convention might have anticipated.

The Case of Pamela Izevbekhai



Image 2: Pamela Izevbekhai and Daughters Naomi and Jemima (Source: <https://africannewshungary.blogspot.com/2011/06>)

March 17th 2008. It is *Lá Naomh Phádraig* (St. Patrick's Day) and prominent among the media coverage of the festivities is a story about the St. Patrick's Day parade in Sligo, a town on the west coast of Ireland. Two young Nigerian girls, Naomi (7) and Jemima (5), are hoisted to shoulder-level by the crowd and cheered along the parade route as their mother, Pamela, watches. In a skillfully mediated moment of pathos, the reporter tells us that when the parade finishes the Izevbekhai family must leave their friends in Sligo for good and travel to the Baleskin Refugee Centre in Dublin to prepare for their deportation back to Nigeria.⁹³ Despite the assistance of a community-based anti-

⁹³ Clancy, Paddy March 2008 "Girls Facing Deportation Cheered Through Streets" Irish Times <http://www.irishtimes.com/newspaper/ireland/2008/0318/1205706623143.html>. (Accessed 12/21/2009). "Hope fades fast as deportation looms" Heffernan, Breda, March 19 2008, Irish Independent, <http://www.independent.ie/national-news/hope-fades-fast-as-deportation-looms-1321181.html> (Accessed 12/21/2009).

deportation campaign called 'Let Them Stay,' and the public support of Veronica Cawley, the Mayor of Sligo, Pamela Izevbekhai had lost her lengthy battle to be allowed claim asylum in Ireland.

Upon arriving in January 2005, Pamela stated in her asylum questionnaire that her eldest daughter, Elizabeth, had died after undergoing FGC. The procedure had been performed against her and her husband Tony's wishes, at the insistence of his family. With Tony's agreement and support Pamela determined that her younger daughters would never undergo the procedure. In her account, her in-laws had on a number of occasions allegedly attempted to abduct the girls in order to perform it. After moving several times within Nigeria, she and her husband came to believe that their daughters would never be safe there, and so Pamela took the girls and fled the country, leaving a teenage step-son Adrian, (from Tony's previous marriage) with Tony, who remained in Nigeria to take care of their business interests.

As a Nigerian claiming asylum in Ireland, Pamela's case was automatically subject to 'accelerated procedures,' a concept which was created by UNHCR in 1983 and introduced in Ireland as one of a number of efficiency measures following the strike by understaffed asylum caseworkers in 1999. By December 2003, Ireland began to automatically 'fast-track' certain claims based on nationality; high-source countries like Nigeria and Romania were two of the first nationalities to be included in this measure. The category of accelerated procedures, was originally intended by UNHCR to be used only in a limited number of cases that were considered to be 'manifestly unfounded'; that is, so patently without foundation "as not to merit full examination at every level of the procedure" (Mullally 2001). Manifestly Unfounded claims were then defined by UNHCR as "clearly fraudulent" (e.g., a claimant who persisted in declaring that false travel documents were genuine, or who had ignored internal refuge options in their country of origin). Since the 1980s, UNHCR has overseen the widespread adoption of this supposedly 'crisis' procedure and its normalization as a technique of bureaucratic irresponsibilization. Mullally, an Irish lawyer, has written that the "use of accelerated

procedures for ‘manifestly unfounded’ claims in Ireland has extended far beyond the limited exceptions permitted by international law.” Between 1999 and 2001, the number of claims determined to be Manifestly Unfounded (“MU”) at first instance had increased dramatically. In 1999 only 133 (1.7% of all asylum claims processed) were determined to be MU. This figure had increased to 2,263 (18% of all asylum claims processed) by 2000 (Mullally 2001).

In 2000, the European Commission’s working document on common asylum procedures actually conceded that the category of ‘manifestly unfounded’ did not comply with international law and some attempts were made to ensure that minimum legal safeguards were retained. However, these attempts believed to be insufficient to protect against the danger of refoulement (Mullally 2001). In addition to the questionable fairness and sustainability of decisions made on foot of these criteria there is the additional problem of what Mullally refers to as “poor quality decision-making at first instance” which she claims raises “particularly serious issues in the context of accelerated procedures for MU asylum claims.” These concerns are intensified by the widespread lack of legal advice prior to initial interview, poor translation facilities, poor interviewing techniques and lack of sensitivity to cultural difference (Ibid).

Having one’s case sent into accelerated procedures means that caseworkers can dispense with some of the usual procedural safeguards (such as the right to an oral hearing and unrestricted access to judicial review) allowing for greater efficiency, speed and the ability to promptly deport unsuccessful applicants. UNHCR written guidelines still suggest that cases must be suspected of or already have failed an initial set of criteria before being sent to accelerated procedures, but UNHCR’s acquiescence with the routine practice of automatically routing certain nationalities (often Nigerian and Romanian) through abbreviated procedures signals that both UNHCR and individual states are willing to abrogate those guidelines, effectively to institutionally *presume* the credibility of all such nationals to be dubious. Once lost, applicants face significant difficulty in restoring their credibility and making their case on

an even bureaucratic playing field, as it were. Instead of starting from a ‘clean slate’ when presenting their claim, they are forced to rebut the presumptive skepticism of a caseworker who already suspects they may be ‘bogus.’ (Coffey 2003). When a majority of applicants are predictably culled in such ways, responsibility is considered not to lie with the state or this irresponsible practice, but with the failed applicant.

Pamela was interviewed by ORAC caseworkers on February 18, 2005 and six days later ORAC submitted its decision that neither Pamela nor her daughters warranted refugee status because they had failed to prove their fear of FGC was well-founded. Pamela avoided deportation by going into hiding and the state placed her children in care. After two weeks of intense public speculation about her seeming abandonment of her daughters, she surrendered to the Gardaí, was arrested and spent several weeks in Mountjoy Prison in Dublin before being granted a conditional release pending the outcome of a Judicial Review which her lawyers had managed to obtain for her case. The family was granted a further injunction to stay a second order of deportation while the court examined legal arguments concerning the transparency of the Minister’s decision-making process and new evidence relating to assertions by the Irish and Nigerian governments that Pamela’s daughters were safe from FGC in Nigeria (Feeney 2008).

Divination, UNHCR Guidelines and Inference-Driven Forms of Evidence

If one can accept that divination (particularly what is known as “inductive” divination, i.e., varieties of *technique*) is a principally rational procedure to uncover previously unknown facts about the world by placing known facts under novel descriptions allowable within a specific epistemic order, then there is little reason to reject, a priori, a formal comparison with science as logically inappropriate or outrageous. ... But logical consistency is, of course, only part of what is at issue here. Contrary to Edward E. Evans-Pritchard’s (1937) bracketing of “science” as a seemingly socially unconstrained idiom of thought, both Zande divination and contemporary molecular biology are first and foremost situated social practices. As such, both answer not just to abstract standards of internal consistency but to the thoroughly socialized existential concerns of their practitioners and clients as well (Palmié 2007: 206)

In a 2007 article, anthropologist Stephan Palmié described the ‘science’ of genomics as akin to a form of divination, not quite so far from the logic of Zande divination as genomic practitioners might like to think. His point was that the contemporary episteme of molecular scientists was a situated *social* practice, saturated with forms of pre-existing, socialized knowledge production and so its inferences were not the culture-free ‘natural’ biological facts that its practitioners claimed. It follows, I argue, that the episteme of McDowell’s adjudication unit and that of a Zande diviner also operate in similar fashion: inductive inferences are ‘divined’ according to internal standards of socially produced knowledge consistent with the rationales of that episteme. If this perspective holds, McDowell’s ‘Real Facts’ are not quite as value-free – or indeed as far from the modes of knowledge production of some customary practices - as he might wish. Relatedly, the institutional practice of ‘Manifestly Unfounded’ more often than not finds what its episteme predisposes it to find.

My point in making this analogy is not just to lightheartedly underscore how the inductive logic of McDowell’s asylum adjudication unit can be equated with the logic of customary divination as a form of knowledge production. I also want to remind us of the constructed nature of knowledge production in general, and the senses in which some asylum adjudication, particularly when conducted under accelerated procedures, has ironically come to resemble a kind of witchcraft trial. Nigerians and Romanian applicants are among the most numerous applicants in Ireland. And, importantly, both nationalities are discursively associated with the stigma of criminality. For Nigerians, this consists of a miasma of the well-known 419 scams and generalized corruption. For Romanians, much of their stigma is related to the high numbers of Roma Travellers, who like many Irish Travellers are denigrated by an association with criminality, public begging and welfare dependence. For such already-stigmatized asylees, being further subject to accelerated procedures is akin to being accused of being a witch; it is extremely challenging to undo the taint that accompanies the charge, and when combined with the ‘socialized knowledge’ already thought to be ‘known’ about both groups, they often face an

uphill struggle with case adjudicators. Contrary to UNHCR guidelines, which suggests that the burden of proof be shared, the onus in practice lies wholly upon the claimant and claimants from these countries are frequently assumed to be dissembling, if not outright lying. Indeed, as in contemporary witchcraft ‘trials,’ the only element not routinely doubted is a positive confession of guilt:

Witchcraft evidence: To penetrate this secrecy, divination is needed. To be sure about a diviner’s knowledge, however, a confession is required. Given the essential secrecy with which the truth about ‘bitterness’ in the heart is masked, the only truly reliable way of obtaining knowledge about the potential for witchcraft of any particular individual is through their positive confession ... Denials must always be doubted, for what else would a true witch do but deny? Positive confessions, on the other hand, especially because they expose the person making the confession to potentially serious sanctions, are valuable – even if, in fact, they are false or preposterous... Only a positive confession of the desire to do evil can suffice to pre-empt suspicions of that desire ... (Ashforth 2003: 217)

This is not of course to imply that asylum adjudications are easy or straightforward for caseworkers. Much is at stake for both state and claimant as UNHCR-trained lower-level civil servants come to act as refugee experts weighing probability against risk; the probability that the asylee standing before them is telling the truth versus the risk to that asylee (and the State’s moral standing) if they refuse their claim and return them to a situation of danger in their country of origin. Indeed, the Chair of the Canadian Immigration and Refugee Board (2000) once commented that deciding asylum claims is the one of the most complex adjudication functions in contemporary Western societies because of the necessity for the adjudicator to be competent to evaluate the cultural, social and political circumstances of a range of countries of origin, have the fortitude to withstand the psychological toll taken by confronting victims of trauma first hand, withstand the pressure that his/her decision might be fatal to an applicant, and the legal savvy to deal with the subtleties of domestic and international protection mechanisms (Rousseau, et al. 2002).

Beyond a well-documented ‘culture of disbelief’ and ‘refusal mindset’ (Sweeney 2009) among many asylum caseworkers, what is significant about the Refugee Legal Code and UNHCR decision-

making guidelines followed by case-workers and judges is a disturbing approach concerning the ‘knowability’ of truth. UNHCR guidelines direct that: “The burden of proof is discharged by the applicant rendering a truthful account of facts relevant to the claim so that, based on the facts, a proper decision may be reached” (UNHCR 1998: §5). It is hard to imagine how this arguably tautological statement might, in practice, guide one in deciding what is and is not truthful. Indeed, evidentiary law expert William Twining has observed that “fact handling skills are taught less intensively to lawyers than rule handling skills” (quoted in Sweeney 2009: 725) and this, combined with lawyers’ propensity to approach facts as “philosophically unproblematic” (Good 2004: 377) tends to flatten the epistemological complexity of the nature of truth. While Irish caseworkers are trained by UNHCR in procedure, and engage in some staff discussions of case decisions, they likely receive even less formal fact handling training than solicitors.

At a more pragmatic level, as UNHCR acknowledges in its 1998 Note on the Burden of Proof in asylum cases, there has been no EU-level legislation as to the appropriate evidentiary forms and standard of proof to be applied in asylum cases. Its Note provides that: “[w]hatever mechanism may be established for identifying a refugee, the final decision is ultimately made by the adjudicator based on an assessment of the claim put forward by the applicant in order to establish whether or not the individual has established a “well-founded fear of persecution” (1998: §1). So, although UNHCR provides guidelines, each nation-state is relatively free to follow its domestic legislation on this point. Even if it were minded to challenge the implementation of its guidelines, without the backing of EU-level legislation UNHCR is forced to resort to an advocacy position, exhorting adjudicators who must weigh evidentiary concerns to keep in mind that the “ultimate objective of refugee status determination is humanitarian” ... and for this reason caseworkers should not attempt to “*identify refugees as a matter of certainty, but as a matter of likelihood*” (1998: §2; emphasis added). ‘Likelihood’ in theory however, does not seem to be a standard that ORAC and RAT often embrace in practice.

UNHCR also argues that given the particularities of a refugee's situation, adjudicators share the burden of proof or, "the duty to ascertain and evaluate all the relevant facts." This involves the adjudicator being familiar with country of origin information, of "relevant matters of common knowledge, guiding the applicant in providing the relevant information and adequately verifying facts alleged which can be substantiated" (UNHCR 1998: §6). On the contrary, McDowell's Real Facts Statement is disturbing confirmation that the research and epistemological immersion of relevant country of origin information and 'facts' needs to be deepened and anthropologically problematized in Ireland and beyond.

Divining Future Harm

Perhaps the most tragic aspect of the Izevbekhai case is that, despite initially being subjected to accelerated procedures, the case was not refused because she was disbelieved. Pamela's narrative concerning her fear of involuntary FGC being performed on her daughters *was* in fact considered to be credible. Judge Feeney's Opinion in *Izevbekhai & Ors v. Minister for Justice and Law Reform, 2008 [IEHC] 23* makes clear that both ORAC caseworkers and the Refugee Appeals Tribunal (RAT) believed her testimony concerning the death of her daughter Elizabeth following an FGC procedure. Indeed, the Judge made a point of noting that her oral evidence, augmented by a death certificate and an affidavit from an attending physician, Dr. Joseph Unokanjo, was useful. The problem was that the evidence accepted as credible did not speak directly to the Court's central concern. As it turns out, the central legal hurdle was that none of the adjudicators found Pamela's fears regarding the (inductive) possibility of *future* harm to Naomi and Jemima to be credible. Specifically, while all accepted the truth about her first daughter's death, Pamela could not prove to the Court's satisfaction that future harm would come to her other daughters. Judge Feeney expressed it as follows:

The applicants' applications for asylum were rejected on the basis that the Tribunal found that on the present evidence that there was no substantiation of the alleged risk to the applicant or of her children when considered objectively. The history was not disbelieved but rather, *on a forward looking test*, it was deemed that it had not been demonstrated that there was a reasonable degree of likelihood of a well-founded fear of persecution in the future (Feeney 2008: emphasis mine)

This, I argue, is the problem with applying a 'well-founded' legal test to asylum claims and how they come to resemble a divinatory practice. How might one substantiate a fear of future persecution? One can only testify and hope that the adjudicator is capable of divining sincerity and truthfulness. In such material moments we can discern how the protection of the Convention comes disconcertingly to hinge on *fear*, an emotional belief that may not lend itself particularly well to the narrative form of the asylum testimonial or to the inductive techniques of adjudication employed by caseworkers (Blommaert 2001). Beyond the obvious fact that fear is subjective and culturally specific ('rational' reactions to fearful situations are not straightforward for Western-born caseworkers to adjudicate), Martin *et al.* (2007) point out other difficulties in relation to this cornerstone of asylee protection. How exactly *does* one determine when another's fear is well-founded? What constitutes persecution in the post-Europe WWII context? When is the feared harm sufficiently linked to one of the five grounds listed in the 1951 Convention?⁹⁴ What kinds of evidence are necessary to prove the needed facts? In practice, all of these evidentiary questions remain frustratingly imprecise or burdensome given the circumstances that typically precede asylee flight. And, this imprecision is a nightmarish space of unknowability for asylees.

In contrast to other areas of law, asylum decisions are, for the most part, less dependent on an objective assessment of legal issues than on their evidentiary claims. Evidence regarding well-founded

⁹⁴ These grounds are: race, religion, nationality, political opinion or membership in a particular social group.

fear is thus called upon to “perform a bewildering amount of political work” (Malkki 2007: 340) in a legal arena which has failed to develop a body of precise evidentiary principles suitable to the unique context of asylum testimonials (Byrne 2007). In Ireland, the 2003 Immigration Act sought to augment the Refugee Act 1996 by detailing provisions on the assessment of credibility including the specific criteria to be adjudicated in this regard. However, as Mullally notes, these provisions include opaque directions such as assessing “whether or not the applicant provided a ‘full and true’ explanation of how she travelled to the state” and an overwhelming focus on the method of arrival, signaling an adjudicative emphasis on unearthing abuse rather than protection. In keeping with this focus on abuse, credibility assessments must now take account of actions such as the destruction of identity documents – something which smugglers and traffickers routinely demand – despite the fact that under the Convention, being smuggled or trafficked is not supposed to affect one’s legal case for asylum. Much, Mullally frets, “turn[s] ... on how the test of reasonableness is applied by adjudicators and the extent to which the benefit of the doubt is given to the applicant” (Mullally 2003: 150-1).

In a majority of cases asylees cannot produce documentary corroboration of their claimed trauma, and, in the rare case where documentary evidence is available, it is usually difficult to authenticate or assess in terms of relevance or significance (Noll 2000). Generally speaking, an applicant’s oral account constitutes the bulk of the evidentiary basis of a claim; again, displacing the burden of proof almost entirely upon the credibility of the testimony and the narrator herself. In the case of the Irish asylum system, Donncha O’Connell, law lecturer and past Director of the Irish Council for Civil Liberties, has written that “a culture of disbelief pervades the initial interview process and there is a discernible obsession with undermining the credibility of applicants” (O’Connell 2002: 5-6), (see also (Mullally 2001)).

The Case of Maqsood Ahmed

This was the experience of Maqsood Ahmed, a Pakistani gentleman I interviewed who, together with his family, fled a blasphemy indictment in the mid-2000s. His anguish about the denial of his claim following an initial interview was palpable, as was his frustration concerning the perceived hostility of an indisposed caseworker who was markedly ignorant of his country of origin and the particularities concerning the persecution there of his Ahmadi faith:

I could see it you see ... he knew nothing about Pakistan ... he knew nothing about my faith, about my religion ... he knew nothing. ... I could just see his ... uh ... body language the moment I was told that he was going to interview me, that day he was having a very, very bad flu and he was not at all well. He shouldn't have come that day I would say. And I could see this in the way he was questioning me – when I came out I told my wife 'no, it's not going to work' ... I could see it on him, I could smell him (Fieldnotes, Interview with Maqsood, June 2008)

Maqsood had arrived in Dublin Airport three years earlier. When he landed he had to fill in a document stating why here was here, together with the names of his family. A taxi then took him to GNIB's offices. Following the denial of his claim after his initial interview, he filed an appeal in early 2006. For all of 2006 and 2007, he heard nothing, but in early 2008 he was asked to submit his supporting documents. He submitted "a huge file" he told me and then travelled to Dublin to meet for the first time in person with his legal aid barrister and solicitor to go over matters before his 10:30am interview with the Appeals Tribunal. At that meeting, it was terrifying clear to Maqsood that neither of his legal advocates were familiar with his file. His solicitor told him that he would guide him throughout the interview but, Maqsood said, it was he who did the guiding:

They're supposed to provide aid as a public service, but they don't take it seriously. Still, beggars can't be choosers (Fieldnotes, Maqsood Interview, June 10, 2008)

He thanked his dead father for his English lessons because he'd been interviewed in English for several hours, asked what he felt were tricky questions without receiving any help from his legal advocates.

The only positive note he experienced during the entire appeal interview was that, unlike his initial caseworker, this Presiding Officer and Judge were familiar with his country and his faith.

While there are exceptions, unfortunately, Maqsood's experience is far from unusual. As many legal scholars have argued, its prevalence relates to the challenges of the asylum adjudication process and its evidentiary uncertainties. Australian High Court Justice Gleeson has written that "[d]ecisions as to credibility are often based upon *matters of impression* and an unfavourable view taken upon an otherwise minor issue may be decisive."⁹⁵ Graham's work on asylum bureaucrats in Sweden to corroborate Gleeson's point:

Their status as true refugees was called into question if, for example, they were too cheerful or appeared to be enjoying themselves too much. Refugees were often expected to "perform" emotionally in accordance with stereotypes of "appropriate" refugee behavior. A lack of agency and initiative, depression, an undemanding relationship with the authorities, and displays of gratitude were among the expected characteristics (Graham 2003: 209)

Matters are further compounded by the fact that asylum adjudication is most often triangulated between generalized data 'country-of-origin' data, the caseworker's 'horizon of expectations' (concerning the asylee's reasonability, plausibility, demeanor, etc.), and the particular narrative provided by an asylee herself (plausibility, consistency with independent evidence, etc.) (Noll 2005). Translators, interpreters and 'expert evidence' such as medical affidavits, mediate evidentiary communications between adjudicators and applicants, though none of these are subject to formal review mechanisms. Coffey (a clinical psychologist by training), finds that credibility assessments heavily influence the weighing of other independent forms of evidence regardless of their respective

⁹⁵ Re Refugee Review Tribunal; *Ex parte Aala* (2000) 176 ALR 219, 221 (Gleeson CJ) cited in Coffey 2003. (Emphasis added).

probative value (Coffey 2003: 379-80).⁹⁶ He too has cautioned adjudicators about over-reliance on credibility evidence and its role as a vehicle for cultural and gender bias:

Credibility evidence is both conceptually elusive and adjudicatively influential. It occasions considerable ambivalence. The assessment of credibility evidence is acknowledged as a necessary and unavoidable accompaniment to the weighing of a witness's evidence. Nonetheless, evidence regarding the credibility of parties to criminal and administrative proceedings has been criticized as a vehicle for gender and cultural bias and as unreliable in certain circumstances. (Coffey 2003: 377)

Within the asylum adjudicative process then, truth is understood to unfold objectively through a process of successive discovery. To be found credible, asylum seekers' fear-based narratives must adhere to subjective criteria such as 'internal consistency,' 'external credibility' and overall 'plausibility' (Sweeney 2009: 704).⁹⁷ Asylees must also, as UNHCR itself puts it - "bear a considerable burden in relation to the standard of proof required to "create in the judge the *'intime conviction'*" that their allegations are truthful (UNHCR 1998). While caseworkers' subjective assessments of these unwieldy criteria are benchmarked by UNHCR guidelines, the surge in Ireland's asylum refusal rates accompanied by the government's vehement discourse concerning asylee 'bogusness,' suggests that (under accelerated procedures especially) establishing *intime convictions* of asylee fear and truthfulness has become exponentially more difficult, even as ORAC's chaos and under-resourcing was brought under control. I suggested in Chapter One, that Audit conduct and a desire to be in lock-step with the deterrence of other EU member states has been a significant factor in the decrease in Ireland's overall recognition rates. That said, ORAC caseworkers cannot be entirely immune to the pervasive

⁹⁶ Variance in decision-making is not confined to asylum adjudication alone. See Conley and O'Barr for an influential study of variation in decision-making among judges. They write: "in fact, judges vary so much with respect to their views of the law, their manner of dispensing justice and the remedies they provide that it becomes difficult to appreciate that they are operating within the same legal system" (Conley and O'Barr 1988:468)

⁹⁷ Note: Sweeney's work is based on UK law but this point is supported in the case of Ireland (cf. Mullally 2001).

governmental discourse – emanating from the highest levels of their own Department - concerning the abusive deception implicit in ‘bogus’ asylum claims. These overwhelmingly negative associations generate residual sensibilities that can work in unpredictable ways in the context of media pressure and political lobbying in high-profile cases, such as Pamela Izevbekhai’s.

The Politics of Customary Dread Truth or Whose Narrative is it?

In addition to this array of difficulties, asylees lawyers are painfully aware of the evidentiary importance of properly narrating rational fear for a Western audience within the terms of Western-originated protection law. As most NGO workers and asylum lawyers can vouch, many of asylees have little evidentiary ‘proof’ of their persecution, other than their narratives. While, as I suggest above, the credibility of those narratives is pivotal to their case and yet, *truth* it seems, can be surprisingly plastic when (re)formatted within the parameters of legal representation. Bluntly put, the need to script a persuasive appeal which falls within the narrow parameters laid out by the 1951 Convention, asylees at times do not (cannot?) really narrate their own story. The question becomes: is this *untruthful*?

Throughout my fieldwork, stories circulated in hostels and other asylee accommodation centers concerning the purported success of certain types of narratives as well as the failure of others. Beyond the widespread anxiety to counter arbitrary decision-making by ORAC, there are pragmatic reasons why asylees might de-center parts of their own narrative of trauma in favour of elements which will be more persuasive for a Western audience and thus have a more secure success rate. McKinley’s experience as a law student working with clients seeking political asylum in the U.S. produces a reflexive account of what she terms an ‘ineluctably coercive’ legal context (McKinley 1997: 70). The process, she claims, of “translating personal experience into a linguistic framework intelligible for judges and practitioners presents insuperable barriers in accommodating the “truth” of narratives with

the demands of the legal process” (1997: 72). By the end of the testimony preparation of one Zimbabwean client, she writes:

I do not know whether the final version was a result of consensual negotiations of truth and representation, or whether the asymmetries of the situation caused the client to accept their ‘expert’ version – but ... her narrative was not the least bit like what it was before. It became transformed into an ego-centered, plaintive and apolitical testimonial which blamed her parents, professed a material love she decidedly repudiated and personalized the experience of marital rape, bride-price and ‘child’ marriage - all practices to which she had formerly referred in the third person. It was an effective appropriation of voice – indeed, she would most likely not have been granted political asylum on the basis of her original narrative. But the point is, whose narrative was it? (McKinley 1997: 75)

McKinley is, of course, right to ask whose narrative it was, but a question remains concerning truthfulness (Beneduce 2015). By decentering some elements and foregrounding others, is ‘truth’ made to lie? Or, are our epistemological approaches to such questions unsuited for the purpose? Could it be that our continued reliance on unwieldy notions such as fear and our unreasonably high credibility standards together with our extension of sanctuary for certain ‘intolerable’ cultural practices but not others, is more a reflection of the ways our culturalist biases scaffold irresponsibility rather than the alleged bogusness of a majority of asylee claims?

Humanitarian Pet Projects

We must also question the disparity evidenced by asylum regimes when it comes to responses to repugnant customary practices. The over-heated terms of the FGC debate, its relationship to colonial ‘civilizing’ missions, the intense contemporary focus on this practice by Western interest groups, and well-funded but under-examined mandates of international agencies such as Amnesty International, Human Rights Watch, UNICEF, USAID, Irish Aid (not to mention hundreds of local women rights groups) demand that we do not merely engage the already-established terms of this debate, but consider a guiding question of anthropology: ‘why and why now?’ Why (to paraphrase

Berlant (1999)) are so many Western scholars, NGOs, governments and celebrities so obsessed with others' 'offensive' intimate practices? What does it enable in ourselves and what might it disable in others? And, why/how is this particular bodily praxis and the sentiment it generates linked to the regime of the border?

Part of the answer has to do with the Eurocentric design of the 1951 Convention and its 1967 Protocols. Negotiated by the larger European powers to cope with the massive humanitarian question of refugees in Europe after WWII, it understandably reflects the socio-political norms of European society. Although states experience it otherwise, the Convention evolved as series of a politically-savvy compromises, limiting itself to civil and political liberties and straddling both human rights and humanitarianism whilst not "committing fully to the principles of either" (Hathaway 1990). With few exceptions those liberties do not overlap with the issues and fears propelling contemporary African asylum seekers to leave their homes and Western states have carefully preserved this scope for refusal by privileging only certain kinds of fear and suffering.

Such considerations also represent moments when states' attempts to constrict asylum grounds are undone by their histories of entangled imperialism and humanitarianism. Given its historical employment as a pretext for colonial intervention, gendered practices like FGC have a particular traction in the Western imaginary; white men saving brown women from brown men, as Spivak (1988) famously put it. Today, the political traction of cutting continues to birth new structures of contemporary governance and other in situ intervention(s) ranging from missionary to clinical care programs to contemporary eradication campaigns (Hodžić 2017).⁹⁸ Fear of practices such as

⁹⁸ Hodžić's (2017) work on this question in the context of Ghana is exemplary, exploring how efforts to end cutting have affected African men and women as well as what *kind* of problems such efforts have thrown up, and for whom. She writes of the avoidance of poverty and inequality by NGOs which exhibit "concern without care" and the double bind that such politics produce: "NGO workers and civil servants charged with implementing the resulting laws, policies, and sensitization

witchcraft, cannibalism, and ritual sacrifice *do* still have traction too, though most prominently as rehearsals of ‘standardized nightmares’ of the modern state (Comaroff and Comaroff 2006b; Wilson 1951). Lacking the particular governance history of FGC, cultism and witchcraft are problematized differently, eliciting repugnance and disbelief rather than the support and legal precedent which FGC has been afforded within contemporary border regimes.

FGC eradication campaigns might also be said to diagnose an uneven governance ethos. Like many states, Ireland spends millions of Euros (via Irish Aid, UNICEF, Amnesty International, etc.) on eradication campaigns in Africa. But, it has stalled repeatedly on Irish-African NGO attempts to put in place firm domestic legislation which would securely protect the daughters of migrants *in* Ireland from being forcibly subjected to the practice.⁹⁹ Other Western governments have made some domestic provisions against FGC but, with the exception of the US, all have been careful to ensure that this legislation is not interpreted as situating FGC as an *automatic* ground for asylum for fear that it would open the ‘floodgates’. In France, the US, the UK and Sweden, legislation prohibiting FGC has been passed and some European Union member states have gone as far as applying an extraterritorial law designed to prevent parents taking their daughters outside the EU for the procedure. In the US, the Federal Female Genital Mutilation Bill, passed in 1996, is unique in that it offers asylum to any woman forced to undergo FGC or any woman fleeing from fear of forced circumcision. The Council of Europe, in contrast, has only qualified the threat of genital cutting as a

projects also find themselves in a double bind. They are impelled to align themselves with problematizations of northern Ghana that posit cultural pathology and patriarchy as the main sources of the region’s impoverishment and suffering (Hodžić 2017: 3-4).

⁹⁹ In March 2009, in response to inquiries from the media, a government spokesman said legal advice obtained by the Government in 2004 indicated that the practice was *de facto* addressed by the Non-Fatal Offences Against the Person Act 1997, a piece of legislation which anti-FGC groups in Ireland consider entirely inappropriate.

factor that *must be considered* in asylum applications.¹⁰⁰ In a similar vein, UNHCR has been slow to provide firm guidelines on adjudicating FGC cases. The increase in the number of asylee claims being made on this ground, and the enormous amount of political and humanitarian energy devoted to the topic of FGC, finally prompted the publication of an UNHCR Note on the issue in May 2009. Again, this Note is not legally binding upon nation-states and only suggests that FGC *can* be a ground for asylum in its own right.¹⁰¹ For now, although Irish asylum adjudicators in theory consider FGC to be torture and a thus form of persecution, it remains difficult in practice (and especially in light of deficiencies in country-of-origin knowledge among adjudicators) for asylees to *prove* a future fear of FGC. This renders the UNHCR guideline that FGC is an ‘acceptable ground’ for the State to extend its protection rather ineffectual, even if the Irish Government had not continued to stipulate that other requirements of the Convention must *also* be met in order for the FGC-related grounds to be considered.¹⁰²

A significant proportion of lobbying in the Izevbekhai case argued along the lines of highly-visible anti-FGC campaigns funded by human rights interest groups, that FGC is a barbaric cultural practice that is misogynistic and repugnant. As such, they claimed that its victims automatically deserve the right to sanctuary in Ireland. Thus, while I focus primarily here on the double-standards applied to particular customary practices and the lack of legislative clarity in asylum-related evidentiary procedures, I also note an emerging corollary, which is the tendency for sympathetic citizens to retreat

¹⁰⁰ (Source: <http://www.irinnews.org/InDEpthMain.aspx?InDepthId=15&ReportId=62463>) (Emphasis added).

¹⁰¹ (UNHCR Guidance Note on Refugee Claims Relating to Female Genital Mutilation, May 2009) emphasis added.

¹⁰² Moreover, the government’s 2008 Plan of Action on FGM acknowledges that there are currently no publicly available gender guidelines in use by the Office of the Refugee Applications Commissioner in relation to how to process FGC claims from women applicants.

from a position of rights to a logic of compassion, or sentiment-driven humanitarianism, when legal and rights-based arguments fail as they did in this case (Ticktin 2006). This particular convergence of humanitarian ethico-politics with techniques of sovereign statecraft such as border control and immigration legislation requires careful attention, I suggest, because sentimental politics are notoriously fickle. The generalized figure of the asylum seeker may be viewed with pity or compassion as therefore in need of protection, but it needs to always be understood as the bearer of rights precisely because it can so quickly become an object of disgust, outrage and repugnance. This is what happened to the Izevbekhai family as it lost one court hearing after another. Members of the public lost faith in her credibility, sensibilities concerning her right to due process were increasingly subsumed by anger over her perceived deceitfulness, some supporters abandoned them and calls began to grow for the family's immediate deportation.

My broader point here is that beyond the kinds of culturally mediated expressions of liberal outrage that accompany cases of FGC in the West, calls for compassion on this basis become inadvertently complicit in perpetuating an irresponsible adjudicative regime rather than critically engaging its many systemic failures and aporia. In addition to failing to deflect the government's rhetoric of bogusness or to illustrate the shortcomings of the decision-making process itself, these periodic shifts to a logic of compassion run the risk of forsaking a politics of rights secured by transparent, appropriate legislation for one that is opaque and subject to the sentimental caprice of the political moment and the discretion of an often unsympathetic Minister for Justice (cf. Ticktin 2006: 36).

PART II: MINISTERIAL DISCRETION AND DETERIORATING LEGAL NORMS

The Case of Kunle Elunkanlo

Neal's favourite moment of the campaign was sitting with his classmates in the Dáil's visitors gallery as the Minister for Justice defended his conduct over Kunle. "It was great. Six or seven TDs asked questions. The Minister looked up at us and you could see him sweating" (Rigney 2005: 354)

In March 2005, while Minister McDowell was celebrating St. Patrick's Day with an Irish emigrant community in Buenos Aires, an anti-deportation campaign was unfolding on the steps of Leinster House, Ireland's Parliament Buildings. The campaign was organized by a group of high-school students on behalf of Kunle (Olunkunle) Elunkanlo, a Leaving Certificate¹⁰³ student who had been detained on March 14th during a routine sign-in with the local police after school. Kunle and 34 other 'failed' asylees were deported to Lagos, Nigeria later that night. He was still wearing his school uniform, had no money with him and had been unable to contact his lawyer or any relatives during his interim detention at Cloverhill Prison.

Upon his return from Buenos Aires, Minister McDowell spoke with reporters insisting once again that Ireland had the highest standard of asylum protection. Kunle's case, he said, had been rejected by two separate independent tribunals (ORAC and RAT) and Kunle had had the benefit of legal aid throughout the process, as well as a generous education during the three-years it took to process his application in Ireland. Although he acknowledged Kunle was unfortunate to have aged-out of the category of 'unaccompanied minor,' (thereby becoming eligible for deportation) the Minister insisted the decision had been correct and that making exceptions in the case of 'orphans' would render the asylum process 'chaotic.'

¹⁰³ This is the final exam of the Irish secondary school system and a university matriculation exam.

Two days later however, McDowell (who had subsequently been described in the media as “Ireland’s only living heart donor”)¹⁰⁴ reversed his decision, granting Kunle permission to return and a six-month visa to remain in Ireland in order to complete his Leaving Certificate examination. The Minister’s unprecedented decision to reverse Kunle’s deportation order was greeted as a triumph of communitarian protest ... of “people power ... brought to bear upon the Government” as one opposition member put it.¹⁰⁵ While Kunle’s supporters justly celebrated their achievement, for some legal observers, the case contained worrying revelations concerning the workings of the more clandestine elements of Ireland’s asylum regime; such as the organized legal helplessness of deportees, the normalization of irresponsibility for that and other harms following Kunle’s return, and lastly, renewed concern over Ministerial Discretion as a legal form.

Kunle had been detained during a routine sign-in at Burgh Quay Garda Station. He spent the night at Cloverhill Prison, and the next evening was flown with 34 other deportees to Lagos, Nigeria. His classmates knew nothing until they read of the deportation in the national newspapers the following morning. Later that day, Neal Burke (one of the anti-deportation campaign’s subsequent leaders), received a phone call from Kunle. “When he rang from Nigeria, we couldn’t believe it” he said. “He rang while I was at school and I told everyone about it. We were in shock” (Rigney 2005). Upon arrival in Lagos, Kunle was held in Alagbon Prison. He was released shortly thereafter but, once he ventured out upon the streets, misfortune descended again. He emailed his friends a plea for help:

I left the prison and had nowhere to go. In the process of walking around, I ran into some gangsters who thought I had money on me. I was attacked and molested ... my

¹⁰⁴ See Phillip Boucher-Hays interview with Rachel English on Five Seven Live, RTÉ, March 24, 2005.

¹⁰⁵ Mr. J. Higgins speaking on the campaign of support by Kunle’s school friends to members of the Dáil (Irish Parliament) on March 22, 2005 (Dáil-Debates 2005).

clothes are torn, I'm starving and have no medication for injuries I have sustained ... Please, I have nothing doing here. I need to go back to Dublin to finish my studies. I therefore need your support and solidarity towards bringing me back to Dublin as I'm wasting here in Nigeria¹⁰⁶

That evening the students sprang into action. "We decided to do something, so we got a group to march on the Dáil. We painted a load of banners and went off" (O'Brien 2005). The campaign was surprisingly media savvy; while outside the Dáil, teenagers lobbied politicians to support their campaign. In response, Socialist TD Joe Higgins helped the students gain access to radio stations and this in turn provided national coverage for their demonstration the following day. Back home in Palmerstown, they appealed for help from the community. "We held a public meeting in the school and about 150 came. It was the whole school, Kunle's workmates, people who knew him from the shop where he worked and people who just wanted to help" (O'Brien 2005). They drew up an action plan, got people to write letters to local councillors and local radio stations and starting getting interviews on local and national radio.

The Minister Did Not Examine the File

One might well ask why this particular campaign was successful. After all, numerous anti-deportation protests have taken place in Ireland; some had even managed to stave off deportation, but none had ever succeeded in returning a deportee. At first, noted one journalist, "this [campaign] didn't look any different."

Then something strange started to happen. The students kept banging away, showing a surprising level of media savvy. Parents and teachers turned out on their demonstrations. The public, more accustomed to youthful apathy towards politics, was intrigued (Cullen 2005)

¹⁰⁶ Email text published in Irish Times March 18, 2005 (O'Brien 2005).

In the ensuing media flurry, Minister McDowell appeared in the Dáil on the 22nd of March to answer questions regarding his department's treatment of Kunle's case. As Neal and his fellow campaigners watched from the visitor's gallery, Minister McDowell 'sweated' under Opposition Ministers' charges that the circumstances surrounding Kunle's deportation were "particularly cruel and callous" (Dáil-Debates 2005: 1230). Minister Higgins who had assisted the students' campaign took the floor:

I first heard the name Olunkunle Elunkanlo on Monday, 15 March when I saw descending on Leinster House 60 Leaving Certificate students from Palmerstown community school who were upset, worried and angry that their friend had been snatched from their company without even having time to say goodbye. He was dumped, a term I use advisedly, in Lagos without identity papers, money, family, a place to go or someone on whom to fall back. These circumstances in themselves constitute callous negligence by the State. Lagos is an extremely precarious place for working class and poor people generally and especially for a completely lost young man in the uniform of his school. We are fortunate today that we are not here today to mourn Olunkunle as he was assaulted in an attack which could have been even worse.

I salute the students of Palmerstown community school for their solidarity and loyalty to their friend. They have come in large numbers with their teachers to the Public Gallery hoping the Minister for Justice, Equality and Law Reform will exercise compassion. They stand tall in contrast to comments in some media outlets that Irish youth is generally self-centered, cynical and callous. ... Supporters of Olunkunle are examining whether there are legal grounds to challenge his deportation. While they may go to the High Court, people power must be brought to bear on the Government to ensure he is allowed to continue his studies. (Dáil-Debates 2005: 1234)

If the Minister could deport a 19-year-old schoolboy, in his school uniform, three months prior to his examinations ... "what [then] is the logic of the State making relatively generous provision to allow unaccompanied minors to study here?" asked the Opposition (Ibid: 1234).¹⁰⁷ There was, they asserted, extensive evidence that "the young man in question had integrated extraordinarily well into his community and his school. He was working on a part-time basis and paying for his room. He had earned the esteem and friendship of teachers and students at Pobalscoil Iosolde in Palmerstown"

¹⁰⁷ Reports of Kunle's age varied. Some referred to him as 19 and others as 20 years old.

(Dáil-Debates 2005: 1231). While Kunle's supporters in the Public Gallery may not have recognized the import of these specific points, the Opposition was in fact citing grounds within §3.6 of Immigration Act 1999 which the Minister was legally bound to consider before deporting someone.

These included:

- the age of the person
- the duration of residence in the State of the person
- the family and domestic circumstances of the person
- the employment record and prospects of the person
- the character and conduct of the person
- humanitarian considerations
- any representations made by or on behalf of the person
- the Common Good
- considerations of national security and public policy

Kunle, with his good academic record, part-time job and supporters from his school and community ticked many of those boxes. His case had taken a long time to finalize and he had been in the state for several years. He only became eligible for deportation when he 'aged out' by turning 20, three months before he was due to sit his exams. Humanitarian consideration would reasonably seem to have been warranted.

Although journalists would later note that "he didn't seem to be on top of his game" (Cullen 2005), Minister McDowell began his response by noting that it was not policy to reveal the personal details of cases of individual applicants (Dáil-Debates 2005: 1236). He then proceeded to dispute important details about Kunle's case that had caught the media's attention: Kunle's age, whether he had been deported while wearing his school uniform, whether he had been offered an opportunity to seek legal advice prior to being deported, or a chance to collect his belongings. McDowell declared

that “the person concerned” had declined these offers. He disputed that Kunle had been dumped, adding that a Garda advance party had been in place in Lagos to assist arriving deportees and that upon disembarkation, “they could [have contacted] them through the Nigerian immigration authorities ...” (Dáil-Debates 2005: 1237). As the Minister ponderously outlined the legal procedures followed during Kunle’s case, he was suddenly interrupted by Minister Burton, who charged that “The minister did not examine the file!” McDowell tried to continue with his account, but Minister Burton persisted, repeating over and over, “the Minister never examined the file”, “the Minister never examined the file at any stage”, “The Minister never examined the file” (Dáil-Debates 2005: 1237-1240). McDowell finally retorted that “the deputy should acquaint herself with the Carltona principle,” a rejoinder which was taken by many as his admission that a senior civil servant and not the Minister himself had been responsible for Kunle’s deportation.¹⁰⁸

Rather than being rendered voiceless by being deported from the state, Kunle was busy giving telephone interviews from Lagos. “Everything was going on, and the media started to get in touch with me. A photographer was even sent to take my picture.” (Rigney 2005). Following Minister McDowell’s disastrous Dáil question and answer session, a national news programme, Five Seven Live, broadcast segments of the Minister’s speech on-air, while Kunle participated by phone from Lagos, rebutting point-by-point the Minister’s account of the facts of the case. No, he had not been able to access legal aid while in Cloverhill Prison; yes, he was still wearing his uniform; no, there had not been any Gardaí there to help when he arrived; yes, he had been jailed in Lagos and later attacked; and no – he didn’t have any money with him. None of it reflected well on the Minister for Justice.

¹⁰⁸ This principle is a UK principle which holds that acts of departmental officials may be considered to be synonymous with the actions of their minister.

Excessive Legislative Power And Disaggregating Responsibility

The next morning, Minister McDowell announced to the media that he believed Kunle's deportation decision was "not publicly perceived as a fair decision" and that he had decided to allow Kunle to come back on a six-month temporary visa so that he might complete his exams. In his statement however, he persisted with language suggesting that he and not one of his officials had been the one to decide Kunle's case

"I did this because having looked at the situation afresh, I came to the conclusion that it was a little bit harsh as a decision in the way it fell out. I think that if I had a second chance to think about the matter I'd have given him enough time to do his leaving cert. I could have done that and I should have done that. Therefore I decided that the right thing to do in the circumstances is to stop digging and to let him come back" (English 2005: my transcription).



Image 3: Students Protest Kunle's Deportation (Source: <http://www.indymedia.ie/attachments/mar2005/2dscn0081xpioneermar23.jpg>)

The Minister's willingness to undo a perceived unfairness is laudable. It is rare that deportees are readmitted without the legal motivation of a court-order. Yet, McDowell's critics persisted. Why not be transparent about the extent of the use of the Carltona Principle in his Department, especially on such crucial legal processes as Deportation Orders? If he had not signed this unfair Deportation Order, who had? How many other questionable deportations might this person have been involved in? Once again, DJELR's culture of unjustifiable secrecy and the unknown boundaries of Ministerial Discretion gave rise to significant discontent among human and civil rights advocates. Beyond the opacities that disaggregating Ministerial responsibility under Carltona legally facilitates, there is the ever-present anxiety over the excessive legislative power contained in the form of Ministerial Discretion.

This breadth of power afforded the Minister for Justice when it comes to deportation had even unsettled the Irish courts briefly. In 1999, the power to deport was removed from the government by the courts in an attempt to force it to properly legislate this power. Before the 1996 Refugee Act was fully enacted, the High Court struck down the Minister's authority to deport in *Laurentiu v. Minister for Justice, Equality and Law Reform* ILRM [1999] 1, holding that in the absence of general principles having been set out for issuing such orders, Section 5(1)(e) of the Aliens Act, 1935 and Article 13(1) of the Aliens Order, 1946) constituted an "excessive delegation of legislative powers to the Minister, contrary to Article 15.2 of the Constitution" (Mullally 2001: 21). The *Laurentiu* High Court judgment led to a suspension of all deportations, provoking an uncommonly swift legislative reaction from the Government. The 1999 Immigration Act was enacted, restoring the power to issue deportation orders and setting out the grounds on which such orders could be made. (Notably, the passing of this legislation by former DJELR Minister O'Donoghue was used as an opportunity to amend the 1996 Refugee Act (not yet fully in force) in order to incorporate accelerated procedures).

Policing, Legal Norms And Irresponsibility: Cloverhill Prison

If DJELR was viewed by the public as having acted in a clandestine and exceptional manner throughout Kunle’s case, the actions of its immigration enforcement arm, Garda National Immigration Bureau (GNIB) were exposed as borderline rogue. On the March 14/15 flight that expelled Kunle, two other Nigerian mothers, Elizabeth Odunsi and Iyabo Nwanze, were also deported, leaving behind some of their children which GNIB had tried and failed to locate. It had, reportedly “stormed” into one classroom at Our Lady’s Bower in Athlone throwing students there into chaos.¹⁰⁹ Ten days later, six Nigerian children (including an 8-year old, an 11-year old, a 14-year old and an 18-year old) were rumored to still be in hiding from GNIB. Their flight and Kunle’s rebuttal of the Minister’s narrative of his arrest and of GNIB’s denial of key legal safeguards (such as access to legal aid, money, and assistance upon return to Lagos) served to materially emphasize for the Irish public how, for many, “fairness” in the form of accessible asylee rights was not always available in practice.

The publicity surrounding Kunle’s experience also reminded the Irish public that, as with the early al Gutrani case, the state continued to covertly incarcerate asylees as a part of their management and administration. Indeed, since al Gutrani’s time, incarceration has been excused as an ad hoc administrative practice, effectively normalizing the use of prisons and detention centers despite the many critiques of prison oversight bodies that prisons are highly inappropriate spaces for immigrants.¹¹⁰ Cloverhill Prison, where Kunle was detained, is a remand center built in 2000. In 2005,

¹⁰⁹ RTÉ News, 26 March 2005: Six Nigerian Children in Hiding in Athlone.

¹¹⁰ The incarceration of immigration detainees in Irish prisons has been repeatedly criticised by authorities including the Council of Europe, the Inspector of Prisons and Places of Detention, the Visiting Committees of the establishments concerned and the National Prison Chaplains. Kelly’s finding confirm “that prisons are, by definition, inappropriate places in which to hold immigration

an investigation into Cloverhill's immigration-related detention was released, elaborating what it viewed as a serious deterioration in legal norms, especially those relating to immigrant/asylee inmates.

They were described as:

a particularly disadvantaged group – away from the public eye they may not have access to services which have been made available for immigrants, they may not be made aware of their rights and entitlements or may not be able to exercise them because of language and or literacy difficulties ... [t]hese issues are compounded for detainees who are not entitled to legal aid (Kelly 2005: 2)

Immigration-related detention was also far more extensive than imagined; between 2003-2004, the state had detained almost 3,000 people for immigration-related reasons.¹¹¹ Detainees at Cloverhill were integrated with suspected criminals, held in overcrowded conditions – three to an 11m square cell – and the men remained on lockdown for more than seventeen hours a day (Kelly 2005: 8). The investigation was particularly critical of the legal framework applicable to immigration-related detainees, including formal legal safeguards. Its author, Mark Kelly, found that”

... as matters stand, Irish law and practice do not adequately protect the rights of people refused permission to land and people detained pending deportation. Thus, while legislative safeguards exist *in theory*, in practice detainees were not being informed by Gardaí of their right to challenge the legality of their detention. Furthermore, the report notes that the law does not recognize their rights to inform a person of their choice of their situation, to have access to a lawyer and to have access to medical care (Kelly 2005: 6)

Thus far, the violations that have emerged at Cloverhill are primarily rights issues, and do not approach the kinds of physical abuse documented at more notorious Red Cross camps like Sangatte,¹¹² or Roissy (Ticktin 2005: 356). Still, the practical suspensions of rights in the form of flouted safeguards and the

detainees” and stresses that where it is deemed necessary to deprive people of their liberty that they should be accommodated in centers designed for that purpose (Kelly 2005: 8).

¹¹¹ 2,798 to be exact.

¹¹² Which was ordered to close in 2002 by Sarkosy.

failure to legally provide for inmate rights to legal and medical aid amount to serious absences of legal responsibility; in other words, state *irresponsibility*.

Here, I depart from Ticktin's work on French asylum which describes the state as policing asylees at the "expense of legal norms." While French immigration-related policing infractions are symptomatic of a disregard of legal norms, the Irish case suggests that existing legal norms have actually underwritten much of the DJELR/GNIB irresponsibilization which occurs here. At the individual level, we might wish to ask whether prison officers and police suffer any sanction for failing to extend the full panoply of available rights to detainees, but the more important question resides at the structural level: Why does the government *persist* in detaining immigrants and asylees in carceral spaces adjudged by multiple expert bodies to be unable to provide appropriate access to the rights available under existing law?

Such reports are commissioned at great expense to the Irish taxpayer, yet the practical and legal improvements suggested therein routinely remain unimplemented, raising once more the specter of the state's power to suspend the political life of its supplicants - not through a state of exception as imagined by Agamben (2008), but through legal irresponsibility. While its membership of the EU and various international legal treaties means that the Irish government cannot always enact its sovereign will as it would like, the combined deterioration of some legal norms and absence/non-enforcement of others affords it access to this significant (domestic) space of legal irresponsibility. Why are such spaces permitted to exist? Hathaway would say it is because the state's pursuit of its own self-interest has always been the determining factor in shaping refugee law since WWII (Hathaway 1990: 132-33).

PART III: LIBERAL COMPASSION AND THE IRRESPONSIBILITY OF DISCRETION

Petitioning for the Special Case

As the high profile of the Izevbekhai and Elunkanlo cases suggests, there has been extensive public engagement with the underlying issues; of involuntary FGC and with perceptions of a lack of fairness and transparency within the Irish asylum system – particularly for Nigerians. However, underlying the engagement of the Irish public on behalf of both of these Nigerian applicants is a troubling liberal impulse to call upon the state to use its discretion to make a legal exception – essentially to use what I have been highlighting as a form of legal irresponsibility – on their behalf. Let Them Stay, the campaign agitating for the Izevbekhai family to stay has been well organized, attracting the support of famous Irish authors like Roddy Doyle, as well as senior figures in the Irish and Nigerian governments. In November 2008, the former President of Ireland (1990-1997) and United Nations High Commissioner for Human Rights (1997-2002), Dr. Mary Robinson, spoke publicly about the Izevbekhai situation urging a “sympathetic response” in a case which, she said, “raised issues for the immigration authorities.”¹¹³ Colm O’Gorman, director of Amnesty International Ireland, told the media: “It seems very clear to us the Government cannot be credible on gender-based violence if it fails to recognise this case and if the Minister for Justice doesn’t *use discretion* to allow Pamela to stay here.”¹¹⁴ Allan Shatter, a prominent member of Fine Gael who would later become Minister of DJELR, suggested that the Izevbekhai claim should be treated as a “special case”

¹¹³ “Robinson Fears On Deportation Threat To Family” Nov 18, 2008. *Irish Examiner*, <http://archives.tcm.ie/irishexaminer/2008/11/18/story77732.asp> (Accessed 12/21/2009) (emphasis added).

¹¹⁴ (Ibid).

because of her “genuine fears for her daughters.” The case should be taken out of the courts, he said, and a “humanitarian approach” adopted instead.¹¹⁵

Both the Irish and Nigerian governments have denied Pamela’s claim that FGC remains a relatively common practice in Nigeria and that her daughters would be at risk if they were deported. In fact, the Nigerian Ambassador to Ireland, Kefamo Chikwe, publicly chastised Izevbekhai for “selfishly disparaging Nigeria” with stories about FGC. Appearing on RTÉ’s *Would You Believe?* programme, the ambassador claimed that the practice of FGC was “an issue of no significance” in Nigeria. “[Pamela Izevbekhai] has dented the image of the country and made it look like a barbaric country. FGM happens to be an ancient practice that is no longer in the consciousness of Nigerians. It is something that is completely insignificant in the present Nigerian culture.”¹¹⁶ When confronted with a report submitted to the UN by the Nigerian government that claimed up to 40% of women in Nigeria had been subjected to the practice, Ambassador Chikwe responded: “whoever wrote that report is lying about Nigeria and is not patriotic. They are doing it for a purpose. I can assure you whoever wrote this report thought that it would be a way of attracting UN funds and that is the truth.”¹¹⁷ Ambassador Chikwe was herself publicly contradicted by Irish missionaries working in Nigeria, who wrote to highlight the fact that the Irish state’s own human rights research (i.e., research funded by the Irish Dept. of Foreign Affairs) had found conclusive proof that FGC is still prevalent

¹¹⁵ “FG backs Family in Deportation Case,” December 18, 2008. *Irish Independent*, <http://www.independent.ie/national-news/fg-backs-family-in-deportation-case-1578889.html> (Accessed 12/21/2009), (emphasis added).

¹¹⁶ *Irish Catholic*, Ken Whelan, “Missionaries Contradict Nigerian FGM Claims” <http://www.irishcatholic.ie/d5/content/missionaries-contradict-nigerian-fgm-claims> (Accessed 12/21/09).

¹¹⁷ *Times Online*, March 2009, John Mooney, “Nigeria Ready To Take Stand Over Genital Mutilation Claim,” *The Sunday Times*, <http://www.timesonline.co.uk/to1/news/world/ireland/article5950490.ece> (emphasis added).

in the State of Eboyni in Eastern Nigeria, close to where Pamela lived.¹¹⁸ Amnesty International's executive director Colm O'Gorman intervened again, dismissing Ambassador's Chikwe's claims as "bizarre and not credible."

Frankly, it is staggering. It is extraordinary that Nigeria can say one thing to the UN and then completely dismiss it. If we are to take what she is saying at face value, she is saying that an attempt was made by Nigeria to fraudulently obtain money from the UN. Nigeria has said before the UN in 2006 that up to one-third of all women and girls in Nigeria - that is about 27 million women and girls - have been subjected to FGM. The figures show that is in no way restricted to the traditional communities or on the fringes. In some parts of Nigeria it is as low as 2 per cent but in other areas it is as high as 65 per cent. It is a problem that seems to be very significant and it is something Amnesty is working at on a global level¹¹⁹

The Irish state had denied Pamela Izevbekhai's asylum claim on the grounds that her fear of FGC was not well-founded because the Courts believed the government's claim that FGC had been eradicated in Nigeria and would not be a danger to her daughters in future. It took this legal position despite evidence from its own researchers in Nigeria that this was not the case, and evidence submitted to the UN by the Nigerian government itself. Whose 'knowledge productions' are to be heeded in such situations?

Epilogue: Kunle Elunkanlo And Pamela Izevbekhai

Less than a week after the exchange between Amnesty and the Nigerian Ambassador, the Irish Independent newspaper ran an exclusive: "Deportation Case Mother Had Fake Baby Death Papers,

¹¹⁸ *Irish Catholic*, Ken Whelan, "Missionaries Contradict Nigerian FGM Claims" <http://www.irishcatholic.ie/d5/content/missionaries-contradict-nigerian-fgm-claims> (Accessed 12/21/09).

¹¹⁹ *Irish Catholic*, Ken Whelan, "Missionaries Contradict Nigerian FGM Claims" <http://www.irishcatholic.ie/d5/content/missionaries-contradict-nigerian-fgm-claims> (Accessed 12/21/09).

Inquiry Told.”¹²⁰ The Irish government had taken the extraordinary step of sending two investigators to Lagos to examine details of Izevbekhai’s claim. They contacted the obstetrician who was alleged to have provided expert evidence in her asylum case and he claimed that the affidavit was a forgery. He also told police that he could confirm that no baby called Elizabeth Izevbekhai had ever been delivered at Isioma Hospital in Lagos and offered to confirm other details of the case but asked for payment (€5,000, allegedly) from the Irish government before doing so.

Once that news broke in the Irish media, Tony Izevbekhai confessed to his wife that he had been unable to obtain authentic documents because the doctors in question demanded huge payments in return. He claimed he was forced to turn to forgeries in order to send the appropriate documents to support Pamela’s court case in Ireland. Pamela claimed that she had not known the documents were fake and continued to insist that her eldest daughter Elizabeth had died as a result of a botched FGC procedure. Solicitors for the State claimed that her case had proceeded on “a lie so fundamental that it should be struck out” and her own solicitor, Gabriel Toolan, filed an application to cease acting on her behalf.¹²¹

Kunle Elunkunlo passed his Leaving Certificate exams with enough points to enter an engineering course in Greenhills College, Dublin. He continued to have ‘encounters’ with the Gardaí, and was pulled over on at least one occasion while driving without the appropriate paperwork. A few months after he began his engineering course, DJELR issued a second Deportation Order in his name. When he last appeared in the Irish media, Kunle had had a child with his Irish girlfriend and solicitors

120 (Brady, Tom, March 27, 2009, <http://www.independent.ie/national-news/deportation-case-mother-had-fake-baby-death-papers-inquiry-told-1688446.html> (Date Accessed 12/21/09)

121 McDonald, Dearbhail, April 4, 2009, Irish Independent “Pam gets two weeks to prove she’s not lying” <http://www.independent.ie/national-news/courts/pamela-gets-two-weeks-to-prove-she-has-not-lied-1698068.html?>

for his son Adam were appealing his deportation on behalf of Adam's right to enjoy a familial relationship with Kunle. Solicitors for DJELR noted their frustration that Elunkanlo had not revealed his relationship with his girlfriend to DJELR, accusing him of fathering a child in an attempt to stave off his deportation order.¹²²

When I last met with Maqsood, his main worry was for his youngest daughter who had internalized the stress the entire family endured during his initial indictment for blasphemy, the family's flight to Ireland and the lengthy adjudication of his case. She suffered from night terrors and was now in need of therapy. Maqsood and his family did finally receive refugee status.

CONCLUSION

Let us remember that a bogus asylum seeker is not equivalent to a criminal and that an unsuccessful asylum application is not equivalent to a bogus one (Kofi Annan, Remarks in Stockholm, 29 Jan 2001)

Although the Courts had never relied upon the post-mortem evidence concerning Elizabeth's death - rejecting Pamela's case because she failed to demonstrate a well-founded *future* fear for her other daughters – DJELR now capitalized upon the political moment by insisting that the Izevbekhai forgeries vindicated ORAC's low recognition rates. ORAC and the Courts had refused Pamela Izevbekhai and – not unlike a Zande diviner – now argued that the post hoc evidence of forgery meant that their initial decision to refuse her had been right.

¹²² Irish Times, April 7, 2006 "Court Reserves Judgement on Nigerian Student's Deportation Appeal" <https://www.irishtimes.com/newspaper/archive/2006/0407/Pg004.html#Ar00404>

I have analogized the logic of accelerated procedures to that of a witchcraft accusation, which once levelled cannot be undone except by through a confession of guilt. Within the accusatory logic of its accelerated procedures, DJELR translates its legal evaluation of Izevbekhai's evidence as insufficiently credible into a moral evaluation of Pamela herself, divining her to be a discredited subject. This episteme wherein forms of customary dread are dismissed and unfamiliar ethnocultural forms are considered to be apriori bogus has played a central role in the divination of particular groups of asylees as perpetually discreditable, a legal harm which has been rhetorically deployed to justify other irresponsibilities such as the government's failure to address shortcomings in evidentiary legal norms and stringent approach to narrative credibility.

The complicated issue of tolerance for certain cultural practices versus intolerance for others represents a significant legislative challenge for liberal governments. But rather than engaging this challenge through debate, review, and an enhancement of rights-based protections, the Irish asylum system has embraced procedures which are primarily aimed at the prevention of imagined abuse by so-called 'bogus' claimants (Mullally 2003). The government's contradictory approach to the question of FGC, for example, can arguably be read as a reluctance to solidify its apparent moral certitude that FGC infringes a woman's human rights, and is a legislative inconsistency that underscores the work of legal irresponsibility within asylum governance. The aporia within and weakening of existing rights-based protection legislation is furthered by a continued reliance on outdated, Eurocentric fears that reflect our own 'standardized nightmares' and the history of our imperialist past. Requirements to script persuasive legal appeals which fall within the narrow parameters laid out by the 1951 Convention has been shown to be 'ineluctably coercive' (McKinley 1997: 70) and highly unaccommodating of the truth as it is experienced by contemporary African asylees.

As the experience of Maqsood indicates, the oscillation of contradictory sentiment (compassion, disbelief, skepticism, hostility, fear and anxiety) experienced by caseworkers themselves plays an

under-examined role in the consistently high refusal rates and pervasive discourse of bogusness emerging in Ireland, the EU, Australia and, most recently, Canada. Among the Irish public, Izevbekhai's case generated a range of contradictory imaginaries: she was at once an object of compassion (fearful mother/victim of a repugnant cultural practice) *and* a figure of disgust (liar, stigmatized Nigerian asylee suspected of economic motives). As the Izevbekhai case underwent appeal after appeal, many in the human rights community in Ireland called for the government to take the case out of the courts and use compassion, sympathy and discretion to simply grant her the right to remain in Ireland. This politics of sentiment, while well-intentioned (and often the only remedy available to certain asylees), is dangerously fickle, as the scapegoating of asylum seekers during every economic downturn demonstrates. Ultimately, the turn to humanitarianism disguises the irresponsibilization and other shortcomings of Ireland's increasingly securitized border regime, distracting from the persistent question of whether the contradictions within liberal approaches undermine the very systems that were designed to protect asylum seekers in the first place (Coutin 2001: 64). It displaces critical attention from the role being played by the law in *constituting* asylees as (un)worthy political subjects and (im)moral beings, contributing to the complacent belief that if asylees do not succeed in convincing adjudicators of their claims, they are *de facto* bogus claimants.

Invoking compassion also gives the government license to claim that it *is* compassionate - a generous donor of aid to development and human rights causes abroad - even as it continues to interpret the 1951 Convention and its own Refugee Act (1996) in the most restrictive sense. It can claim to be compassionate even though it continually refused to publish statistics on asylum appeals decisions or to make these decisions and their rationales available to the legal aid solicitors, a concern which had to be challenged in court by a member of the appeals boards who had grown concerned about the discrepancies in decision-making between fellow judges (Lentin and McVeigh 2006: 45). This lack of transparency combined with an expansive power of discretion contributes to the sense of

arbitrary decision-making that is so keenly experienced by asylum seekers and their supporters. As one NGO worker commented to me: “I’ve seen cases which shouldn’t have had a prayer be successful, and others which seem clear cut, get refused. No-one understands why.” [Fieldnotes, Interview with Gearóid, 2003]. The sense that two cases with identical criteria cannot be assured of identical outcomes foments a kind of quiet desperation among asylees and this, in turn, creates testimonial difficulties in their interviews.

The reality of being a country of destination which must maintain its sovereign borders in new ways suggests that liberal governments may have to “open [themselves] to the fact that under conditions of ongoing violence people will take recourse to many ways of escaping that violence” using “methods of escape” that states currently do not define as legal (Das 2007: 334). While this need not require that we be agnostic about the issue of truthful testimony, contemporary politico-legal realities demand that we acknowledge the fact that many asylees are forced to “convert the psychic trauma of impoverishment and hopelessness into a performed psychic trauma of formulaic political [or, cultural] violence” (Malkki 2007: 341). They are forced by our outdated legal definitions, our narrow system of asylee rights and our many spaces of legal irresponsibility.

The question is whether today's politics of immigration in Europe are ultimately about the neoliberal economic policies of the EU, or whether xenophobia has a logic of its own that cannot be reduced to some form of exploitation (Fassin and Surkis 2010: 487-505)

PART I: PROTEST LANDSCAPE

Vignette No. 1: Still, i Rise ...

Though it was almost mid-June, it was grey and still cold enough to need our motorcycle jackets. I had been co-teaching an Active Citizenship training class to a handful of asylum-seekers, immigrants, Travellers and other locals at a nearby women's center in Árd na Carraig, a new, predominantly immigrant, housing estate that had developed quickly and promiscuously over suburban fields that had, until recently, been farmland.¹²³¹²⁴ Public transportation in the area was still sparse and Pádraig had kindly offered me a ride home on his motorbike.¹²⁵ We geared up, threading our way past the neglected green spaces of the estate before debouching onto the Dublin Road, a

¹²³ Active Citizenship is an element of a democracy renewal project which was introduced during the fieldwork period and disseminated among Longford NGOs by Partnership for Social Justice, based in Dublin. The latter conducted peer-based Active Citizenship trainings in the region, focusing particularly on low-income and working-class elements in Irish society and encouraging them to agentively engage with municipal and national governance structure and politics in order to enhance their democratic participation.

¹²⁴ Within the bounds of Longford County, place names are pseudonyms. Although new, the estate was from its inception poorly managed by its private developer and the scrubby grass at its core was so overgrown that local Traveller and asylee children could only use it, their parents told me, to play hide and seek.

¹²⁵ All fieldwork interviewee names used are pseudonyms and some area names have been omitted or changed to protect the identity of my informants.

main transportation artery connecting the midlands town of Longford with the capital city, 80 miles to its southeast. The bike's small engine strained as we sped past weathered houses that had long since yielded to the mossy inevitability of Ireland's damp climate before dipping down towards the old railway bridge that served informally to demarcate the town's southern boundary. Suddenly, a splash of color caught my eye and I tapped Pádraig on the side of his helmet, indicating I wanted to stop. He braked, gearing the engine down before circling back for a second look. Adorning the cinder-block walls adjacent to the bridge trestles was a larger-than-life image of the West Coast rapper, Tupac Shakur. Depicted with his trademark bandana and oversized diamond earring, Shakur's name was painted in stylized black lettering emblazoned with red tips. To the right, a tag defiantly declared "Still, i Rise ..." its ellipsis trailing like a promise towards the edge of the town.¹²⁶ Referencing Shakur's bleak genuflection to Maya Angelou's anthemic refusal of American racism, the image had appeared on the wall in the aftermath of the June 11th Citizenship Referendum.

As an allusion, the portrait was historically dense and contextually complex. All the sexy sassiness of Angelou's 'dream and hope of the slave' had been leached out in Shakur's desolate narrative of contemporary African American poverty and violence and I wondered about its resonance in the post-Referendum Longford context. How might locals read it? Would they apprehend the polysemous meaning of the tag or would its dense signaling be swamped by the seeming insurgency underwriting the invocation? I probed gently for Pádraig's reaction. He took it under silent consideration, lighting up a cigarette and taking several long, hard drags as he looked over the image. I waited for him, pulling my camera out of my pack and snapping off a few pictures before tucking it

¹²⁶ 'Still i Rise' is the title of a Tupac Shakur song, written as homage to Maya Angelou's 1978 poem of the same name. But, the title is also used by other refugee-related groups. In 2018, an independent international NGO entitled 'Still I Rise' was founded in Greece (later in Syria, Turkey and Kenya) to educate children in the camps on Samos, in Gaziantep, and in Ma'an (<https://www.stillirisengo.org/en/about-us/they-talk-about-us/>).

back in. “Well?” I finally prompted. “It’s a threat” he replied evenly, exhaling a long stream of smoke in Shakur’s direction. “It feels threatening.” Taking a final deep pull before stamping out the cigarette’s remains, he tugged his helmet on before signaling with a jerk of his head that he was ready to leave.



Image 4: Still, i Rise. Photo by A. Tormey

Vignette No. 2: Sequestered Effigy

It was a scene reminiscent of the darkest days of the Klu Klux Klan. But this was not America’s deep South – it was Longford ... *Sunday Independent, June 20*, (Bradley 2004b: 7)

Within a day the local county council had concealed the ‘Still, i Rise’ tag beneath a layer of white paint. The local rumor mill, however, moved with comparable alacrity to try to unearth its

genesis. Word soon circulated that the graffiti was the handiwork of a ‘black couple’ who allegedly tagged the wall in response to a pre-referendum incident on June 7. Early that morning, a local dog walker had encountered two masked men on the top of the Dublin Road railway bridge. Later he would recount that as he drew closer, he could see one figure video-recording his companion as he suspended a life-sized effigy over the side of the bridge.¹²⁷ A paper bag had been pulled over its head and a sign suspended from its neck allegedly read: “N---rs go home – you’ll never be Irish.” The dog walker tried to intervene and a brief scuffle ensued before the two masked men ran off. When Gardaí arrived on the scene they immediately confiscated the effigy and refused all requests to view or photograph it in the ensuing days. The fewer people that saw it, they claimed, the sooner the matter would pass.

Race/Class Entanglements: The Myth of the Racial Spark

In hindsight, the official instinct to conceal these pre- and post-Referendum eruptions would prove to be misguided. Rather than fading away within a news-cycle or two as the police and County Council had hoped, the whitewashing of the ‘Still, i Rise’ tag and sequestering of the effigy functioned perversely to sensationalize them. Preoccupied by the Referendum and its underlying motivations for weeks, when news of the extraordinary events in Longford spread to the national media, two things quickly became clear: first, the decision to ‘whiteout’ both eruptions had ceded discursive authority to non-local commentators, allowing an overly simplified version of the events to be affixed to Longford’s population and landscape; and second, with the highest ‘yes’ referendum vote in the country, Longford was easily singled out as an exemplar of insufficient tolerance and failed pluralism

¹²⁷ Some reports claimed that this was a life-size plastic (sex?) doll. I refer to it as an effigy since in addition to being intended to represent a stigmatized group, the figure was then symbolically hung as a protest against that group’s continued presence and potential claims-making upon the Irish nation-state.

in the ‘New Ireland’ of the Celtic Tiger.¹²⁸ The town and county was quickly engulfed by a protracted media phenomenon which clumsily endeavored to align the Longford events with the racist practices of pre-Civil Rights Alabama, devoting a significant amount of ink and on-air time to pondering whether a racial conflagration was only a spark away in this ‘backward’ rural community.

“*Racial Tensions Spark Fears of Midlands Ghetto*” blared a June 20th news-article accompanied by an image of a hooded Klu Klux Klan member and a Confederate flag. Underneath the image, *Sunday Independent* reporter Lara Bradley, posed the disquieting question: “KLAN: Is something similar happening in Longford?” (Bradley 2004).



Image 5: Racial Tensions Spark Fears of Midlands Ghetto, Source: Sunday Independent Newspaper

¹²⁸ The Referendum amending Ireland’s citizenship laws was voted in by 79.17% of the nation’s voters. Among those, Longford returned the highest ‘yes’ vote in the country, with 84.37% of its voters agreeing to the amendment. However, 16 of the 34 electorates returned similar levels of ‘yes’ votes of over 80%, a fact that mitigates against Longford’s portrayal as a statistically significant outlier. In fact, only three counties – Sligo, Dun Laoghaire/Rathdown, and Donegal – had a ‘no’ vote exceeding 25%. The highest ‘no’ vote in the country was in Dun Laoghaire and it came in at 29.09%. (<https://electionsireland.org/results/referendum/refresult.cfm?ref=2004R>, (Accessed July 15, 2014).

As it turned out, the attention-grabbing headline somewhat oversold fears concerning the state of relations that Bradley encountered on her visit to the town. To her discernible surprise, she found that the Africans she interviewed were “remarkably generous” about the Referendum’s result, as well as their experiences and friendships with locals. Sebenzile Omobude, who acknowledged she had experienced explicit racial taunts at one point, went on to note that she also had good relationships with her college-mates and neighbors: “This [Referendum] was a divisive issue and now the situation has been clarified I think it will make the Irish people feel more comfortable.” Another African woman said that she’d experienced no difficulties in Longford and was surprised by the high ‘Yes’ vote. “But [I] know everyone wants to protect their own country” she added. Two Somalian interviewees, who lived in an all-male direct provision hostel, told Bradley that they had found people to be very welcoming. They hadn’t had any problems thus far in Longford but, they speculated, that might be because they hadn’t been going to the clubs (Bradley 2004).

Bradley’s Irish interviewees, though skewed towards a younger demographic, also displayed a range of sensibilities about the issues at stake and their relation to the referendum outcome. At the more negative extreme, one young girl clearly felt the relations between the groups had reached a critical junction: “This town is getting like the north [of Ireland]. There is a backlash against political correctness and a lot of disputes between white and foreign people. There wasn’t a single poster up in town calling for a ‘No’ vote in the referendum,” she claimed, inadvertently underscoring the failure of the referendum ‘No’ campaign to canvass aggressively in some rural areas. Another 17-year old interviewee declared (despite the fact that the vast majority of Africans did not frequent Longford’s pubs or drink in public for religious and cultural reasons) “People feel they [immigrants] get away with more, as, if they are arrested or kicked out of a pub, they can just accuse everyone of being racist” (Bradley 2004). But another young girl expressed some of the ambivalence I found to be widespread during my fieldwork:

... I would have voted Yes. I have a lot of coloured friends and I would like them to stay, but I think we will see real battles if more move in. There are a lot of fights outside the nightclubs mostly about race. ... People's outlook depends on how they are brought up, but it's hard to escape that over the past few years the immigrants seem to get houses, cars and more money. They are out in expensive clothes all the time when the citizens are scraping by. *There is a feeling they have been dumped here.* (emphasis mine)¹²⁹

An 18-year-old “full-time mum” (seemingly a recipient of lone parents’ welfare benefits herself), observed:

I voted ‘Yes.’ I don’t mind immigrants in the town, but they seem to be overrunning it. We have to fight to get anything from the social [welfare], but they seem to get everything a lot quicker ...

In her depiction of Longford as the 1950s Alabama of Ireland, Bradley’s reportage is hortatory in two regards: first, although she is initially drawn to the area because of the sensational coincidence of the effigy event and a high ‘yes’ Referendum vote, she subsequently fails entirely to explore the racial identitarianism suggested by her own alignment of the effigy incident with the ideology of the American Klan (i.e., the fundamental premise displayed on the effigy sign that black newcomers could never *be* Irish). Moreover, although her account contains no specific inquiries about the racial ideologies of the ‘Yes’ voters she interviewed, Bradley interprets the concerns Longfordians *did* express - about redistributive issues like poverty, social housing and welfare benefits - as evidence of singularly *racial*, rather than economic or class-based, tensions.

Far-fetched KKK comparisons aside, Bradley is not exceptional in (mis)reading asylee-related redistributive antagonisms as primarily motivated by race. Nor is it particularly unusual that Bradley fails to recognize that when racism *is* explicitly mentioned by the interviewees, it occurs as part of a

¹²⁹ Note: Historically, this the use of the word ‘coloured’ in Ireland was considered more polite than using the then pejorative word ‘Black’ to refer to people of colour. This sensibility is now shifting but although outdated has remained prevalent in the countryside, especially among older Irish people.

narrative of perceived powerlessness vis á vis dwindling welfare resources and political correctness, phenomena which particularly distressed lower-income Irish informants. That said, what might we understand from this turn to race as the *principal* explanation for the events that unfolded in Longford? Or, to put this another way, why and what does it mean that at a moment when the rest of Europe has for some time been deliberating the onset of a neo- or culture-based racism (Balibar 1988a; Gilroy 1987), Irish NGOs and their media pundits are reaching for the civil-rights-era, skin-based racism of America's so-called 'Deep South'?

A related complication in the story of Longford concerns the ways race and racism have typically been understood in this low-income, rural milieu where the most stigmatized category of 'other,' Irish Traveller, is racially indistinct. Travellers are an indigenous, phenotypically white population that occupies an outcast or pariah subject-position in Ireland, the UK and much of Europe. The long-standing presence of a substantial population of Travellers in Longford and the particular historicity of public stigma (Goffman 1963) which they collectively endure is one reason why the 'cognitive tool' of 'race relations' (and, by extension, notions of racism and forms of anti-racism) which has been principally borrowed from American social science is conceptually and analytically ill-suited in this context (Wacquant 1993: 366-7, 376).¹³⁰ Instead, I argue that what the Longford case illustrates is how *stigmatizing logics* can rematerialize, operate and sustain themselves, even in the absence of racial difference. I focus in particular on the stigma attaching to welfare dependence, sketching its long, punitive history in Ireland from colonial praxes such as the famine-era insistence that before receiving public relief, emaciated workers must first toil on projects like road and bridge construction (O'Gráda 1992 (1989): 48; O'Gráda 2019); to institutions such as the English Poor Laws and committees known

¹³⁰ Not least because they presume what needs to be explored – namely, that American-style race relations and categories are conceptually relevant to the Irish rural context (Wacquant 1993: 366-7).

as ‘Guardians of the Poor’ which forced Irish citizens into abject poverty before allowing them to enter Poorhouses or Workhouses; to governmental programs such as the first slum clearances and welfare programs of the newly Independent Irish Republic; and lastly, to contemporary ‘disgust discourses’ articulated in Irish media on the topics of welfare, poverty and unemployment (Devereux and Power 2019).¹³¹

As I illustrate below, the coerced supplication and humiliation felt by many contemporary Irish welfare recipients is refracted in the particularities of subsequent denigrations of African asylees: “Why are they not more humble? Less confident and pushy? Why do they not express more gratitude for what they have been given? In (wrongly) taking from national welfare funds, they deprive our own needful Irish.” In this account of the so-called ‘Alabama of Ireland,’ a low-income Irish citizenry which has not benefitted overmuch from Ireland’s boom-time, encounters its class-opposite in the figure of the African asylum-seeker, a majority of whom are lawyers, doctors, engineers and former business owners from wealthy, highly-educated backgrounds. For a period of time, these newcomers endure similar forms of public stigmatization, moral catechizing and social discredibility. However, once these asylees receive refugee status and permission to work, they are able - as a result of their class background and education - to access well-paid employment, and thereby, the kind of social and class mobility which continues to elude Travellers and many poorer Longfordians.

This is not to argue that race plays no part here. The twin apprehensions undergirding the events surrounding the Referendum (concern about redistribution and perceptions of socio-political powerlessness) form points of origin in disputes that *are* racialized at different moments in time and are, I suggest, helpfully illustrative of a perduring analytical blind spot when it comes to the manner

¹³¹ For a discussion and analysis of the 2017 media campaign “Welfare Cheats, *Cheat Us All*” (original emphasis) conceived and run by the center-right party, Fine Gael, *see* (Devereux and Power 2019).

in which forms of stigmatization/discrimination may conjugate with race/class entanglements. This chapter interrogates these anxieties and analytical aporia by loosely tracking two distinct forms of rights-based advocacy - anti-racism and human rights activism - that emerge in Ireland in the wake of the 1998 Good Friday Agreement, crystallizing most visibly around the figure of the asylum-seeker but also around the figure of the Traveller. I begin by sketching a history of Ireland's political economy, the materialization of long-lived forms of stigma and denigration in Ireland and how these eventually transect new forms of governance and structural shifts in institutional approaches to matters of welfare, poverty, rural underdevelopment and Traveller management. I show how these anxieties and political forms are differentially experienced by Settled locals and migrants and argue that while well-intentioned, some forms of advocacy – particularly those forms of anti-racism education borrowed from the United States – were, at times, counter-productive in practice. In this latter regard, I describe how in the Longford context, the anti-racism and other rights-based discourses deployed seemed unable to cognitively parse how the particular stigma of failing to thrive during the boom functions to produce yet more internal differentiation, further undercutting social cohesion and local solidarity (Wacquant 1993: 374). I suggest that at their most tone-deaf, they functioned counterintuitively to depoliticize the substantial deepening of inequality during the Celtic Tiger and to deprive locals of a language and discourse through which they could make claims on the Government for equal treatment as citizens.

Political Economy, Pre-Celtic Tiger (1921-1990)

The issue of objectivity in the writing of Irish history is a fraught one (Bew 2007: ix).

In the wake of 800 years of British occupation, the new Irish government faced a daunting series of social and economic problems upon gaining independence in 1921. Extensive land

expropriations by the English had resulted in a large class of disfranchised and dispossessed peasants and laborers. In 1870, a scant 3% of Irish farmers owned their own land, 97% were tenants (Bew 2007: 568). Sporadic agrarian uprisings by secret societies like the White Boys and the Ribbonmen against the enclosure of common grazing lands, the charging of rack-rent (excessive rent), church tithing, and the arbitrary eviction of tenants from their homes, had occurred throughout the 18th Century and into the 19th.¹³² For the small farmer tenants these secret societies sought to defend, poverty was endemic and their potato-dependent existence so precarious that they were completely devastated by the famine depredations of *An Gorta Mór* (trans. ‘the Great Wound’), which between 1845-49 killed almost a million and forced millions more to emigrate.¹³³¹³⁴ The Irish Land Wars, as

¹³² In addition to multiple nationalist uprisings during the mid- to late-1700s there were also agrarian uprisings by secret agrarian-focused societies. The White Boys (aka Levellers), so-called because of their practice of wearing white smocks at night, formed specifically to fight for poor Catholic tenants. The nocturnal tactics of the White Boys -- to level ditches and fences constructed to enclose what had been common grazing land, to dig up orchards, to hamstring cattle herds (the cultivation of which had led to enclosure and eviction), and to threaten process servers, eviction agents and landlords -- were later revived by another rural secret society, the Ribbonmen. These uprisings and the ensuing massive protest movement which was given focus in 1879 by the founding of the Irish Land League came to be known as the Irish Land Wars. For a fuller discussion of these struggles, see (Jordan 1994).

¹³³ Demographic figures for Ireland’s population prior to the multiple famines during the 1840s are contested. O’Gráda, an economic historian and a leading scholar on the subject of famine, gives a figure of 8.2 million in 1841 (2019). Since that point, Ireland’s population has trended downward to 3.1m in 1911 and 2.9 million in 1925 (Kirby 2002a). It reached a low point in 1961 of 2.8m and a combination of natural increase and declining emigration combined to bring the population back to 3.5m in 1986. The population recorded in 2002, 3.92m, was the highest on record since 1871 (Central Statistics Office 2004).

¹³⁴ In the 1830s, the extent of Irish deprivation was such that a British Poor Law Inquiry estimated that over 2 million people were in dire need of assistance for almost thirty weeks a year ((Geary 1999: 127) as cited in (Bhreatnach 2007a)). Throughout the years of the famine, while large numbers of extremely impoverished Irish died from starvation and malnutrition, others succumbed to corollary illnesses like typhus, dysentery, diarrhea, ‘dropsy’/heart failure, and ‘fever’. In O’Gráda’s (2019) opinion, the scale and sustained character of these peacetime deaths was complicated by factors such as over-division of farms (which contributed to overpopulation), the absenteeism of English landlords, and the attenuation of civil rights for Irish Catholics (which might have ameliorated some of the above issues and thereby population pressure). Matters were worsened by the remoteness of many settlements, and the late timing and inappropriateness of many of the of relief projects (like

the agitation for land reform came to be known, surged again in the wake of the famine, often becoming violent. Through a series of Land Acts beginning in 1881, the British government tried to reform and deconcentrate land ownership in Ireland and the post-Independence government undertook to continue determining land rights and redistributing lands from the landlord class to farmer-tenants (McCabe 2011). Compulsory sale of tenanted land was ordered by the new government (Jordan 1994), and by 1929, more than 97.4% of Irish farmers were freeholders (Bew 2007: 568). However, land ownership would not prove a magic-bullet for what ailed the Irish economy of the day. The main beneficiaries of land reform proved to be middle-class farmers who had the means to purchase sufficient land and participate in a national turn to a livestock-based capitalist economy that had begun in the mid- to late-19th Century. For non-landed laborers and farmers, poorest, emigration and poverty continued apace.

By the time the Anglo-Irish Treaty (1921) was signed, Ireland had begun to chart a rather traditional developmental trajectory. Throughout the 1930s it depended largely on exporting unprocessed commodities (primarily cattle) (Kirby 2002a), followed by a strategy of economic nationalism and protectionist industrial development which did little to improve its material conditions. A mere 30 years later Ireland was on the verge of economic collapse. Recession, mass emigration and a politically fractured post-Independence state combined to defuse the revolutionary socialist agenda that had been espoused by many during the war for independence, and reformist

Poorhouses, soup kitchens and Workhouses) which were implemented by the British government - though mostly funded by Irish taxpayers. Moreover, these stop-gap measures were always going to fail because there was no way such interim tactics could forestall the collapse of an entire way of life made exploitable and precarious by dint of its dependence on the cultivation of potatoes as a foodstuff and a veritable currency. (On the eve of the famine, one-third of 8.5 million were exclusively dependent on the potato and further million agricultural laborers were paid in potatoes (2019: 330-1). For a discussion of this point and an analysis of the differences between Smithian approaches (with their focus on 'meddlesome governments') v. Malthusian approaches (which focused on the exponential issue of overpopulation) to the question of famines, see (O'Gráda 2019).

politics – particularly in relation to labor issues – were increasingly dismissed as ‘alien,’ a threat to the nation’s industrial prospects. In a foreshadowing of what would happen eighty years later during the Celtic Tiger, the post-Independence government denounced agitation by laborers throughout this period and called upon workers to subvert their unions’ demands for the sake of the ‘national interest.’

Despite having been officially neutral during WWII, Ireland was allowed to participate in the Marshall Plan which funneled American reconstruction funds into Europe in exchange for access to European markets. In return, the Irish government was required to dismantle its by-now stagnant protectionism and establish an Industrial Development Authority (IDA) which would provide grant aid and tax incentives to foreign investment (O’Hearn 1998: 39), see also (Kirby 2002a: 18). In 1956, the Taoiseach officially espoused this economic strategy of foreign-led industrialization and brought into law a series of Acts removing restrictions on foreign investment, and extending full profits-tax relief to manufactured exports (O’Hearn 1998). Through the early 1960s, this program of state investment in multinational companies gave rise to a small, second wave of industrialization in Ireland (Kirby 2002a: 12). The pace of these corporate arrivals conspicuously picked up after Ireland joined the European Economic Community (EEC) in 1973 and foreign direct investment (FDI) in the country grew by more than 27% per annum throughout 1974-1981, mainly as the result of the arrival of US-owned electronics, pharmaceuticals and health care firms which came to avail themselves of a low-waged labor force as well as greater ease in accessing European markets following the Single European Act in 1987 (Kirby 2002a: 45; O’Hearn 1998: 39).

Although the Undeveloped Areas Act of 1952 had attempted to encourage rural industrialization in designated areas of impoverishment, indigenous industry began to falter during this period. Whereas Ireland had clothed itself with domestic products prior to 1960, by 1980 almost 80% of its clothing was imported and commentators generally agree that the coincidence of the Irish government’s strategy of pursuing FDI, together with the onset of tariff free trade and the oil crises

of the 1970s, contributed to the decline of domestic textile, clothing, and footwear industries as well as various chemical and mining companies (O'Hearn 1998: 42). Overall, approximately 44% of indigenous industry firms folded at this time and many Irish industrialists retreated to such areas as construction, packaging and cement making, in other words, areas which economists describe as having “a degree of natural protection” (Kirby 2002a: 20).

Poor Ireland Behaved As Though It Was Rich ...

One considerable negative involved with Ireland's economic liberalization has been its impact on employment rates and the burden this placed on welfare provision. From the 1970s through the 1980s, as a widespread global restructuring led to FDI companies reducing their Irish employee numbers or closing down altogether, the country earned the dubious distinction of possessing one of the worst unemployment rates in the EU. In the space of five years, 1980-85, unemployment went from 7.3% of the labor force to 17.3%. Thereafter, it seesawed until the mid-1990s, dropping to 13.4% in 1990 before creeping back up to 16.6% in 1993. The persistence of Ireland's long-term unemployment figures has been remarkable, with over 50% of unemployed people failing to find work for a period of one year or longer. Moreover, when one considers the relief valve provided by the extensive emigration that also occurred from the mid-1980s through the early 1990s, a clearer picture emerges of the dire condition of the Irish economy, the low levels of income available from scarce

job opportunities, and the social welfare net necessary to absorb the distress produced by such prolonged periods of unemployment.¹³⁵¹³⁶

Despite the fact that Ireland's welfare suite was, relative to other European countries, poorly developed at the time, it received a disproportionate amount of attention from influential economic commentators. A January 1988 *Economist* article entitled "The Poorest of the Rich" devoted to the plight of the Irish economy is unflinchingly forthright regarding the need for the Irish government to negotiate a retreat from unsustainable welfare provision without provoking Irish unions or its 'reactionary nationalists.' Excoriating the impoverished state of the country's finances, the *Economist* dwells at length upon the then government's seemingly irrational insistence on providing what the author deemed to be indefensible levels of welfare support:

Take a tiny, open ex-peasant economy. Place it next door to a much larger one, from which it broke away with great bitterness barely a lifetime ago. Infuse it with a passionate desire to enjoy the same lifestyle as its former masters, but without the same industrial heritage or natural resources. Inevitable result: extravagance, frustration, debt. *Ireland today is bravely facing up to the consequences of a decade of borrowing to pay for better public services than its wealth justified. ... Poor Ireland behaved as though it was rich ... now it must pay the price*" (Cairncross 1988: emphasis added)

¹³⁵ The CSO suggests that an average annual emigration of 40,000 per annum occurred throughout the 1950s. This trend reversed itself briefly during the 1970s before beginning again in the 1980s when outflows of ca. 40,000 per annum were again recorded. The deterioration in foreign labor markets at the beginning of the 1990s led to the return migration of many Irish as well as slowing down the number of emigrants. From this point on, in-migration begins to produce a net-immigration figure with 66,900 immigrants and only 25,600 emigrants producing a peak immigration figure of 41,300 in 2002 (Central Statistics Office 2004). In 1946 3.3% of the population was born abroad, usually in the UK. By 1996, censal figures indicate that 7% of the population was born abroad with a significant increase in countries of origin other than the UK and the US (Central Statistics Office 2000).

¹³⁶ Between 1985 and 1990 net emigration of 160,000 people is thought to have occurred ((Tansey 1998: 69) as cited in (Kirby 2002a: 22)).

The author declared herself gratified that Ireland had apparently learned to live modestly again and predicted multiple years of retrenchment and debt repayment in its future. While she allowed that the country had some “pedestrian natural advantages” (its grasslands, well-educated youngsters and its tourism-worthy countryside), there remained the matter of Ireland’s unattractive tax regime, which boasted Europe’s highest rate of value-added tax (VAT), highest income tax on the average worker and high excise duties and corporation tax. All of this would have to go, she concluded.

Unappealing tax structure notwithstanding, the real difficulty for this Economist writer was not the lack of political will to lower taxes and cut back on public spending. It was the political will needed to deal with the twin evils of public opposition to privatization and labor militancy. In her view, and that of many in the Irish government of the time, economic improvement would only be possible if the government could secure the ‘political stability’ necessary to get on with the business of reforming its taxation policy and whittling down its welfare programs. In other words, labor unions needed to be brought to heel on issues like lowering corporate tax rates, deferring wage increases and salary benchmarking, and citizens needed to accept that Ireland’s ‘generous’ welfare programs were a drag on the economy and unsustainable in the long-run.

Modelling Participation: Social Partnership Governance

All of this did indeed come to pass - without industrial strife - through the introduction by the government of a process known as Social Partnership.¹³⁷ Beginning in 1987, when the Irish economy had entered yet another period of sustained crisis, the government intervened on the issues of wage

¹³⁷ Social partnership is a governance concept borrowed from the model of co-determined industrial relations pursued by the economic councils of Finland, Sweden, Slovenia and the Netherlands. It assumes that the partners involved are equal in bargaining power – arguably not the case in Ireland (Regan 2010).

control and union strikes. Succinctly, it introduced an arrangement which involved negotiating agreements on issues such as wages, industrial action, housing, and transportation with a number of civil sector groups.¹³⁸ Known as the ‘social partners’ these groups included civil servants, various employers’ groups (e.g., Irish Business and Employers Confederation and the Construction Industry Federation), several major trade unions (including the Irish Congress of Trade Unions), and farming and civil society organizations. The government agreed to consult over the direction to be taken on macroeconomic and social policy, including long-term strategic planning and, in return for signing on to these understandings, various national pay agreements with civil servants and other trade unions were agreed.

A central premise of Social Partnership was to exchange wage freezes and a cessation of union militancy for modest decreases in income tax and the long-deferred promise of ‘benchmarking’ the public sector and civil servants’ pay up to the level of the private sector. Some have described this participatory model as essentially a method to co-opt dissent. Others, most notably Kieran Allen, have described the process as an ‘ideological disarming’ of labor unions:

Union leaders interacted with top civil servants and employers’ leaders in the National Economic and Social Council to develop a consensus framework for partnership agreements. During the Celtic Tiger years, they agreed some benefits for workers while minimizing the costs to capital. Thus, tax breaks were used to subsidise low wage rises [sic] and the unions did not press employers for minimum pension contributions even when profits were high. Partnership structures were also created at local level to promote greater productivity from workers. This experience ideologically disarmed workers and made them ill-prepared for the (2008) crash (Allen

¹³⁸ These agreements were as follows: [Programme for National Recovery \(pdf\)](#) (PNR) 1987 – 1990; Programme for Economic and Social Progress (PESP) 1991 – 1994; Programme for Competitiveness and Work (PCW) 1994 – 1996; Partnership 2000 for Inclusion, Employment and Competitiveness (P2000) 1997 – 2000; [Programme for Prosperity and Fairness \(pdf\)](#) (PPF) 2000 – 2003; [Sustaining Progress \(pdf\)](#) (SP) 2003 – 2005, and most recently [Towards 2016: Ten Year Framework Social Partnership Agreement 2006 - 2015 \(pdf\)](#). (http://www.citizensinformation.ie/en/government_in_ireland/national_government/the_irish_government/towards_2016_social_partnership_agreement.html#183356, Accessed July 21, 2014).

2012: 4).¹³⁹

Allen was not the only one dissatisfied with this rather Faustian bargain. Between 1992 and 2003, the governmental agency, Combat Poverty, was tasked with developing a series of ‘National Anti-Poverty Networks’ to collaborate in the social partnership agreement process. These community and voluntary groups were referred to as the ‘social pillar’ of the social partnership and were admitted to the deliberations specifically in order to contribute on issues of social exclusion and poverty. Anecdotally however, reports are mixed concerning the ability of the social pillar to have any meaningful input on policy decision-making affecting these issues.¹⁴⁰ For example, in discussions following a weekend seminar at a Dublin-based development worker center, several NGO workers grumbled to me that they felt the social partnership simply facilitated the brokering of deals between special interest groups behind closed doors. The most disillusioned had come to believe that the Social Partnership process actually deepened a growing democratic deficit in Irish politics (Field Notes: Feb 12, 2003). Still others felt that the government was stuck in an outdated policy rut developed during the late 1980s to address the widespread poverty resulting from high unemployment (Connolly 2008) and was unable to pivot in order to address the contemporary challenges offered by rising rates of inequality during a time of low unemployment, high in-migration and sensational economic success.

¹³⁹ Arguably, another cost was the decline of Irish union density which fell significantly from 61% in 1985 to 32% in 2007. In the private sector overall, density fell to 20% with only 11% in the multinational sector (Allen 2012: 4).

¹⁴⁰ I know of one important empirical exception to this sensibility re: the social partnership arrangement. See Prof. Ciara Smyth’s discussion of the working group model (a multi-stakeholder deliberative process) used to investigate Ireland’s protection system and make suggestions for reform (Smyth 2016).

The Tiger Roars

Economic Miracle? Ireland's Celtic Tiger

The earliest recognition of the extraordinary growth that the conjuncture of years of EU structural funds and the government's subsidizing of FDI had produced came on August 31, 1994, when in an enthusiastic newsletter on the Irish economy, a Morgan Stanley analyst jokingly asked whether Ireland could be a 'Celtic Tiger.' As evidence, he cited its above average growth rates, growth of exports, low inflation, and a strong exchange rate; all characteristics that had earned the East Asian economies of South Korea, Hong Kong, Singapore and Taiwan the label 'tiger economies' (O'Hearn 1998: 1). In 1994, despite its low living standards and extremely high unemployment, the late-industrializing Ireland had the highest growth rate and lowest levels of public borrowing in the EU and these stratospheric growth rates were predicted by the Organisation for Economic Cooperation and Development (OECD) to continue for the next few years, even as the rest of Europe remained in recession (O'Hearn 1998: 1-2).¹⁴¹

More Economist issues were dedicated to Ireland. Now however, the magazine's praise for the miracle of Ireland's economic transformation was nothing less than star-struck, as its animated bylines reflect: "The Celtic Tiger: Europe's Shining Light," 'Lessons from the Irish Miracle,' 'Ireland: Europe's Tiger Economy' (Economist_Editorial 1997); and 'Tiger, Tiger, Burning Bright'

¹⁴¹ The question of what exactly a tiger economy is, and whether (particularly in the Irish case) much of the hype about its extraordinary growth rates reflected a meaningful economic shift, merits brief consideration. Most analysts would agree that rapid urbanization, low-mortality/low-fertility, a strong agricultural sector, extremely rapid economic growth, high rates of investment relative to national income and a well-educated labor force are central features of 'tigerhood' (O'Hearn 1998: 4). However, contrary to popular belief that Tigers are success stories of unfettered markets, O'Hearn argues they are quite the opposite, citing high levels of state intervention in wage controls and union activity as well as high levels of subsidization to domestic industry (O'Hearn 1998).

(Economist_Editorial 2004a). Although by 2005, fears concerning rapidly deepening inequality could be well-supported by statistical evidence, the *Economist* still voted Ireland the best place to live - mainly because of its new-found ‘political stability’:

Ireland wins because it successfully combines the most desirable elements of the new (the fourth-highest GDP per head in the world in 2005, low unemployment, political liberties) with the preservation of certain cosy elements of the old, such as stable family and community life. Offsetting its poor climate and, by rich-country standards, gender inequality, are a higher political stability and security. Even if GNP – not available for all countries, but in Ireland’s case significantly lower than GDP – is used to measure income, Ireland still wins (Economist_Editorial 2004b)

Hidden Costs of the Celtic Tiger

The centerpiece of Ireland’s Celtic Tiger economy was its low level of corporate tax, a feature that has, much to the frustration of its fellow EU member states, positioned Ireland as a *de facto* tax haven. The effect, predictably, has been a proportionate lowering of the overall tax take in addition to the displacement of the lion’s share of revenue collection onto labor rather than capital (Hardiman 2000).¹⁴²

A corollary issue has been the number and quality of jobs which ensued during the boom. By 1995, 77% of net manufacturing output in Ireland was foreign-owned. Of this, 52% came from the high-tech sector which employed only 29,406 out of a manufacturing labor force of 220,578 workers

¹⁴² Opinions vary as to whether Ireland’s taxation regime is progressive or not. For a detailed account of the history of Ireland’s taxation regime, *see* (Hardiman 2000) who argues that until at least 1980 the lowest income workers have shouldered the brunt of Ireland’s tax burden. Since that time, though the tax rates were lowered during the Celtic Tiger, Hardiman contends that it is the wealthiest members of Irish society who have benefited the most from post-1980 tax reform. Fitzgerald, on the other hand, describes the Irish tax system as “modestly progressive” in that a larger amount of tax is taken from those on higher incomes. However, she agrees that other elements of tax reform has tended to favor the rich, and that this offsets the system’s mildly progressive nature (Fitzgerald 2001: 152-3).

((Murphy 1998: 15) as cited in (Kirby 2002a: 13)).¹⁴³ The *quality* of non-manufacturing jobs created during the boom is also noteworthy. Of the 450,000 jobs created between 1994 and 2000, 335,000 were in the services industry and more than 40% of these were part-time jobs characterized by flexibilization and low-pay, a degradation of labor conditions which lead to a number of high-profile strikes, including some by public sector workers like nurses, police, and teachers (Kirby 2002b).¹⁴⁴¹⁴⁵

Boston not Berlin: Inequality and Social Welfare

Glowing economic forecasts notwithstanding, by 2000 some Irish social scientists were cautioning that while there had been aggregate improvements in living standards in Ireland, these gains had been unequally distributed.¹⁴⁶ The extent of the social failures of the 'Tiger' were visible across a

¹⁴³ In the West and Midlands (where Longford is located) key growth sectors are internationally traded services like eBusiness, electronics, healthcare and medical devices. Primary companies include Boston Scientific, Medtronic and Elan. In the East (Dublin area) which contained biggest concentration of foreign firms, key growth sectors are electronics, healthcare/pharmaceuticals, engineering and internationally traded services, software, teleservices, bank office services, financial services. Primary companies include Hewlett-Packard, IBM, Intel, 3 Com, Xerox, Motorola, Citibank, Bristol-Myers Squibb. In the South, growth sectors are in healthcare/pharmaceuticals, and IT. Companies include Siemens, Datastream, Rand, AOL, Dell and Bertelsmann.) (Source: (IDA_Ireland 2000) cited in (Kirby 2002a).

¹⁴⁴ Within the services industry growth occurred in the following order: financial and other business services; transport, storage and communication; hotels/restaurants; and wholesale/retail.

¹⁴⁵ Obviously, the pay agreements negotiated by the social partnership did not halt all union strike actions. However, it did succeed in bringing many trade union officials to embrace the viewpoint of the government and other employers who sought to 'hold the line' on wages freezes for as long as possible. The nurses strike in 1999 is an example of an action where the nurses did not have the full support of their trade union officials despite having the support of the general public for their demands for wage increases in the context of ongoing speedup in their working conditions (e.g., <http://www.eurofound.europa.eu/eiro/1999/10/inbrief/ie9910297n.htm>, accessed July 22, 2014).

¹⁴⁶ Obviously, there was also a relatively high level of inequality in Ireland prior to the boom. In the early 1990s, the inequality of disposable income in Ireland was surpassed within the OECD only by Italy, Greece, Mexico, Turkey and the US. Throughout the boom, architects of the Tiger such as economist-politician Garret Fitzgerald continued to insist that within a decade or so matters would equalize. This never happened.

range of indices including social welfare, housing, homelessness, transportation infrastructure, environmental pollution, declining quality of care and growing inequality of access to health services and education ((Nolan, et al. 2000) cited in (Kirby 2002b: 5)). The most visible social outcomes of these processes (the development of areas of concentrated poverty, and increased rates of depression, suicide, racism and xenophobia) began to generate considerable anxiety at the local, national and EU levels. Despite the fact that several of Ireland's political elite (most notably its then Fianna Fáil Taoiseach, Bertie Ahern) flamboyantly described themselves as socialists, the Irish government's response to these concerns was markedly un-socialist in character (McKenna 2004).¹⁴⁷ Throughout the Tiger, it had cut taxes on capital gains, corporate profits and personal incomes and now it renewed its focus on keeping taxes low, refusing to intercede in social issues like rent control and continuing to tightly rationalize social provision, directing minimal amounts into the country's struggling welfare and health systems.

In a 2000 address to the American Bar Association, Tánaiste (deputy Prime Minister) Mary Harney described the government's ideological position as being "closer to Boston than Berlin."¹⁴⁸ She pointed out that the Irish model had managed to achieve what America (implicitly) had not - cut taxes and reduce regulation without sacrificing a Europeanist approach to welfare. However, that boast was disingenuous at best. While other EU countries maintained or increased their social security

¹⁴⁷ In November 2004, Ireland's Taoiseach, Bertie Ahern, who had helmed the neoliberalization of Ireland's economy throughout the Celtic Tiger declared that he was one of the few socialists left in Ireland (*Joe Higgins, Socialist MP, Denounces Bertie Ahern's Conversion To Socialism*. <http://www.socialistworld.net/doc/1474>, Date accessed August 15, 2014).

¹⁴⁸ This phrase suggests that Harney sees Ireland's economic policy approach as more US than EU, or to put it more directly, more Neoliberal than (Quasi-)Socialist. See Remarks by Tánaiste, Mary Harney at a Meeting of the American Bar Association in the Law Society of Ireland, Blackhall Place, Dublin on Friday 21st July 2000 (<http://www.djei.ie/press/2000/210700.htm>) (Accessed: August 8, 2014).

spending during this period, Ireland's fell significantly ((O'Riain and O'Connell 2000: 331) cited in (Kirby 2002a: 5). In 1999, its tax system generated about a third of its GNP while its social welfare system redistributed only 8.5% of its GNP (ca. IR£5 bn) (Fitzgerald 2001).¹⁴⁹ Essentially, the Irish government was touting its welfare safety net to American investors and brokers while maintaining the one of the lowest Welfare-to-GDP ratios in the EU, despite the massive demographic shift that was taking place in the country at the time.

Moreover, together with other European governments, Ireland's center-right government had aligned itself with a new 'welfare-to-work' emphasis that had migrated from the US into the 1999 European Employment Strategy of the EU (Fitzgerald 2001: 154), absorbing its concomitant approach to poverty; - i.e., as a matter of altering the behavior of individuals rather than as a structural problem. There had indeed been substantial decreases in Ireland's unemployment rates, however, these had been achieved at a terrible cost; the flexibilization of large portions of the labor force into low-wage, low-quality, insecure jobs. Furthermore, while increases in employment diminished overall poverty rates, certain vulnerable groups (those 'distanced from employment') such as lone parents, the elderly, the disabled, women, carers and Travellers remained at risk of, or in, consistent poverty.¹⁵⁰ Survey

¹⁴⁹ Unlike many continental EU nations, Ireland's welfare system does not offer earning-related payments or substantial, universal child-benefit and is described by Fitzgerald as among the least generous in the EU. Established in 1953 on the UK model, it instead offers modest flat-rate payments with additional payments for dependent family members. There are two primary payment modes: social insurance (benefits funded through an individual's Pay Related Social Insurance contributions) and social assistance (a means-tested payment system funded from the tax take). There is a universal, though modest, child benefit (Fitzgerald 2001: 157-158).

¹⁵⁰ The deepening of poverty for some groups during a period of unprecedented growth is a paradox that requires some understanding of the way this boom unfolded as well as the ways the improvement in living standards, national income levels and poverty are measured. In a study released in 2004, Layte et al discuss how both trends are possible at the same time. Between 1994 and 2001, the weekly disposable household income in Ireland rose by over 97% while consumer prices rose by approximately 22%. Over the same period, unemployment assistance increased by over 20% and pensions by approximately 25%. However, in general, increases in social welfare payments lagged behind incomes generated by work, positioning those welfare recipients below the average income,

data from 2003/2004 on income and living standards indicates that almost one in five of the population (19.4%) was at risk of poverty (based on an income of less than 60% of the median national income) and for those living in the Border, Midlands and Western region where Longford is located this risk rises to 26% (Central Statistics Office 2005: 2).¹⁵¹ For lone parent households and persons living alone, the figures were even worse, with 48% of lone parents (and their children) and 36% of persons living alone (often the elderly) being at risk of poverty.¹⁵² Other groups which also exhibited high risk factors for consistent poverty included the unemployed (19.2%), the ill/disabled (21.7%) and those living in the rental sector (20.7%)(Central Statistics Office 2005).

not just in relative terms but also in terms of what is referred to as ‘consistent poverty’ (i.e., (not being able to afford necessities such as meat, fish, home heating costs or having to go into debt to pay household bills). The proportion of welfare recipients falling below the relative poverty line increased dramatically (in 1994 the proportion of old age pensioners falling below the average income was 1 in 20, by 2001 it had risen to 1 in 2. For those on unemployment assistance the increase is from 1 in 4 to 1 in 2). When a slightly different form of measurement is used (the addition of a consistent poverty measurement) there is a decline in poverty rates, even for those on welfare indicating that the gains of the Celtic Tiger have ameliorated some of the worst levels of deprivation. Nonetheless, the increasing gap between those working and those reliant on social welfare payments has resulted in a marked increase in inequality (Layte, et al. 2004).

¹⁵¹ The “total gross annual household income” average over all households was estimated to be just over €49,000 in 2004 (Central Statistics Office 2005: 5). The poverty threshold, estimated at 60% of median *equivalized* individual income, was estimated at over €9,680 pa or €185/week (Central Statistics Office 2005: 2).

¹⁵² The issue of gender inequality is obviously related to the structural disempowerment of many female lone parents. Ireland has extremely low provision rates when it comes to publicly funded childcare services in Ireland as compared to Europe, and correspondingly low rates of women’s (with children under age 5) participation in the labor force. In 1971, less than 28% of women participated in the formal labor force. By 1999, this rate increased to 44% which is still comparatively low. Differentials in pay are improving, from 56-57% between 1955-1972 to 75% in 1998 (Kirby 2002a: 65).

Longford: Exception to the Celtic Tiger

The focal site of my fieldwork, Longford, has a long history of colonialism, land expropriation and labor exploitation. The reverberations of this haunt the structure of its contemporary political economy, most particularly in its subsistence and labor opportunities, and relatedly, in its ideological approaches to poverty and welfare. Accordingly, to fully explore the roots of Longford's modern-day underdevelopment, one must reach back to its past as a space of colonial extraction, wherein famine, depopulation, and struggles over land reform conjoined to disrupt the subsistence practices and social structure of the region.

Nestled in one of the many tributaries of Ireland's massive River Shannon, Longford town was built between 800 and 1100 AD as a port for Viking ships venturing upriver to raid and trade. In the 13th Century, the area was home to a prominent Cistercian monastery (*Mainistir Leathrátha*, trans. 'Abbey of the half/little Ráth (ring fort), anglicized as 'Abbeylara') which was plundered by the Scots before being surrendered to the English King Henry VIII in the early 1500s. Massive tracts of land were expropriated by the English from Catholic landowners following the disastrous Battle of Kinsale in 1601, rendering Longford was one of the first plantation sites in Ireland.¹⁵³ In 1641 rebellion against

¹⁵³ There were several waves of plantations in Ireland. The plantations from 1556–1576 are known as the early plantations. These were followed by Munster plantations (1586 on), and Ulster (1606 on), which included the lands of the O'Farrells in the area which is today known as Longford.

In 1641 rebellion against these expropriations and their accompanying anti-Catholic policies (e.g., restricted access to administrative positions, social and voting rights and property inheritance as well as the removal of trade privileges from entire townships in retaliation for resistance (Garner 2009)) was brutally put down by Oliver Cromwell and his New Model Army, over 12,000 of whom were rewarded with land instead of wages for their efforts in Ireland. The aptly-named Adventurers Act of 1642 and the Settlement Act which Cromwell passed in 1652 completed the mass appropriation of land from Catholic landowners in Ireland.

This displacement of Gaelic culture by English colonists was reflected not only in Ireland's structures of power but also in its physical appearance as its native woodlands, which had heavily blanketed the

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This displacement of Gaelic people and culture by English colonists was reflected not only in Ireland's subsequent structures of power but also in its physical appearance. Its native woodlands, which had once heavily blanketed the country, were now exploited for colonial building and commercial ventures, resulting in their decimation by 1700. Settlement patterns were also disrupted as the indigenous practice of *booleying* - migrating seasonally to pasture cattle - became more problematic as land administration forms altered and settler towns sprang up across the countryside. Perhaps most importantly, a dispossessed Irish peasantry was forced to enter into new forms of labor relations with English landowners and the remaining Irish chiefs – either as estate laborers or tenant farmers (Garner 2009).

Longford was initially 'shired' as a county by English land surveyors before being subdivided into English-style administrative units known as baronies (Foster 1989), and it is thanks to these 17th century surveyors and their practice of phonetically anglicizing Gaelic nomenclature that the present-day county of Longford boasts sonorous place names like Clooncoose, Coolnahinch, Farranyoogan,

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Clonbalt, Aghafad, and Ardnacassagh.¹⁵⁴ In their original Gaelic, many of these place names reflected the idiosyncrasies of the Irish terrain, which in Longford is composed of a beautiful - though agriculturally challenging - mosaic of lakes, bogs, pastures and wetlands. Indeed, the region's original name *Long* (pron. *lung*, meaning ship) and *Phoirt* (pron. *firt*, meaning 'port/dock') also fell victim to the slight distortions of anglicization, becoming Longford.

Prior to the Great Famine (1845-8) Longford county boasted a population in excess of 112,000, many thousands of whom labored in the fields and gardens of large English estates. Today, Longford's population hovers at just over 34,000. With the shift from tillage to cattle in the mid-19th Century and the redistribution of land following Independence in 1921, Longford gradually came to rely on peat harvesting, sawmilling, cable-making and some food production for the bulk of its employment. However, these employment sectors have always been limited and lately have diminished almost entirely due to resource depletion and altering environmental concerns. Although it had struggled prior to the Celtic Tiger, as the national economy grew in seeming leaps and bounds, Longford remained stagnant or experienced economic setbacks. Throughout the late 1990s and early 2000s, politicians and journalists frequently described the Longford-Roscommon-Leitrim county triangle as a 'jobs black-spot,' evidenced by the fact that Longford's unemployment rates persisted at anomalously high levels despite the economic boom.

In terms of inequality, the Celtic Tiger failed to boost Longford's economy; indeed between 1991 and 2006 - the period roughly coinciding with the Celtic Tiger - these indices shifted sharply downward from -2.0 to -4.5, indicating a significant worsening in relative poverty in this area (Board

¹⁵⁴ Complicated questions of political and cultural identity and authenticity remain at issue with regard to place naming in Ireland (e.g., the question of Derry v. Londonderry). See Nash, (1999) for a fuller discussion of the cultural politics which attaches to the practice of place-naming as well as the contemporary attempts that have been made to reinstate Gaelic place names.

2009: 11). Affluence indices (measuring demographic decline, social class disadvantage and labor market deprivation) reveal that while the Midlands was the second most disadvantaged region in Ireland, within the Midlands, Longford was the most disadvantaged local authority area. Overall the county had the fourth highest unemployment rate in the country, approximately 11.4% compared to a national average of 8.5%, but more densely populated areas within the county exhibited even higher rates: Foxhall (26.1%), Longford town (24.4%) and nearby Edgeworthstown (22.2%). Unemployment among women was inordinately high and the paucity of crèche facilities combined with the exorbitant cost of child-care remained a significant obstacle to women entering the workforce.

In addition to substantial numbers of long-term unemployed, Longford is home to a relatively high number of other welfare-dependent categories including lone parents, pensioners, and Travellers as well as a relatively high number of unskilled or under-skilled early school leavers.¹⁵⁵ There are also disquieting numbers of people living in consistent poverty and/or at risk of poverty. Demographically, the county's population grew at less than half that of the nation throughout the boom, and of the growth that did take place, the highest levels are recorded in the most disadvantaged areas (such as Foxhall, Longford town center, Edgeworthstown and Drumeel) leading to municipal concerns re: ghettoized poverty (Board 2009). Longford's educational attainment rates (a relatively secure predictor of future low-income earning levels) were also dismal. In one area (Firry) an alarming

¹⁵⁵ The number of lone parents in Longford town exceeds the national average of 21% by almost half (Board 2009: 10). Additionally, though censal figures report approximately 170 Traveller families in Longford, local NGO groups tell me this figure greatly underestimates the size of its Traveller population. Some of the more recent numbers I have been able to access have been constructed retrospectively and should only be treated as estimates: the county council's Intercultural Strategy Plan (2008-2011) claims that, proportionately, Longford has the second highest traveler population in both its urban and rural locations, in addition to a sizeable African population ((Council and Board 2008: 6). The County Council's Poverty Profile for 2009 claimed that Longford has the second highest number of Travellers per 1,000 of population, after Galway City at 15.8 (Board 2009). Lastly, the 2009 Traveller Accommodation Programme Report notes approximately 320 Travellers and 50 Traveller families on the housing list as of 2008 (Council 2009).

57% left school before age 15 (LCRL 2000: 43, 54), and although the numbers attending college had slowly improved (from 8.9% in 1991 to 22.3% in 2006), the county still lagged well behind the national average (Board 2009).

Arguably, these social challenges have been accentuated by a number of infrastructural issues that remained unresolved despite massive injections of funding from the EU and Irish governments. Although the County Council had expended a sizeable amount of its municipal budget on its roads, Longford's public transportation network remained unable to properly serve the needs of its car-less lower-income or elderly rural residents. Indeed, the absence of an effective public transit system contributed to the isolation of Longford's most economically vulnerable residents and affected their ability to access grocery shops, healthcare, recreational parks and other social facilities.

For complicated reasons, including its relatively underdeveloped infrastructure, the Irish government's go-to FDI approach to economic stimulation has not been a particularly successful strategy for Longford. In 2003, despite significant governmental incentives, the American multinational, Cardinal Health Care, announced it would defer its highly anticipated plans to relocate to the area. The previous year, over 500 jobs had been lost when the similarly incentivized American company, Atlantic Mills, closed its doors in Longford. Ireland's competitive approach to strategically incentivizing the development of domestic corporations in rural areas has also yielded uneven results (Connolly 2008). Not long after the loss of Atlantic Mills' jobs, an Irish company, Glanbia, had its Rooskey-based meat processing plant burn down and despite being fully insured, the company announced it would 'accept the fire' as an opportunity to re-evaluate its corporate strategy.¹⁵⁶ Glanbia ultimately decided not to rebuild the Rooskey plant (a loss of 400 jobs to the Longford-Roscommon-

¹⁵⁶ Although originating from the merger of Irish companies like Avonmore Foods and Waterford Foods, Glanbia is today considered a global corporation with acquisitions in the UK, Europe and North America (<https://www.glanbia.com/about/our-journey>; accessed May 24, 2021).

Leitrim area) but to invest instead in two existing plants (Edenderry and Roscrea) in counties Offaly and Tipperary, adding 150 jobs to those areas. Despite having already availed itself of €3.4 million in grants from Enterprise Ireland and further monies from the EU agricultural fund (FEOGA) for its factory in Rooskey, and despite the fact that it was essentially downsizing 250 jobs after accepting those grants, Glanbia successfully acquired further government subsidies in order to consolidate its ‘new’ plants in Edenderry and Roscrea. Opposition ministers at the time hinted that other government ministers had enticed Glanbia to consolidate in *their* constituency, illustrating how the government’s policy of subsidizing private corporations with public money often ended up pitting the interests of one under-developed rural constituency against another.¹⁵⁷

Heritage Tourism: Depoliticizing Political Economy

A particular focus of the government’s redevelopment exertions in rural areas has been heritage tourism, which it has facilitated via its usual method of encouraging a mixture of (predominantly) foreign and domestic capital investment. This intensive focus on tourism - a particularly irresilient economic form – as the engine of rural redevelopment raises several concerns, not least regarding its inability to weather economic down-turns, its long-term sustainability and its questionable capacity to provide quality of opportunity for the specific labor needs of this rural area.

A related concern is the character of the funding partnerships that underlies many of these rural tourism efforts. Frequently, they are composed of semi-opaque amalgamations of state agencies and private (often foreign) investor groups which solicit substantial taxpayer contributions in the form of grants but without much long-term commitment on their part to the local economy. More

¹⁵⁷ (Seanad debates, Thursday, 3 July 2003, Adjournment Matters - Plant Closure. <http://www.kildarestreet.com/sendebates/?id=2003-07-03.337.0> Accessed 3/29/11).

importantly for my purposes here is the fact that the ideological bent of some such capital amalgams has resulted in the repackaging of the material culture of elite English colonial presence in Ireland as the most heritage-worthy tourist sites meriting investment and refurbishment. These choices have their own complicated politics and history but they succeed as a tourist endeavor, I suggest, mainly by sanitizing/revising much of the most objectionable history (i.e., the historical political economy of English exploitation, most particularly its labor relations and sensibilities re: public assistance programs like welfare (Garner 2009). Instead, a majority of heritage discourse is directed towards creating ‘immersive’ leisure-cum-edutainment ‘experiences’ in the serene parklands and gardens of the remaining ‘Big Houses’ of Ireland without burdening their paying customers with the potentially distressing history of social, political, and economic relations which enabled their presence in the first place.

Thus, in Longford, a significant portion of the material culture chosen for heritage-related redevelopment reflects the ‘golden era’ of its history as a plantation town; e.g., the stately home of the English estate owned by the infamous Pakenham Mahons, the Royal Canal built in 1804 and abandoned in the 1950s,¹⁵⁸ the Georgian Courthouse with Doric columns built on Main Street in 1793

¹⁵⁸ The Royal Canal for instance, once an industrial waterway which saw crops of oats, potatoes, wheat, barley, flax, vetch, and turnips from the surrounding fields shipped up to Dublin was unable to compete with the onset of rail transportation. Officially abandoned by the government in 1954, the harbor near the town was filled in shortly thereafter. Waterways Ireland, an entity established by the Good Friday Agreement to restore inland navigable waterways for recreational purposes worked intensively with Longford County Council and Fáilte Ireland (the National Tourism Development Authority) to reopen the bridges and locks and develop a walking path along this 90-mile canal way. The goal was to redevelop the former industrial waterway as a tourist destination that will deliver boaters and their tourist Euros to Richmond Harbor, just outside the town. The County’s Executive Board published plans to create a position for a Heritage Officer and ear-marked the proceeds from the sale of one of its buildings, the Old Post Office, as funding for a new museum project to be called County Longford Museum Service (Council 2004). A cascade of other recreational amenities has sprung up as the town has sought to reposition itself as a leisure site including a golf course, tennis courts and a garden development called Mall Park have recently been created in the northeast quadrant of the town.

where English-style Assize Courts heard serious criminal cases referred to it from the Quarter Sessions and petty Magistrate Courts;¹⁵⁹ and the Temperance Hall, built in the late 19th century by Bishop Hoare for the ‘instruction and recreation of the young men’ in the area. The latter was restored and reopened in 2004 as a vibrant community space for youth group meetings, theatrical performances, art exhibitions, poetry readings, yoga and computer classes. The refurbishment of the Pakenham Mahon Estate into a National Famine Museum is especially attention worthy however, because it unironically situates itself as an internationally renowned resource on account of its well-preserved estate archives, which it describes as affording visitors insight into the “*complex association* which existed between a succession of owners and the locality” (Hood 1995: emphasis added).¹⁶⁰

“We Do Not Like Throwing Money Into A Ditch”

One of the most arresting images in the contemporary Famine Museum is an 1848 poster that the then owner of the estate, Major Denis Mahon, hung on his walls as chronic potato blight ravaged the staple food source of much of the countryside throughout that decade. The poster depicts the estate of Powerscourt¹⁶¹ (a 13th century Anglo-Norman estate which had also been seized through forfeiture by the English in the early 1600s) and is inscribed: “We Help All Who Help Themselves, But We Do Not Like Throwing Money Into a Ditch.” Of course, one can only speculate about Major Mahon’s sensibilities vis à vis this all-too-familiar trope of non-productivity in relation to the Irish.

¹⁵⁹ By the 1970s, this prominence had drastically declined and petitions from the town council to the Central Court Authority for financing to restore the building went unanswered. Following a brief incarnation as a tourist office, the building slid into disrepair and was closed due to poor condition in 1994. Since then its historic facade has been salvaged and extended to provide facilities for office staff, judges, the Garda Síochána and a newly expanded Irish Prison Service, whose headquarters were relocated to Longford in 2007 as part of the effort to decentralize the Civil Service.

¹⁶⁰ See <https://www.strokestownpark.ie/>

¹⁶¹ The Powerscourt estate, its gardens and waterfalls are now an extremely successful tourism site.

Ditto whether he personally subscribed to the wide-spread preference of British politicians and his Landlord peers for a decidedly Malthusian approach towards aiding the starving Irish poor during this period.¹⁶² As the museum curators were at pains to point out during my tour of its exhibits, matters at the time were not so simple. Mahon had inherited the 11,000-acre estate from his ancestor, Capt. Nicholas Mahon, who had in turn acquired the land during the Cromwellian expropriations of 1660. Though large, the estate had been neglected and was deeply indebted by the time Denis Mahon inherited it. To improve it he and his administrators began to incrementally evict its tenants in preparation for readjusting the estate's agrarian focus from predominantly arable crops to cattle.

In the spring of 1847, a year often referred as Black '47 because the Famine was then at its height, Mahon offloaded nearly 1,000 of his tenants by paying for them to emigrate. In an era when many landlords simply evicted their tenants with no provision for their future, it is notable that Mahon chose this route and therefore possible to view it as a charitable gesture. Unfortunately, his subsequent actions undo this portrait of benevolence. Anxious to save money, Mahon reportedly chose an 'unreliable shipping agent and the cheapest available destination, Quebec' (O'Gráda 2007) resulting in the death in transit of almost a third of those tenants who were shipped out. He then summarily evicted the remaining estate tenants leaving them without shelter at a time at a time when the few available Poorhouses, workhouses and regional soup kitchens were already completely overburdened. When news of the deaths of those sent to Quebec reached their relatives the reaction was such that Mahon sent to Dublin for his six-barrel pistol, apparently signaling his awareness that he might be under threat (O'Gráda 2007). He was shot to death several months later, a killing allegedly greeted by

¹⁶² *Pave Fanning* (2015) whose research on the evolution of Malthus' thought on poverty and inequality nuances and renders an account far more compassionate towards poverty and inequality than generally granted by his critics. Malthus argued that the greatest encouragement of prudential habit was civil liberty and wrote several times of the need to abolish the Penal Laws and emancipate Catholics in Ireland.

the locals with jubilation and bonfires on the surrounding hills, prompting Queen Victoria to note in her diary that the Irish “really ... are a terrible people” (O’Gráda 2007).

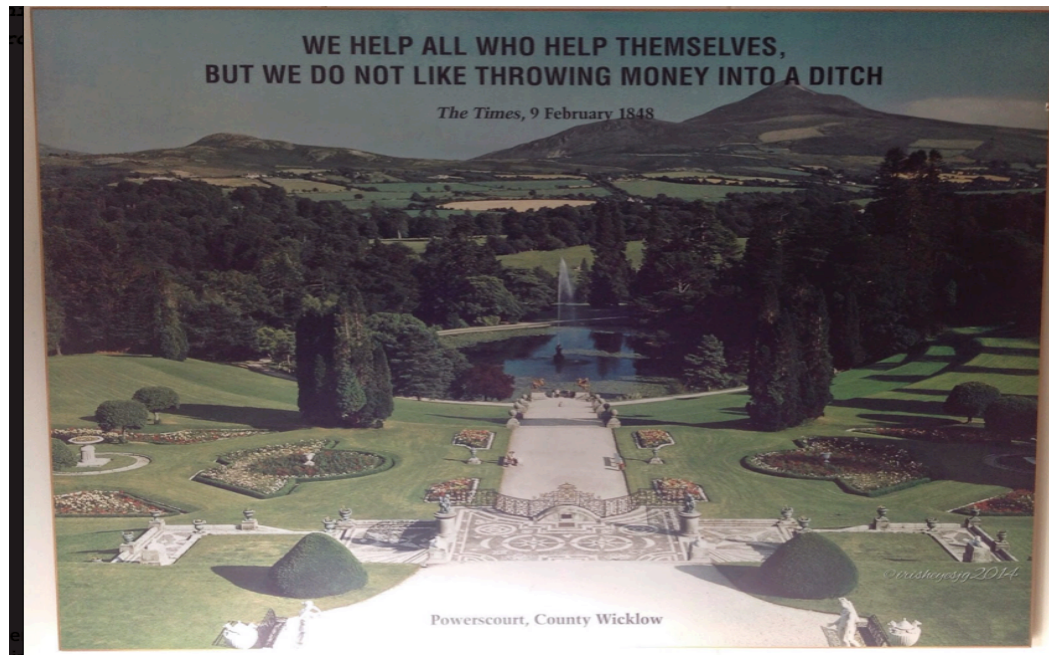


Image 6: We Do Not Like Throwing Money Into a Ditch / 1848 Poster from Walls of Strokestown House, (Source: <http://thesearchforanneandmichael.blogspot.com/2014/09/really-and-truly-suffering-national.html>. Accessed online Mar 2, 2021)

Although the Famine Museum sketches the outline of Mahon’s story, it avoids any meaningful discussion of the devastating exploitation involved in estate-tenant labor relations, and much of the political context and ideology underpinning the punitive character of the Poor Laws of the time which viewed public assistance as an enticement to fecklessness and indigence rather than needful assistance at a desperate moment in a highly exploitative economic regime. In its endeavors to complicate historical portrayals of the infamous landlord as a kind of folk-devil figure, Mahon’s emigration ‘assistance’ is curated as a form of charitable disaster relief in the ‘best interests of the tenants’ rather than a morally questionable practice that many English landlords had been engaging in for several

years before the Famine in an effort to de-tenant their estates.¹⁶³¹⁶⁴ Paying for destitute tenants to emigrate was easier – if not cheaper – than evicting them, and while it flew in the face of the Malthusian economics of the day, was ultimately an attractive scheme, as well-known famine scholar Cormac O’Gráda recounts:

One well-documented emigration scheme from Ballykilcline’s owner, the British Crown, had collected little rent for years, rendering the property virtually worthless. For about £2,500, some 400 Ballykilcliners were shipped to New York via Liverpool. A year later, the estate was sold “perfectly untenanted” for £5,500 (O’Gráda 2007)

In financial terms, the Famine Museum came into being as the result of an interesting investment instrument which positioned itself to apply for both charitable status and government assistance. In the early 1980s, the surviving Pakenham Mahons sold Strokestown Park to an assemblage of private investors called the Westward Group. The Group secured charitable status and the financial assistance of the EU and the Irish government to restore the house and gardens, opening the Famine Museum in its parklands and inaugurating it in 1994 with a visit by Ireland’s most prominent humanitarian, then President Mary Robinson (Hood 1995). That the originary violence of the estate and the historical relations of the estate system are curated with minimal attention in the Museum’s account of its past is interesting in and of itself, however the educational mission of the

¹⁶³ While Mahon’s alleged motivation in paying passage for his tenants to emigrate has often been widely maligned, O’Gráda has argued that there *is* a case to be made for assisted emigration as a form of disaster relief (O’Gráda 2019). He contends that if the British government had been able to suspend their ideological prejudices (re: the role of the market in alleviating food shortages, and more compassionate methods for ameliorating poverty and welfare) and properly funded the emigration of those Irish willing to leave, many more thousands of lives could have been saved (Gráda and O’Rourke 1997).

¹⁶⁴ According to the Strokestown Museum website more than 5,000 people left the Mahon estate. Some 1,432 received financial assistance from the landlord to emigrate to Canada in the summer of 1847. Many others got small sums and left for England, Canada, America and Australia (<http://www.strokestownpark.ie/the-gathering-2013>). Historian Gerald Moran suggests that as many as 300,000 Irish emigrants were ‘assisted’ to leave, their fares paid for by landlords, the British treasury, by poor law unions, or by private philanthropists (Moran 2004).

museum - to make an explicit connection between the historical experience of hunger on the estate and “the spectacle of poverty and hunger in today’s developing world” (Hood 1995: 109) - is even more intriguing. Not only does the museum’s mission sweep past the history and political economy of a parasitical, largely absentee English landlord class and its role in the particular subsistence patterns and labor-relations which preceded the devastating poverty and large-scale mortality of the estate’s then tenants, it also bypasses the contemporary poverty and inequality on its doorstep in Longford in favour of adopting an activist approach to an abstract humanitarian issue *abroad*. Moreover, as I discuss in Part II, while charitable status and financial assistance for private investment vehicles is relatively easy to obtain, contemporary Irish welfare critics remain vigilant about the futility of “throwing money into a ditch” when it comes to poorer individuals, exerting an effective form of social discipline (Foucault 1979) with a demonstrably corrosive effect on communal solidarity. In this vein, tropes re: the non-productivity of the poor and the perils of extending charitable assistance to them also persist in present-day welfare ideology and policy, most conspicuously in the ‘disgust figure’ of the modern welfare sponger/cheat.

Within the spectrum of rural disadvantage described above, the situation of Longford Travellers merits closer attention, not least because even as large numbers of asylees arrived in the town, Travellers arguably remained the most virulently stigmatized population. An indigenous subculture, Travellers experience disproportionately high levels of poverty and welfare dependence, low life expectancy and abnormally high levels of neo-natal and child mortality rates. Historically, they have been the object of state policy instruments, many of which have been described as racist and/or racializing (Fanning 2000; Helleiner 2000; Lentin and McVeigh 2002a). Having described some colonial-era approaches to poverty assistance and related notions of the ‘deserving poor’ and ‘non-productivity, I turn now to contemporaneous logics of exclusion and stigma and illustrate how traces of earlier attitudes and methodologies can yet be discerned in modern-day welfare ideology and

practice, particularly where social housing is concerned. Most vulnerable to these forms of stigma has been the figure of the Irish Traveller, who occupies the space of a pariah figure in Ireland today. I sketch the development of this construction before examining the displacement of particular elements onto newly arrived asylees and refugees.



Image 7: Image from Citizen Traveller Campaign in Dublin (Source: photo by Jiri Rezac 2000 / www.jirirezac.com/archive)

PART II

Constructing Pariah Figures

Vignette No. 3: Of Love and Travelling

There's a young Traveller, Pól, doing some tarmac work near the house where I'm staying. We greet each other gingerly. We both know that there had been some reluctance about hiring him, a Traveller, to repave the yard. But, word in the village is that his work is good and the price is right. Seosaimhín, the homeowner tells me she decided to take a chance on him. After he prepares the yard and pours the first layer of tarmac, I hail him from my back door to tell him

there's tea on the pot. Pól hesitates before accepting the offer. But it's a cold grey day and we huddle around the kitchen stove for warmth while we wait for the tea to draw. Over the first sips he makes small talk, mentioning the many changes in Ireland in the past four or five years. "Years ago, people had time for a chat. A cup of tea and to talk with each other. Nowadays, people are always in a hurry, no time to talk to each other." I agree, plating some biscuits, and we soon learn that we grew up within 15 miles of each other, before each going to stay for a time with relatives in America. Pól was sent by his family to Indiana where his uncle and cousins taught him his paving trade. He had worked and saved hard before coming back to Ireland to buy the truck he needed for his paving business. "Americans are like crazy people" he says, shaking his head admiringly. "In Ireland people comment if anyone steps out of line, but in America, people do whatever they want."

We dunk our biscuits, lapsing into comfortable silence for a few minutes. I think about how, as a Traveller, he nearly didn't get this job. My mind wanders to Tadhg, a Longford business owner I spoke with a few days earlier who had tried to hire a young Traveller graduate of FÁS, one of the government's job training schemes. Séamus' first day on the job had ended in uproar when the rest of Tadhg's employees found out that a Traveller had been hired. They threatened to "quit to a man" if Tadhg didn't let Séamus go. "I tried, but that poor boy didn't last half a day" he told me ruefully.

But Pól's thoughts are elsewhere. "Have you ever been married?" he asks. I laugh and tell him I haven't. "What age are you?" I tell him and he snorts a little before announcing with a twinkle that I'm a bit long in the tooth to be unmarried still. "Look at you!" I retort. "Are *you* married?" At Pól's age, 28, most Traveller men are married with a couple of children. He's not though. He tells me he "doesn't know about love." What it was like, or whether he believed in it. And, he wants to travel. "To India, maybe." (Field Notes: June 10, 2003).

Origins and Alternative Geographies

Travellers' stories about their origins are legion and rarely consistent, as would be expected with an origin myth from a largely non-literate society with little experience of political mobilisation. Interestingly, some reference to a settled past is made but those stories acquire a powerful meaning in the context of dominant nationalist myths. In one account, settled ancestors were the victims of dislocation arising from two central events in the canon of English perfidy in Ireland: the Cromwellian plantations and the Famine (Bhreatnach 2006a: 40)¹⁶⁵

The origins and contemporary pariah status of Travellers have been a longstanding focus for gypsylorists, anthropologists, sociologists and historians (not to mention journalists and state policy architects), and this has, over the years, produced some controversial work.¹⁶⁶ American anthropologists George and Sharon Gmelch (1976) have the unfortunate distinction of producing some of the more widely known work credited with giving 'scholarly credence' to a popular notion that contemporary hostility between Traveller and settled people in Ireland 'developed' at some point after the 1850s (though no empirical evidence is proffered by them for this) and that Travellers 'emerged' from a 'wandering' population as an identifiable ethnic group with three distinct aspects:

¹⁶⁵ Travellers refer to themselves using a number of denominations such as 'Minceir,' 'Pavee,' 'Irish Traveller' and 'Traveller.' Pavee Point, a well-known Traveller and Roma support center defines Travellers as follows: "Irish Travellers are commercial nomads who traditionally moved in a patterned way – accessing traditional camps – in order to provide goods and services to the majority population. ... Historically, Travellers also played a role as 'bearers of culture'. Travellers brought songs and stories from parish to parish and developed unique styles of singing, playing music and storytelling as well as producing tin musical instruments" (paveepoint.ie, date accessed: May 25, 2020). Travellers were formally recognized as an ethnic group by the Irish government in 2017.

¹⁶⁶ While many scholars do not appear to believe that a substantiated origins account is likely, it should be noted here that for many Travellers and Traveller activists, the origins question is extremely important. Not only does a non-settled origin story help Travellers push back against policies geared towards sedentarist solutions, but many feel it will help improve the services offered and treatment of Travellers and assist settled people to rethink their conception of Travellers in general (Bhreatnach 2006a: 41).

they were craftsmen, they were poor and dispossessed, and they were anachronistic or ‘social misfits’ (again, no historical evidence) (Bhreatnach 2007a: 31).¹⁶⁷

More recently, scholars have analyzed these and similar academic origin stories, describing both the imposition of various ‘deterministic’ frameworks (such as the notion of Travellers representing an ‘underclass’ or ‘sub-culture of poverty’ or being uniformly subject to wider socio-cultural transformations such as ‘modernization,’ ‘capitalism’ or ‘globalization’). They also note the fundamental error of reading contemporary observations retrospectively into the historical record (Bhreatnach 2007a; Bhreatnach and Bhreatnach 2006; Crowley and Kitchin 2015). Accurately distilling the figure of the Traveller in documented Irish historiography is, of course, extremely challenging and we need to remain mindful that the majority of representations – from literary sources, art, folklore collections, government reports and contemporary sociological analyses – have been created by non-Travellers.¹⁶⁸

¹⁶⁷ To be fair to the Gmelchs, they are not the only scholars to argue for the emergence of Travellers as an ethnic group without any empirical historical evidence. Ní Shúinéar’s (1994) essay advanced three hypotheses for the origins of Irish Travellers in “an almost total absence of grounded historical research and sustained empirical evidence” (Crowley and Kitchin 2015: 162). Regarding the ‘hostility’ by settled people, a frequently repeated but similarly unsubstantiated claim is that such hostility arises from the fact that settled people are polarized or threatened by the nomadism of Travellers - a supposedly ‘typical’ feature of Traveller lifestyle which is unfortunately less and less the case for growing numbers of Traveller families. (For example, one Longford Traveller woman told me that the majority of Longford Travellers are settled and only travel during the summer months, if at all (Field Notes, 2003). Even historically this argument is problematic, as Bhreatnach’s work underscores. Subsistence patterns at the time suggest the unlikelihood of Travellers triggering such a response in a culture where vast numbers of people travelled and camped alongside the roads for seasonal laboring, booleying, and as tramps and vagrants from the end of the 18th until the end of the 19th Century (Bhreatnach 2007a: 34). Other scholars have turned to psychological explanations, drawing on Bhabha and Freud to argue that settled people marginalize Travellers as a “countercultural projection for the fears and hates of mainstream society” and that anti-Traveller sentiment (re: non-productivity, hygiene, morality etc.) functions as a useful antithetical demarking the boundaries of the mainstream culture (Hayes 2009: 49).

¹⁶⁸ A marginal presence in conventional sources, Travellers enter the written record in Ireland in a patchy manner that requires careful treatment, for example the archives of Poor Law Committees and the records of those charged with policing vagrancy. In a similar vein, documented past relations

In the broader Irish literary imagination, the generic Traveller figure – even when celebrated as a romantic or counter-cultural device (e.g., free from wage labor and with uninhibited sexuality) – was frequently associated with violence, promiscuity, drunkenness, theft, poverty, cunning, lawlessness and loquaciousness (Bhreatnach and Bhreatnach 2006: ix). These silhouettes trace their genealogy from an earlier set of crude stereotypes created by 19th century gypsyorists – that Travellers could be binarily defined as ‘fraudulent’ and ‘true’ or ‘genuine’; that they were ‘outsiders’; a ‘lesser breed’; “ugly, dirty, defiled, impure, immoral ...” (Crowley and Kitchin 2015: 157). Perhaps unsurprisingly, these stigmas have discursively persisted with calamitous and far-reaching implications for Irish Travellers.

Although no single account can explicate the contingent evolution of hostility between Travellers and Settled people and while we are unlikely to ever recover the historical experiences of Travellers themselves (Bhreatnach 2007a: 34), it has been possible to reconstruct some of the history of their deteriorating relations with settled people (Fanning 2000; Fanning 2002b; Garner 2004). Through a careful analysis of source material from the Irish Folklore Commission and 19th/20th century newspapers and other archives, Aoife Bhreatnach writes that, to begin with, Travellers were likely never quite the social intimates of house dwellers in the way of other wandering individuals who travelled Ireland’s roads, exchanging stories and news for food and a night by the fire. This may be because Travellers were self-sufficient in terms of having their own campsites and shelters to which they could retire, primarily encountering Settled people either during fair days or at the doorstep, when they knocked on doors to trade their goods or their labor, or to ask for charity in the form of food or

between Settled people and Travellers in rural Ireland is quite problematic, not least because distinctions between Travellers, non-Traveller peddlers, tramps, ‘begging vagrants’ and others ‘of no fixed abode’ on the Irish roadways were not always clearly made and were not entirely trustworthy when they were (Bhreatnach 2006b).

alms. Travellers' circuits at this time likely constituted what Bhreatnach terms an 'alternative geography,' directed towards the furtherance of their preferred occupations (such as horse dealing, tin-smithing, chimney sweeping, basket-making, flower-making, brush-making, shoemaking, blacksmithing, welding, and tailoring) (Bhreatnach 2006a: 18, 20).

That said, some events can be distinguished - such as the evolution of the Post-Independence rural economy and welfare state as well as certain developments in urban planning - which may have affected the gradual disengagement of both groups and the retreat by Settled people from longstanding traditions of rural hospitality. The first concerns the advent of universal unemployment benefit in 1933 which gradually heralded less alms giving, a more stringent approach by law-makers and police towards public begging, and over time, the slow death of the numerous subsistence farms that dotted the Irish countryside at the time and which Travellers would have visited on their perambulations (Bhreatnach 2006a: 34). Another concerns the post-war creep of mechanization which replaced the important role of horses and led to a dwindling of horse fairs wherein settled and Travellers most frequently met. Importantly, settled people could and did hold ambiguous views towards Travellers, on the one hand celebrating their alleged wildness and the romance of their nomadism (e.g., awarding prizes for the best 'Romany' costumes to Travellers in the well-known Cahirmee caravan parade) whilst on the other not trusting or being particularly well-disposed towards Travellers in general:

... in a fair milieu, Travellers were accorded a certain respect and role, with Cahirmee's caravan parade an example of overt celebration. Once fairs ceased to occupy a central economic and social role in Irish life, encounters between Travellers and settled people were more limited (Bhreatnach 2006b: 15-16)¹⁶⁹

¹⁶⁹ Attitudes towards begging were relatively generous despite it's being outlawed in 1542. When and Old Age Pension was introduced for the elderly in 1908, it made a tremendous difference to the number of people 'seeking alms' and to living standards (Bhreatnach 2006b: 9).

Regulation And Non-Conformity

Bhreatnach has argued, convincingly I believe, that part of the shift in attitudes towards Travellers grew out of their often conspicuous non-conformity with new legal and social norms concerning the proper habitation and use of public space to which Settled society had been successfully subjected (Bhreatnach 2006a: 52). Between 1922 and the 1950s, elements of this growing alienation between Travellers and working class settled people can be discerned in the historical record because it was frequently solidified by attendant forms of governance (e.g., mundane legislation on schools, various urban spatial planning policies and new welfare instruments such as housing, pensions and unemployment) which not only rendered Travellers distinctive as non-conformists, but often irredeemably ‘different.’

The 1926 School Attendance Act compelling children between age 6 and 14 to attend school and the Street Trading Act which empowered local authorities to suppress and regulate street trading are two such examples. Both negatively affected the livelihood of Settled working class people who relied on the labor of their children, including working street stalls and taking care of younger siblings (Bhreatnach 2006a: 4, 45). Unlike their Settled counterparts however, Travellers were, by and large, able to circumvent this kind of regulation even as the new forms of licensing and trading materialized, altering the streetscape, and creating new norms concerning child labor and education. Irish society was slowly but irrevocably changing and Travellers were not always willing or able to be fully attuned to such shifts.

One last element of legal regulation worth mentioning are the urban slum clearances of the late 1920s and early 1930s, which together with The Housing Act (1931) threw up questions of welfare entitlement relating to Travellers who only seasonally or sporadically occupied slum housing. Additionally, the tenants of the slum ‘replacement’ housing communities, who were themselves highly

regulated, appear to have quickly internalized both a sense of their ‘bettered’ circumstances and of the spatial and regularizing norms underpinning them. They formed Tenants Protection and Development associations and often mobilized Local Authorities on different issues. Unsurprisingly, some of these issues concerned the ‘nuisance’ of nearby Traveller encampments which they often petitioned the council or housing corporation to deal with or to remove (Bhreatnach 2006a: 55-6).

By the early 1960s, concerns regarding unsanitary behavior taken together with other apprehensions (such as demonstrably high infant mortality rates, high morbidity rates and other poor health outcomes as well as high illiteracy rates and generally low educational outcomes), had served to transform Travellers into a particular object of governmentality often short-handed as the ‘Traveller Problem’.¹⁷⁰ In 1963, following the publication of the government’s ‘Report of the Commission on Itinerancy,’ (Walsh 1963) the government embarked on a policy course which bears the imprimatur of its time – of ‘rehabilitation’, ‘settlement’ and ‘assimilation’ into the settled population. However illiberal that governmental course may now seem (Crowley 2005), at the time, resolving Traveller poverty and poor health outcomes was viewed as a crucial social and economic element of Ireland’s nation-building project (Helleiner 2000). Nonetheless, while some governmental agents *were* genuinely concerned to aid Travellers (Fanning 2002b: 114), Dáil Debates at the time also reveal the transhistorical imprint of earlier modes of denigration conjoining now – and with new vigor – into a highly stigmatizing, *anti-citizen* notion:

I do not want to be taken as questioning the right of these people to live. They have a perfect right to live. Indeed every public representative in Limerick [site of the largest Traveller population in Ireland] takes the view that if they are prepared to settle down and become respectable decent citizens, they will be as welcome in Limerick as any

¹⁷⁰ As Bryan Fanning astutely points out in his work on Traveller exclusion, the formulation of ‘Traveller problem’ rather than ‘problems experienced by Travellers’ is telling (Fanning 2002b: 112). See also (Saris and Bartley 2002) for an in-depth discussion of how these issues have congealed in the contemporary context of a particularly depressed housing estate known as Cherry Orchard, in Dublin.

place else. But they do not do that. They live on the people, destroy property, frighten women and children, and are a menace to tourists (TD Russell, Dáil Debate, 15 April 1958: 163 as quoted in Crowley 2005).

To this day, the objections of Settled residents to municipal attempts to locate Traveller sites or houses nearby has made it quite difficult (if not impossible) for authorities to purchase and construct Traveller sites of any size, much less with culturally-appropriate facilities for horses, caravans, etc.¹⁷¹ For a panoply of contingent reasons ranging from discrimination, to local resistance, to poor experiences with Traveller tenants to budgetary issues, a majority of local authorities has been less than enthusiastic in pursuing the entitlements of citizen Travellers to appropriate housing and shelter.¹⁷²

Over the years, as social and legal norms changed, complaints proliferated concerning Traveller occupation of farmers' fields, of wandering Traveller horses, of roadside and site littering with metal scrap, rubbish and sometimes toxic waste, of road obstruction, of occupying (and despoiling) scenic tourism areas, and last but not least, of fighting. Travellers are often highly surveilled in public space and in places like Ennis (in the tourism-dependent West of Ireland), Traveller women began to receive custodial sentences for public begging. Other Travellers who were found to have committed offences, such as allowing their horses to wander, were fined and often prohibited from entering local pubs (Fanning 2002b: 119). The costs of Traveller eviction and clean-up were

¹⁷¹ These 'objections' have ranged from pursuit of a legal process to public protests to, in a few cases, criminal arson of housing intended for Traveller families.

¹⁷² For example, in a 1972 struggle over housing Travellers in the Ennis area (in the West of Ireland), the local Itinerant Settlement Committee summed up the approach of the local authority as follows:

- The council never plans for all of the families
- Each proposal to help the Travellers is balanced by a restricting promise to the objectors
- Decisions are deferred and deferred and deferred (Fanning 2002b: 117).

often significant for municipal budgets and local authorities and Gardaí began to employ elements of Local Government Acts (e.g., the 1948 Sanitary Services Act) to forbend against or restrict behaviors they had once informally tolerated, such as the use of local authority land as transitory Traveller camp sites (Crowley 2005: 132).

Other regulationist technologies of government were mobilized in the years since, largely in service of the policy goals of settling Travellers either in the more culturally-sensitive Traveller halting sites (of which there are few) or in social housing, and enrolling Traveller children in local schools where they would be immersed in the social norms and values of Settled people.¹⁷³ In 2002, the government enacted new legislation that “for the first time in the history of the Irish State” criminalized camping on private and public property and gave Gardaí the power to arrest any person who fails to provide their true identity when questioned, or fails to comply with a directive. The Gardaí were also allowed to confiscate and dispose of their horses, caravans, cars and other property, jail trespassers for a month or fine them €3,000 (Crowley and Kitchin 2007: 128). Other laws enacted throughout the 1990s such as the Road Traffic Act (1991), the Casual Trading Act (1995), the Control of Horses Act (1997), the Housing (Traveller Accommodation) Act 1998, and the Criminal Justice (Public Order) Act (1994) have served (in one way or another) to curb Traveller mobility and practices (Crowley and Kitchin 2007: 129). The intensification of heritage ideology and land-use in rural areas during the Celtic Tiger (in part driven by EU regulations designed to protect fragile ecosystems, revivify agriculture and develop rural areas) has also accelerated this disempowerment of Traveller activity (Wood 2017).¹⁷⁴ For those Travellers most closely associated with horses, it has had a

¹⁷³ Just as it is not the case that all Travellers are nomadic, so too it is not the case that all Travellers regard being housed in social housing as assimilation (Fanning 2002b: 124).

¹⁷⁴ Wood here is referring specifically to the 1994 introduction of Rural Environment Protection Scheme (REPS) (Wood 2017: 72).

particularly severe impact on their earning ability but also on their emotional and psychological well-being – which, for some, is intimately engaged with horse keeping, training and related sociality (Wood 2017).

In addition to these challenges, contemporary Travellers face significant barriers when it comes to accessing social housing. While local authorities may allocate houses to them, they are often found to be culturally impractical or poorly sited (e.g., miles outside towns lacking a good rural transportation system, unable to accommodate multi-generational families, and frequently unable to navigate inter-personal violence and inter-familial feuding/disputes (Bhreatnach 2007b).¹⁷⁵ And, while the wheels of the local authority often grind slowly, Travellers often find it almost impossible to rent from private landlords. As the next sections illustrate, the anti-social actions of a few are easily generalized across an entire cultural subgroup, with dire consequences for Travellers as a whole, not least the contingent outcome concerning the relative desirability of African tenants over low-income Irish or Travellers.

Vignette No. 4: Things on the Ground: Part I

It's May 2004 and I am driving with Gearóid, a refugee support volunteer from a nearby town. Gearóid fairly thrums with energy and good humour and he and his wife Sinéad have been at the centre of voluntarist efforts to welcome and help integrate asylees in their large, midlands town. We have just had a meeting with a Labour Party candidate who is standing for the European Parliament

¹⁷⁵ Importantly, as Bhreatnach (2007b: 63) underscores, while Travellers have been subject to a media obsession with interpersonal feuding and violence, as a group they are not disproportionately represented in the crime statistics for the period of her study, 1947-1965. She notes however that that with one exception there have been no historical studies of general (i.e., non-homicidal or violent) statistics relating to Travelling offenses.

elections. He wanted to touch base with refugee volunteers and get their sense of ‘things on the ground’. Things on the ground, however, are complicated.

Gearóid turns the car into a private housing street and tells me that every house on the street is rented to Africans. Landlords, he tells me, prefer African tenants because the alternative is students or Travellers “and both are known to wreck their rental accommodation.” I tell him about my recent visit to a friend in a mixed housing estate in Longford. Blessed, from Nigeria, told me that she woke to find her Traveller neighbors moving out during the middle of the night. “They took everything they could move with them” she told me, pushing open the door of the eerily empty house to show me. “Cooker, washer, toilets, even the bathroom sink – gone!”

And then there’s Aonghus’ story. A founding member of a rural refugee support group, he talked to me at length about community resistance to the serial relocation of Travellers who damage local authority housing. One group of people in his area is protesting the purchase by the local authority of a €200,000 house for a Traveller couple and their 10 children. Word is, he tells me, that they wrecked the previous house they lived in but were put back on the housing list nonetheless. “People are only protesting” Aonghus assured me, “because he’s a local drug dealer.”

Vignette No. 5: Things on the Ground: Part II

Late May 2004, and I’ve been invited to spend the weekend at Gearóid and Sinéad’s home, about 30 miles outside Longford. Gearóid has volunteered for several years at a nearby direct provision center, ‘Liosgall’ which was set up in 2000 and contains over 100 mobile homes. He’s an ardent cyclist and we bike the 4 miles to the gate of the site in the moderate warmth of an Irish May day. The security guards greet him warmly and Gearóid goes to sign us both in while I look around. Liosgall is surrounded by a chain link fence. Inside the gates to the right is a medical screening section

set apart from the rest of the caravans. Those are laid out in barrack-like rows with numbers printed in large black print on the end of each caravan. In the middle of the road just under the barrier, a black cat is lapping milk from a saucer that the security guards had set out for her.

“So! You’re the new recruit then?” the guard smiles his question. I grin a ‘yes’ and head through the gate with my bike. The staff of Liosgall work really hard, Gearóid tells me, and they do their best to accommodate the needs of the residents. As we walk our bikes along, a woman pulls up behind us in her car and calls out: “Hey, Gearóid! Are you gaining weight?” We turn around and a middle-aged African woman is laughing at him. “You stop picking on me!” he quips without missing a beat as he heads off, threading his bicycle between the mobile homes.

As we stroll around, I note the detritus of daily life; children’s bicycles haphazardly lying around, clothing airing on drying racks and the odd satellite dish perched atop a caravan. At one end of the enclosure we meet a Roma couple and their 9 month old daughter. Gearóid is surprised to find that they have been here a year and he’s never met them. We chat for moment and are invited inside for coffee. They are from the former Yugoslavian republic and arrived in Ireland in 2003 – which is relatively late for someone fleeing the Kosovan conflict. As his wife serves us, the man tells us that his parents had been killed and his wife raped as if he is expected to reveal this most intimate trauma over coffee, or at least, has become used to doing so. He is effusive about Ireland and how happy he is to be here. His two young boys are in school and they are happy and not experiencing any problems. It is striking to Gearóid that this family had been in Ireland for over a year and have yet to be called for an interview, so he asks permission to return with information which would be helpful in preparing for that.

As we leave their caravan, Gearóid remarks that, in some cases, these mobile homes are the best accommodation that some of the residents have seen in their lives. Even so, they are not great

in the Irish winter weather which, though temperate, has a seeping, damp cold that the thinly-insulated caravans do not cope well with. The first year that Liosgall opened there had been no boarding under the caravans and the water pipes had frozen over the Christmas holidays. Residents were so cold they went out and bought electric heaters which overloaded the site's electricity provision and left the whole site without electricity. Since it was the holidays DJELR could not be reached to resolve the situation. Gearóid contacted the nearby army barracks and got army blankets delivered to the site. They were just on the brink of removing the mothers and babies into an hotel when the electricity was turned back on.

An engineer by trade, Gearóid seems to relish the challenge which supporting a site like this provides. As we loop our way back towards the entrance we swing by the caravan of a man whose application for refugee status has just been granted. He comes to the door and thanks Gearóid sincerely for all his help. I learn that he is a doctor and Gearóid will be putting him in contact with someone to help him gain equivalency certificates for his medical qualifications.

We reach the end of the site and the border of aluminium fencing. Just on the other side, I see dozens of caravans, many in poor condition. Some children gaze at us through the fence and I suddenly realize that this is not part of Liosgall, but instead is the edge of a Traveller halting site that had become somewhat notorious in NGO circles. I had first heard about it a year earlier at a Feb 2003 anti-racism workshop as far away as Dublin. Residents of the halting site had lived there for over twelve years without running water or toilets. They awoke one morning to the sound of construction machinery and discovered the local authority was in the process of erecting a new, fully-serviced (running water and electricity) mobile home site for asylees in the adjacent field. There had been no consultation with (or even notification to) the Traveller families prior to the decision to locate 100 families of asylees next to them, much less any (discernible) consternation on the part of

authorities that it had allowed its own citizens to languish for years in substandard living conditions while acting swiftly to properly house asylees, albeit in mobile homes (Field Notes: May 2004).¹⁷⁶

Losing Face: Acts of Citizenship Versus Public Expense

The Moral Householder: Public and Private Housing

It should be clear by now that one of the 'lightning rods' of Ireland's welfare provision suite is social housing. As with the stigmatization of Travellers themselves, the story of Ireland's social housing market is bound up in the beginnings of the Irish Republic, its early attempts at urban planning, changes in the structure of its rural economy, and later on, in the rise of its welfare state. It is worth briefly recapping this history so that the outcomes of the government's policy preference for privatizing social housing can be discerned.

From the 1870s through 1905, there had been periods of extreme civil unrest over the question of land and land reform in Ireland. The British government of the day eventually introduced a series of measures including the creation of a Land Commission in 1881, Land Reform Acts (1881 and 1885) and the Wyndham Land Purchase Act in 1903 which allowed tenant farmers to purchase their freeholds using (British) government loans. For those who would not be benefitting directly from the ongoing land reforms (the agrarian laborers themselves), the 1890 Housing of the Working Classes Act was conceived, and between 1883 and 1906, over 20,000 rural cottages were built by local authorities to house these workers (McCabe 2011).

The urban housing situation that the Independence government inherited from the British in 1922 was, to put it mildly, in calamitous straits. At the beginning of the 20th Century, almost a third

¹⁷⁶ See (News 2000) for a newspaper account of this occurrence.

of Dublin's population lived in slum housing and conditions there and in southern cities like Cork and Limerick were decried as among the worst in Europe. Overcrowding and illness was endemic, mandating that the provision of housing for "all classes of the community" had to be a policy priority for the new Republican government which was anxious to demonstrate that it could provide a better duty of care for its citizens than had the British empire (McCabe 2011). The scale of the problem was such that government intervention would be required. However, the approach taken was most unusual for the time.

Despite the socialist victories of that decade and the ideology of republican socialism which had suffused much of the 1916 revolution, some ministers (W.T. Cosgrave, for example) argued that the problem would not be best resolved by the state and its local authorities but that more houses could be built for less money if private enterprise was involved (McCabe 2011).¹⁷⁷ This devolution of public housing onto the private sector was immensely controversial at the time. Not only did it undermine the planning powers of local authorities, it essentially erased their ability to control their

¹⁷⁷ Here, I have in mind more or less what current Sinn Féin TD, Eoin Ó Broin (2009: 3) describes as 'Left Republicanism.' For Ó Broin, it is a "term [which] connotes all those republican activists, intellectuals and organisations who during the course of the twentieth century attempted, with varying degrees of success and failure, to integrate a left-wing politics in the most plural sense of the term with traditional republican demands for full national independence and popular political sovereignty." There is a substantial revisionist literature which might quibble with me but I think of historical republican socialism around the time of the 1916 Rising as best represented by the projects of socialists such as James Connolly (executed for his role in the 1916 Rising) and Liam Mellows (executed by pro-treaty forces in 1922); trade unionist Peadar O'Donnell; the workers who initiated dozens of short-lived soviets all around the country before and after Independence; the many (often violently repressed) strikes and agitation movement of unions like the Irish Transport and General Workers Union (ITGWU) union organizer and Irish Worker League founder, Jim Larkin.

It is important to note here that republican socialism at the time offered a crucial internationalist perspective which guarded against expressions of (and was anathema to) inward-looking forms of Irish nationalism such as the Ethno-Nationalist, anti-Universalist, and anti-Semitic views espoused by Arthur Griffith, who was also involved in the 1916 Rising (Nelson 2012) and went on to found Sinn Féin.

own municipal budgets. In some cases, e.g., Cork city, the Dublin government went so far as to dismantle recalcitrant local authorities and form corporate entities which dealt directly with private builders and construction firms.

As it turns out, the government's attempts to provide affordable housing for its citizens by publicly subsidizing private builders and construction firms, or by providing grants to private citizens (which were not viewed as welfare) to build their own houses for sale or rent (as it did through the Housings Acts of 1924 and 1925), were never best positioned to assist the lower working class or those who existed at the margins of the formal economy. One reason for this has been a rather un-European emphasis on home-ownership, which the Catholic Church encouraged and the state facilitated through various tenant-purchase schemes. In the turbulent early years of the newly formed state, house ownership was viewed by the clergy and political elite as a stabilizing force, something which enhanced citizenship ideals and provided a bulwark against labor militancy and communism. "The man of property is ever against revolutionary change ... consequently a factor of the first importance in combating emigration and preventing social unrest, unemployment marches and so on, is the widest possible diffusion of ownership" declared the Bishop of Cork in 1957 (quoted in (McCabe 2011)).

It is impossible to overlook the moralizing discourse attaching to the business of home ownership in Ireland. From Dáil Debates and news articles it is clear that from the foundation of the state, subsidized private ownership and private construction for the middle classes was viewed as a 'prestige symbol' (Goffman 1963) and an 'act of citizenship,' whereas subsidized rents for the working classes were described as 'a public expense' (McCabe 2011). For the Irish middle-class these various schemes have been an unstigmatized, in-plain-sight form of upward wealth transfer, not least because the local authorities tend to substantially discount the market value of its housing for tenant-purchasers (sometimes by as much as 60%) (McCabe 2011).

Lower-income and working-class citizens often could not avail themselves of these affordable housing loans and grants because their wages simply could not cover the deposit and necessary repayments. They remained in poor quality rental accommodation as low-density ‘garden suburbs’ (based on the garden cities ideas of the British civil servant Ebenezer Howard) began to emerge on the outskirts of Dublin and other metropolitan areas. Over time, pressure on inner city housing eased with the creation of these suburbs and the government eventually turned its attention to the clearance of some of the worst inner-city slums and to the provision of social housing for renters. This has always been a Sisyphean process however, with better housing units continually being sold into the private sector ensuring that reduced numbers of (often) poorly maintained housing units are all that is left to meet the needs of social housing renters.

This set of processes is one of the primary reasons for the scarcity of affordable housing prior to the boom. McCabe reports that in 1971, there were 112,320 local authority housing units in the state (15.9% of the total households). Despite building 65,000 new units between 1971 and 1980, by 1981 the overall figure had dropped to 111,739 (12.4% of total households). In other words, the state was selling public housing stock to its tenants more quickly than it was replacing it. By the early 1990s, of the 330,000 units built by local authorities over the previous century, 220,000 had been sold, with the effect that 1 in 4 private homes in Ireland had originally been purchased from local authority stock (McCabe 2011). In addition to failing to maintain sufficient levels of social housing stocks, there are some serious structural shortcomings within the local authorities themselves, not least because many of them must operate with ongoing budget shortfalls due to government cut-backs. Moreover, local authority rental unit rates must be income-based and as a result often fail to generate enough cash even to properly maintain existing units. Authorities have also been accused of poor estate management and of ghettoizing troublesome tenants in run-down estates in the most socially disadvantaged neighborhoods.

In the 1970s the government again refocused its efforts on creating a high percentage of home ownership through successive policies of mortgage-interest tax relief.¹⁷⁸ As with earlier subsidies to private individuals these tax relief funds were a cost met by the Irish taxpayer, including those working-class individuals who did not themselves qualify for such mortgages. As prosperity slowly increased the national government projected a need for fewer and fewer social housing units, presuming that the demand would now be supplied by the flourishing private sector construction industry.

This shift from provisioning of social housing by the state to the private market has not been a neutral process, as several observers have noted (CORI 2008; Drudy and Punch 2002). Social housing rentals are often the only housing available to the most vulnerable sections of the population such as Travellers, homeless people, the long-term unemployed, lone parents and refugees. In the private sector, the Celtic Tiger's housing bubble quadrupled the price of houses, making it progressively more difficult for those on welfare and at the bottom of the waged labor scale to acquire affordable housing and mortgages. As a result, an increased demand for rental accommodation, coupled with unrestrained rent increases, forced low-income groups out of private rental accommodation and back onto the housing rolls of the local authorities. The outcome of these successive policies both before and throughout the boom was to extend the existing waiting lists for social housing, worsening tensions over the distribution of housing to certain categories of welfare recipients over others.¹⁷⁹

¹⁷⁸ According to a 2008 review, owner-occupiers make up 77.2 per cent of the Irish population, considerably more than the EU average of 63.4 per cent (CORI 2008).

¹⁷⁹ In a belated recognition of the overwhelming need for additional social housing, the government announced in 2007 that it would be augmenting its affordable housing stock by a whopping 40%, - 140,000 new homes at a cost of €18 billion (O'Brien 2007).

Vignette No. 6: Stigma of the Welfare Malfeasant

The Greeks, who were apparently strong on visual aids, originated the term stigma to refer to bodily signs designed to expose something unusual and bad about the moral status of the signifier. The signs were cut or burnt into the body and advertised that the bearer was a slave, a criminal, or a traitor — a blemished person, ritually polluted, to be avoided, especially in public places. Later, in Christian times, two layers of metaphor were added to the term : the first referred to bodily signs of holy grace that took the form of eruptive blossoms on the skin; the second, a medical allusion to this religious allusion, referred to bodily signs of physical disorder. Today the term is widely used in something like the original literal sense, but is applied more to the disgrace itself than to the bodily evidence of it (Goffman 1963: 1-2)

I'm standing in the benefits line in the main Longford Post Office with Lucinda. An attractive Ghanaian social worker, she is worried about her young son and we're shuffling along lost in conversation about him, when we're startled by a gruff remark directed at Lucinda by a haggard, middle-aged Irish man on his way out of the Post Office. Unable to decipher his strong Longford accent, she looks at me questioningly. I redden, unable to repeat the coarse proposition he has just made. He waggles a crisp €20 note in her face, now clearly propositioning her for sex. She hesitates, struggling to respond. "Ah!" he says, finally realizing that we were standing in the queue for welfare benefits, "You don't need my money now, do you?" (Field Notes: 2003)



Image 8: Source: iReport Racism Jul-Dec 2015

Even during the best years of the Celtic Tiger, the significance of social welfare benefits to Ireland's vulnerable cannot be overstated. For the poorest recipients it formed almost 90% of their household income. For the slightly less poor, welfare provided over 80% of their income (Central Statistics Office 2005). Despite this assistance, many recipients continued to struggle because of the soaring cost of living which accompanied the boom economy (Daly and Leonard 2002: 174, 185-6). In qualitative studies, families described being unable to handle emergencies (such as a family funeral). Others reported sliding into debt by borrowing from family members or, if their credit rating was good enough, the local credit union. Many simply did without or went into arrears on one bill in order to pay others (Daly and Leonard 2002: 41).

For all the reasons described above, but most especially its prevalence as a form of subsistence in Longford, welfare receipt is a particularly freighted practice. Over the past 30 years, availing of this form of structural assistance has shifted from representing a mildly humbling moment of interface between the individual and the 'caring' (Catholic) social state to representing a loss of social face for

that individual and the (potential) spoliation of his or her social identity (Goffman 1963). Predictably enough, given the amount of means-related scrutiny that recipients themselves endured, there was pervasive suspicion concerning the legitimacy of entitlements and resentment between welfare categories. Married or two-parent households felt that lone parents fared better than they did, the elderly felt that many unemployed were unwilling to work, or worse, were working *and* ‘signing on.’ And, many unemployed felt that the pressure to accept low-quality, low-paid jobs was unbearable (Daly and Leonard 2002). Though some refugees had access to money they had accrued before fleeing, most asylees and refugees I knew were scraping by on what they received from the government, much like lower-income Irish. Yet, a significant number of Irish persisted in the conspiratorial belief that immigrants were given preferential treatment by the system:

The blacks coming in – they get everything. They get houses, phones, prams, social money. They’re on a different thing [funding mechanism] than us, the Community Welfare Officer was telling me. (Daly and Leonard 2002: 181).¹⁸⁰

The rumors that ‘blacks got everything’ – free cars, top of the line baby prams, expensive hair braiding and treatments – had been repeatedly debunked by refugee activists, NGOs and, belatedly, the DJELR. At one point, the Midlands Health Board issued a statement describing exactly what refugees’ entitlements did and did not consist of (Haughey 2003b). Yet the rumors persisted, unhindered by the widespread knowledge that post-1999 asylee arrivals were not permitted to work, and therefore could not legally contribute to Ireland’s exchequer. Nor were such rumors impeded by contradictory lines of gossip; for example, that many asylees were being exploited in Longford’s informal labor market, or the speculation that had surfaced around the time of Lucinda was

¹⁸⁰ Focus groups conducted by NCCRI revealed similar findings. Though there was support for ‘genuine’ refugees, but refugees were also resented as potentially exploiting the Irish tax-payer. Rumors proliferated about what tax-funded freebies they were receiving: “free housing, cars, car insurance, prams, buggies, hairdos etc.” (McDonagh 2004: 29).

propositioned concerning the possible presence of a Nigerian brothel in Longford.¹⁸¹¹⁸² Indeed, none of the Irish who insisted to me that a brothel existed seemed to consider why sex work or other poorly paid informal labor would be necessary if African asylees actually received the largesse suggested by welfare-related conspiracies.

The Long, Long Life of the Trope of (Non)Productivity

The ‘trope of (non-)productivity’ which had been deployed by the English against the Irish for hundreds of years, and later internally by the Irish against Travellers and long-term unemployed was now reconfigured to encompass asylees and refugees (Garner 2009: 50-51). Inconsistencies – such as the extensive voluntarism of many refugees, or those wealthy Travellers who are successful in trade and business - were routinely swept aside by the force of the dominant ‘disgust discourse’ in boomtime Ireland which rhetorically positioned the figure of the ‘welfare scrounger’ as embodying a moral counterpoint to New Ireland’s neoliberal coupling of work and ‘*earned*’ success. Moreover, as Image 6 illustrates, some versions of this discourse flipped the notion of refugee-as-victim and rights-bearing subject on its head. Not only were welfare-receiving ‘non-Irish’ suspected charlatans in this view, but they doubly victimized the Irish in what was described by some as a form of ‘reverse racism’. In one sense, this (mis)reading demonstrates the capaciousness and confusing lack of specificity that

¹⁸¹ Multiple African women I knew in Longford were sexually harassed for a period of time. During coffee one morning, with four asylees and one Irish women, a Nigerian friend told us that she had been followed around by three teenage boys trying to solicit her for sex. The other women joined in with similar stories (Field Notes, March 24, 2004).

¹⁸² While entitlements changed significantly once the government introduced Direct Provision for asylees in 1999, information concerning asylee/refugee entitlements was also available in Citizens Information offices and on their websites. See for example: https://www.citizensinformation.ie/en/moving_country/asylum_seekers_and_refugees/services_for_asylum_seekers_in_ireland/direct_provision.html (accessed May 12, 2020).

the concept of racism had come to encompass at this point in Ireland. And, while it is telling that redistributive anxieties are expressed in the currency of racial injury, it is also notable that the solidaristic notions expressed with regard to refugees in the mid- to late-1990s are increasingly being side-lined by an equally nebulous ‘help our own first’ discourse.¹⁸³ What is striking about the Irish case is that even in the context of a resurgent ethno-national pride nurtured by the successes of the Celtic Tiger, few beyond the initial Citizen Traveller Campaign (see Footnote 209) seemed to reach discursively for the category of citizenship as a mode of claims-making upon progressively neoliberal Irish governments.¹⁸⁴ Instead, a prominent language of claims-making upon the Irish government became that of racial injury.

Of course, long before the groupist abstraction of ‘black immigrants’ became available for ‘disgust narration’, welfare-dependent autochthonous Irish had been the object of such stigmatizing rumors. And in many ways, this did not change. Disgust narratives about home-grown spongers co-existed comfortably alongside rumors of non-native exploitation. For some Irish, the anxiety and loss of ‘social face’ involved in applying for and collecting welfare was overwhelming. As forms of social protection were incrementally attenuated by successive neoliberal policies, applying for welfare could be, and often was, an intrusive and humiliating process, particularly in the case of special requests which had to be made in person to Community Welfare Officers:

¹⁸³ I accept that this point is may appear debatable given the seeming political climate in Europe where refugees are concerned, and especially post-2015-2016 following the arrival of large numbers of Syrians. However, despite the exclusionary rhetoric of the media and many politicians, there remains significant support for refugees and the Refugee Convention among EU citizens. A Eurobarometer poll published in March 2004 (just before the Referendum) indicated high levels of acceptance in Ireland for immigrants, that three out of every four Irish polled agreed that immigrants were needed, and that legal immigrants should have exactly the same rights as Irish citizens (Staunton 2004).

¹⁸⁴ Of course, as Brubaker (2004) might point out, the work that ascriptive categories such as ‘citizen’ and ‘native’ are intended to do is in most cases the same.

You feel degraded going in. It's like confession ... you feel like a beggar on the street.
'Sorry, I can't help you'

They put you down straight away ... they have no respect for you. They know you have to go and ask them for things and the way they treat you, you would think it was coming out of their own pockets (Daly and Leonard 2002: 177-8)

Being poor in a supposedly rich society is to embody a 'social anomaly.' Stigmatized at the best of times, within the discourse of the Celtic Tiger boomtime however, both Irish and non-Irish welfare recipients came to represent a kind of 'contractual malfeasant':

The growing moral authority of both market and contract makes social inclusion and moral worth no longer inherent rights but rather earned privileges that are wholly conditional upon the ability to exchange something of equal value. This is the model by which the structurally unemployed become *contractual malfeasants* (Somers 2008: 3)

In this moral equation, the worthiness and rights of asylees/refugees (as humans and as *de facto* protectees under the Convention) were doubly eroded: firstly, by successive DJELR Ministers' skepticism concerning their presumptive 'bogusness'; and secondly, by the stigma associated with their receipt of welfare.

Neither phenomenon is unexpected of course in contexts where the political toleration of gross inequality has succeeded in 'corroding and 'recalibrating' our sense of obligation to others as citizens and as fellow humans (Somers 2008). For the craggy Irish man soliciting sex at his local Post Office, Lucinda's moral standing is tainted in manifold, though contradictory, ways. According to DJELR Minister McDowell in particular, her application for sanctuary apriori positions her as a 'bogus' supplicant to the nation and thus potentially (desperate enough to be) available for his sexual gratification. Yet, although powerfully suggestive, her supposed 'bogusness' is still only a 'fugitive sign' in the sense that it has not been institutionally confirmed by a formal refusal of asylum followed by deportation (Goffman 1963: 41-45). Ironically, it is her receipt of *welfare* support that affirmatively discredits her while paradoxically liberating her from needing to accept his money.

For Lucinda herself, having grown up without access to any welfare safety net, the truly torturous part of enduring such stigmatization was being unable to manage the information that this practice intimated concerning her social identity. The ‘sign’ of her stigma was in many respects embodied in her Africanity, conveying if not certitude about her ‘discreditedness,’ then the febrile suggestion of her potential discredibility.

Adhocracies of Aid

Though Longfordians fretted to me about a nebulous ‘stone soup’ scenario wherein if ‘non-Irish get X’ there will be ‘less in the pot for the Irish,’ in fact, it was not simply that there was less in the pot and more that the contents of the pot were gradually being redirected away from poverty-only issues, towards multi-factoral issues of what the EU, Irish government and local authorities increasingly termed ‘social inclusion.’¹⁸⁵ Although the structural imperatives of the Good Friday Agreement copper-fastened matters in the late 1990s, this shift in philosophical and governance approaches to poverty had been on the horizon for some time.¹⁸⁶ The ontology of the social exclusion discourse in Ireland is important as its prominence during the Celtic Tiger has, Irish anthropologists argue, contributed to a shift from ‘moral’ models of poverty wherein “our society has poor members”

¹⁸⁵ [people are] living in poverty, if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living that is regarded as acceptable by Irish society generally. As a result of inadequate income and resources, people may be excluded and marginalized from participating in activities that are considered the norm for other people ((Office_for_Social_Inclusion 2005) as quoted in (Adshead and Millar 2008)

¹⁸⁶ The fluidity of structural change is also reflected in more recent realignments within the civil service bureaucratic apparatus itself. For example, on 1 July 2009 the Combat Poverty Agency was integrated with the Office for Social Inclusion to form the Social Inclusion Division within the Department of Social and Family Affairs. In May 2010 the Social Inclusion Division became part of the Department of Community, Equality and Gaeltacht Affairs. And beginning in May 2011 the division again moved, this time to the Department of Social Protection. (Combat Poverty Website (www.cpa.ie) accessed 07/17/2013).

toward an ‘ecological’ model, wherein “there are poor communities in our environment” (Saris, et al. 2002). While responses to social inequity in the U.S. produced academic analyses such as the Wilsonian idea of ‘underclass,’ and policies such as the shift from welfare to ‘Workfare’ (a project of individual rehabilitation from unproductive into a proper laboring subject and an approach that would soon find favour in Ireland and parts of Europe), European approaches have tended overall to acknowledge that the problem of poverty would not disappear with the creation of wealth.

A discourse of ‘social exclusion’ was generated throughout the 1980s as an approach to multiply deprived communities. It was heavily influenced by French thought which suggested that ‘exclusion’ is “a multi-axial concept, more broadly defined than (but generally related to) poverty, comprising dimensions including, but not limited to, civil rights, democratic participation in the economy and familial and community relations” (Saris, et al. 2002: 174). This notion of social exclusion then goes beyond economic poverty to explicitly include a lack of access to mainstream social and cultural resources and, as it turns out, fit quite comfortably with the kinds of governance models which were emerging in Europe and other OECD nations at the time.¹⁸⁷

The Irish policy approach to social *inclusion* was also, understandably, deeply inflected by the government’s reform of its governing models, or, as one expert put it – the shift from ‘government’ to ‘governance’ (Adshead and Millar 2008: 8). As with the adoption of a Social Partnership model and the shift to New Public Management (NPM) described in Chapter 1, here too, the stated intent was to deformalize and dehierarchize government by combining formal bureaucracy structures (which

¹⁸⁷ While older redistributive policy approaches gradually lost ground to better funded ‘social cohesion’ efforts which foregrounded issues like civic literacy, democratic access, respect for cultural etc., difference and recognition of as a means of forefending against social exclusion, it is not the case that the EU was unconcerned about poverty. It was at one point seemingly quite concerned about inequality and poverty, censuring the Ireland government rather prominently concerning the shortcomings of its policy planning (Adshead and Millar 2008: 20).

would ideally provide public accountability) with informal networks which would enable access to local knowledge (Ibid: 9). However, a crucial problem with this well-intentioned attempt to involve non-state and local actors was that, in practice, it was not always apparent who these were or should be. Moreover, it was entirely unclear what the parameters of these non-state actors' expertise or responsibility should be. As Laoghaire, the head of one local agency, acknowledged to me:

When asylum-seekers and refugees began to arrive [in Longford], county councils and agencies were put in terrible positions. They didn't know what the various stamps [relating to the legal protection status of asylees] meant. They didn't know what they were supposed to do. ... The regional agencies received very little direction from head offices in Dublin and these offices didn't know what to do either (Interview with Laoghaire H., Interview Field Notes, June 2003)¹⁸⁸

Dehierarchizing Government

As contemporary iterations of welfare stigma and of a newer, metastasizing inequality had begun to make themselves known in the late 1980s, spending on Ireland's welfare suite continued to slowly contract.¹⁸⁹ At a macro level, the EU had been intensively injecting Structural Funds into the country in order to build up its physical infrastructure, but across Europe a surge in populism and xenophobia prompted it to confront the fact that its Structural Policy was failing to stimulate economic parity between the various regions in the union. It announced a shift in the targeting of its Structural Funds. Henceforth, some 'Social Cohesion' funds would be earmarked to create 'bottom-up' participatory model projects and other targeted developmental interventions in areas of particular socio-economic disadvantage (Ray 2000: 164). Non-state agencies were increasingly contracted to

¹⁸⁸ As I mention above, the experience of the DJELR-created Working Group on the Protection Process makes clear that many NGOs have gained expertise and experience and where established, relevant NGOs exist, this is no longer such a concern (Smyth 2016).

¹⁸⁹ As early as 1987, a critical Eurostat "Living in Ireland" survey sounded the alarm about deepening inequality.

deliver services, and sub-state entities such as local administrations, community groups and individuals came to new prominence under a political ethos which called for enhanced local participation and new forms of popular ‘responsibilization.’¹⁹⁰

The Irish government slowly acknowledged that it needed to devote closer attention to developing strategic anti-poverty programming, directed as the EU required, at the local level. It took almost a decade before the necessary policy was published - a 1996 proposal to focus on local institutions called *Better Local Government – A Programme for Change*. This was followed in 1999 by a major initiative called the *Local Government Programme* which, following the policy orientation of the EU, was specifically geared towards positioning anti-poverty and social inclusion work at the heart of local government.¹⁹¹ Inclusive aspirations also featured prominently in social partnership documentation (such as the 2000-2003 *Programme for Prosperity and Fairness*), and new institutions such as the Equality Authority and the Irish Human Rights Commission were designed to poverty-proof all proposed policy instruments and to assist in their implementation at the local level (Cantillon 2001: xix).

¹⁹⁰ As part of this ‘bottom-up’ policy reform, the EU Commission introduced ‘Community Initiatives’ as a pilot intervention. The rural development version of this was LEADER. The acronym stands for Liaisons Entre Actions de Developpement de l’Economie Rurale. For example, between 1994 and 1999, LEADER II programs awarded 1.7% of the EU’s available structural funds (€107,003 million) during that period. Intended to stimulate innovative responses at the local level, LEADER awarded funding to small scale local organizations upon submission of an acceptable business plan for proposed development actions. These development actions were strongly encouraged to draw upon indigenous resources, in particular active participation by the public, voluntary and business sectors of the designated community. Representing a miniscule portion of the EU’s structural funds, LEADER has been viewed by some as a positive political experiment in participative democracy.

¹⁹¹ Combat Poverty Agency. <http://www.cpa.ie/aboutus/history.htm> - Programmes (Date accessed, April 15, 2013). See also: <http://www.environ.ie/en/Community/AlignmentofLocalGovtLocalDev/CityCountyDevelopmentBoards/> (accessed: July 21, 2014).

In practice, unfortunately, this profusion of ‘targeted’ interventions and anti-poverty instruments was undercut in three crucial ways. First, in keeping with the new emphasis on bottom-up responsabilization, capitalization and employment grants were transferred to newly-formed County Council Development Boards, which were in turn tasked with redistributing funds to a burgeoning sector of private entities, NGOs and community organizations.¹⁹² While Board members did their best to choose worthy projects, the sector as a whole however was broadly un-coordinated, resulting in a scattershot of projects whose impact was often unsustainable beyond the initial injection of funds.¹⁹³ Second, the EU and GFA-mandated supplementation of equality proofing, recognition and anti-racism foci to poverty objectives in public policy played out in complicated ways, with the bulk of social cohesion/rural development funding being directed primarily towards entrepreneurs, small business owners, and heritage/tourism initiatives.¹⁹⁴ Social cohesion funding streams, particularly those earmarked for diversity, anti-racism and integration were visibly oriented toward refugee-related issues and NGOs. Only a few seemed to be oriented towards the development of actual anti-poverty

¹⁹² Laoghaire, a Longford County Council Community And Enterprise officer told me that in 1999 and 2000 County Development Boards had been set up to deal with such issues. Additionally, 38 EU-funded ‘LEADER companies’ were created across the country:

... initiated by funding from the EU Social Fund (though they are now funded by the Exchequer). They are a grant giving organizations and they also provide capacity building (Interview with Laoghaire H., Field Notes: June 2003).

¹⁹³ Within the NGO milieu, some I spoke with were critical of these developments, seeing the potential to delegitimize institutions of representative democracy, but also for corruption. Still others viewed it as essentially a haphazard regime of indirect redistribution via sets of increasingly marketized social relations – an analysis which mirrors some of the concerns of Community And Enterprise officers, like Laoghaire (See also Ray 2000).

¹⁹⁴ Established in 1999 and initially afforded a great amount of recognition and fanfare in the media, over time the Equality Authority and IHRC found to their great frustration that their ability to meaningfully proof policy instruments was frequently more rhetorical than material and in this sense, some critics have argued that they came to serve instead as a kind of rhetorical window-dressing for increasingly illiberal policy approaches. Following the 2008 crash and its particular severity in Ireland as a result of lax banking oversight, the Equality Authority’s budget was cut by a whopping 43% in 2009 resulting in the resignation of its CEO, Niall Crowley (Crowley 2006; Crowley 2010).

initiatives for economically marginalized Irish groups. Third, throughout the 1990s the central government's signature attempts to stimulate the economy centered to a great extent on subsidies and tax incentives, a feature which assisted middle- and upper-class investors and entrepreneurs and which invariably impacted the overall national tax intake, with downstream consequences for social spending.



Image 9: African and Irish Members of Trásnach March Together on St. Patrick's Day 2004 (Source: A. Torney)

The Board Simply Co-Ordinates

Between 1996 and 1999, the EU's LEADER II program made IR£1,955,716 (approx. US\$2,757,599.00) available to County Longford for development projects. Funding was awarded to small firms and craft enterprises, and to a sizeable number of tourism related enterprises (e.g., for upgrading Bed & Breakfast accommodation, developing hostels and producing tourist maps and brochures for the local Chamber of Commerce, as well as tourism related training projects, such as tour guide training, and diplomas in community development practice). Other awards were made to projects upgrading community resource centers (for example, rehabbing community halls and adding

crèche facilities), and projects involving digital training (such as computer training for older citizens). Documentary initiatives such as art-making or booklets and publications on local history were also funded, as were initiatives to improve signposting and restoration of architectural and natural heritage sites. Lastly, a small number of employment grants were made (Longford Community Resources Ltd. 2000).

Absorbing social inclusion programmatic components in order to capture badly needed new funding streams principally meant that existing NGOs needed to retool or expand existing services. In the case of Longford, funding streams from LEADER grants, the UNHCR Refugee Fund, the EU Refugee Fund and the EU's Daphne Programme made it possible for local NGOs and volunteers to recalibrate to meet the needs of asylees and refugees who, having moved to a relatively underserved rural area, needed forms of state care and bureaucratic intervention which had simply not existed in those areas.¹⁹⁵ The seeming abundance of new streams of funding for refugee support, and post-Good Friday Agreement initiatives such as conflict resolution, non-discrimination, diversity promotion and racial/cultural integration programming was not lost upon lower-income Longfordians, many of whom were finding themselves on the wrong side of Ireland's means-tested welfare limits, but also excluded from the arrays of social cohesion initiatives. During a wide-ranging conversation with Laoghaire, a County Council Community And Enterprise officer, we discussed

¹⁹⁵ These funding instruments include UNHCR's Refugee Fund, the European Refugee Fund, the Daphne Programme (which can be broadly described as a social cohesion fund directed towards community initiatives that target violence and promote social, physical and mental health. <http://ec.europa.eu/justice/grants/programmes/daphne/> (Accessed Dec 27, 2013)), the European Integration Fund and various non-discrimination and diversity initiatives funded by the EU's PROGRESS programme (to mention just a few regional funders). For more information, see http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/integration-fund/index_en.htm (Accessed Dec 29, 2013).

Longfordians' anxieties that their needs (for housing especially) were coming second to those of refugees:

Yes, this is a common resentment. But, it reflects a spectrum of social welfare resentments whereby someone receives a welfare benefit and another person who is just over the limit cannot receive the same thing

Given that these EU and Irish local government initiatives were depending heavily on local knowledge and resources to best target their interventions, I asked what overall vision or plan the County Development Board had to help integrate refugees and asylees. There was none. "The board simply coordinates, it does not implement measures like integration," Laoghaire replied. What this lack of overarching co-ordination meant in practice is difficult to quantify. Certainly, the Board tried to choose good projects. And, many of the volunteers and NGOs working on refugee support shared knowledge and at times co-operated on large projects, plugging 'holes' that might otherwise exist in a support strategy for the area. But, it also meant that if, say, womens' organizations were already on the ground and tooled-up to secure grants, then they continued to secure grants for women-related projects. The lack of oversight meant that no one worried about the dearth of support projects for rural Irish men in crisis or the many African refugee fathers and husbands who were largely excluded from the flurry of women's classes and trainings offered by existing Longford groups. And, beyond structural efficacy, the sustainability of numerous short-term, small-scale projects was an ongoing question.

Tax Schemes And Rural Housing

"When we came here in 2000, this was the only building here. All this space here was just green fields," Sadhbh told me gesturing out the window of our meeting room. "Now, it's all houses." (Field Notes: Sept 2003)

"Applications for housing in Longford came from refugees all over the country,

including Cork. You have to ask, ‘why did they want to come to Longford?’” (Cassidy 2003)

One of the cornerstones of the Irish government’s rural revival strategy was a nationwide tax incentive scheme designed to attract inward investment to struggling rural economies, such as Longford’s. The policy architecture which underlay this incentive, Rural Renewal Scheme (RRS),¹⁹⁶ is of particular interest here because it subsidized the construction of dozens of privately-owned housing estates all around Longford. Under RRS, tax relief was made available in underdeveloped rural areas such as Longford for the construction of new buildings (both residential and commercial) and the refurbishment of old buildings. A tremendously generous scheme, the government permitted expenditures to be written off in full against building costs or rental income from these new buildings, with any excess costs rolled forward each year until the cost of the expenditure was absorbed through a reduction of tax payable. The result was a massive construction boom in the town – largely fueled by Dublin-based investors seeking a financial vehicle to reduce their overall tax burden.

In keeping with EU, state and local development efforts to kindle Longford’s tourism industry, some of the first high-rise buildings in the town (euphemistically named *Harbour Point*, *Harbour House* and *The Quays*) were built along the its long-defunct harbor. *Canal Close* was constructed along its filled-in canal. Other developments sprang up around the town’s largely obsolete market square. Seemingly overnight, peri-urban fields were transformed into 5,000 new housing units as non-resident investors availed themselves of tax relief by financing residential housing and commercial building

¹⁹⁶ The RRS was funded under the *National Development Plan* (NDP) which provided for the investment of approximate €57 billion in various infrastructure, development, education, training and social inclusion projects.

(<http://www.finance.gov.ie/viewdoc.asp?fn=%2Fdocuments%2Fndp%2Fndp.htm>) (date accessed March 15, 2013).

schemes that claimed to anticipate the relocation of foreign employers to the town.¹⁹⁷ By 2001, with most of the expected foreign companies nowhere to be seen, the town had a huge surplus of vacant, privately owned houses.¹⁹⁸

The social housing situation however, was a completely different story. Although Longford's local authority provided proportionately more social housing than many other local authorities at the time, throughout the Celtic Tiger it too had persistently neglected (or been unable) to repair and replace housing units purchased by former tenants.¹⁹⁹ As a result, many low-income and welfare-dependent Longfordians (such as lone parents, Travellers and the elderly) ended up living in older, often sub-standard housing on local authority estates. Frequently, these were poorly maintained and locals complained that the authority did little to discipline unruly residents, or to resolve disruptive situations where Traveller families had been in conflict for a number of years.²⁰⁰ Problematic tenants were shuffled back and forth across a limited number of run-down housing estates in the town, a process which disrupted the social fabric of the estates but more importantly, left residents feeling that their desire for a better standard of living (expected of everyone under the boom) and their

¹⁹⁷ <http://www.longfordleader.ie/news/local/economic-advisers-question-tax-scheme-s-merits-1-1943396> (date accessed March 16, 2013).

¹⁹⁸ Following the 2008 crisis, over 77 housing estates (ca. 8,000 homes) in Longford would be abandoned in situ by credit-starved developers and these partially built housing estates are now widely referred to as 'Ghost Estates.' In 2011, Longford County Council was forced to spend €5m of its much-reduced municipal budget to demolish and otherwise render some of these private estates less dangerous to the general public.

¹⁹⁹ The county council reports that in 2006, 12.74% of the households in Longford (a total of 1,534) were living in local authority housing. The national equivalent figure is 8.8% (Board 2009: 65).

²⁰⁰ Among many negative stories associated with social housing neglect, the partnership between Clúid Housing Association and Longford County Council appears to be a positive one. The social housing estate of St. Michael's Road in Longford was described as 'irredeemable' by one independent reviewer before Clúid partnered with Longford County Council to redevelop St. Michael's, Annally Gardens and Lanna Aoibhinn. However, regeneration projects such as this usually involve the transfer of the social housing stock to Clúid a non-state entity. In this particular case, Clúid appears to be committed to retaining these estates as social housing (Redmond and Hearne 2013).

requests for a safe place to live, fell continuously on deaf ears as the town's most economically marginal residents found themselves literally and figuratively set apart from the boom time. Other low-income families, including substantial numbers of Travellers, remained on social housing waiting lists for several years and discontent mounted as thousands of units of private housing, subsidized by the public funds provided under the RRS, remained vacant.

This availability of thousands of vacant, rural houses in Longford in the early 2000s, was however, a windfall for the DJELR Reception and Integration housing officers tasked with accommodating thousands of asylum seekers and refugees in Dublin's extremely tight housing market wherein most asylees first presented their claims. Allowing them to use their government-provided rent supplement to move to the countryside worked for almost everyone. Refugee parents faced with sparse rental prospects in inner-city Dublin thought integrating in rural schools and lifeways might be easier for them and their children. Absentee investor-landlords were happy to gain rental income from their tax relief properties without having to rent to Travellers, students or other low-income Irish. The arrangement ultimately facilitated the unplanned arrival of over seven hundred refugees and asylum-seekers (mainly African and Romanian) to Longford town's population of ca. 7,000 and in a relatively short period of time, this vulnerable, predominantly welfare-dependent group comprised approximately 12% of the population of the town.

Public Representatives And Silent Majorities

For local businesses and rental property owners there were clear upsides, as a local journalist argued:

... the influx of 700 new citizens (sic) is badly needed in Longford town. And let's not kid ourselves, it's a massive boost for the town and for business there. All of these people have to be fed and clothed. Supermarkets and shops are bound to benefit substantially. And don't tell me that people with properties to rent aren't making a

fortune ... (Donlon 2003).

Before long, the mid-rise towers of Harbour Point and Harbour Close became known as ‘Little Lagos.’ Another new housing development was colloquially referred to as ‘Harlem.’²⁰¹ Some Longfordians grumbled. Éoin and Gráinne, two locals in their mid-twenties, both working full-time and going to classes at night, told me that they could not afford to rent in Harbour Point. They did not know how asylees and refugees afforded new development rentals and resented the fact that ‘non-nationals supported with our tax money’ could live in such buildings while working locals like themselves lived in significantly more modest private rental accommodation (Field Notes: March 2004).²⁰²

In the broader scheme of things, the reception accorded these newcomers was predominantly warm and many Longfordians devoted thousands of hours to working on behalf of this new community, deflecting and diffusing new and old stigmatizing logics and helping them navigate fresh lives in Ireland. For their part, many of the newcomers also devoted themselves to volunteer work, at churches, schools, libraries, in anti-littering campaigns and at local NGOs, forging lasting friendships with locals in the process. Still, the presence of so many culturally diverse newcomers was not without its challenges. Tensions with locals took different forms, bubbling to the surface in contexts such as nightclubs, libraries, schools and shops. In nightclubs, African men hitting on Irish women and Irish men hitting on African women sometimes resulted in scuffles. Shop-lifting, a not-

²⁰¹ Technically, Irish renters – including those in receipt of rent supplements from the government should have been able to rent the same houses as refugees and it was never entirely clear why concentrations of immigrants/asylees developed in the new housing estates the way they did. Superficially, the trend appeared to support observations I had heard from local Traveller and Refugee support volunteers, which was that landlords preferred to rent to Africans rather than Travellers or low-income Irish and Irish students.

²⁰² When I put the question of affordability to Blessing and Favour, two Nigerian mothers, they noted that they were thriftier than many Irish people, who ‘spent too much money in the pub’ and did not know how to make money stretch the way Nigerians did.

uncommon occurrence by locals according to the Longford Chamber of Commerce, was reported assiduously by the local media whenever Africans, Romanians or Latvians were involved. Indeed, the comments of one Longford magistrate, Judge Neilan, while sentencing two Nigerian women for theft caused nation-wide uproar when they were published in the Longford Leader and taken up by the national media:

There are people in this State who have worked all their lives who don't in their old age pension have the benefits these ladies have. The majority of shopping centres in this district court area will be putting a ban of access to coloured people if this type of behaviour does not stop ... We give them dignity and respect and the first thing they do is engage in criminal activity ... (Longford Leader; Feb 28, 2003)

Refugee advocates were appalled at the lack of sensitivity expressed by Neilan's suggestion that "coloured people" might be banned from the local shops and called for immediate anti-racism training for Irish judges (Editorial 2003). Some locals, by contrast, read something different in Neilan's comments. They felt that their suspicions about the inequities of state beneficence had just been confirmed by a long-standing authority figure who ought to know. There was no shortage, in fact, of such mis-statements by people in positions of influence within the community. For example, in reporting on that very episode, yet another Longford journalist restated the same welfarist inaccuracies:

But perhaps the greatest cause of friction is that these poor souls cannot legally work. I have long argued that all asylum-seekers should be allowed take up jobs. This has a positive effect in two ways: firstly, it gives those non-nationals a sense of purpose with something to do other than laze around; and secondly, they are no longer sponging on the state but are a net benefit to it. ... There is nothing that cheeses off locals more than seeing foreigners getting more State handouts than they are receiving (Donlon 2003)

Other tensions metastasized during face-to-face interactions (Goffman 1967). Some locals felt that Africans were too proud and seemed ungrateful for what was being given to them. They

experienced African women, in particular, as pushy and rude; either not knowing or caring to be polite when shopping or queueing for welfare services:

There are stories in Longford of pushy African women barging to the front of queues to obtain school uniforms, shoes etc for their children when low-income locals have to fork out the money. Such situations don't breed love for the stranger. They breed naked racism. ... Then there is the enormous gap in cultures. What self-effacing Longfordians might consider pushy or brash, African women consider normal. They are different. The perception is that do not appear to express gratitude or humility for all that's being done for them. They take for granted the new housing accommodation and the prams and other goods handed out by the State. They are confident and won't doff the cap or bend the knee (Donlon 2003)

The situation of local schools needing to absorb several hundred children from various linguistic groups, educational systems and cultural parenting systems was daunting, to say the least. Over dinner one chilly evening in March 2004, Eowyn, a 'foreign national' teacher at a local school told me about the dearth of institutional support from the Department of Education available to help her. Essentially, she was self-educated, independently attending workshops offered by NGOs like Integrate Ireland to learn how to develop intercultural curricula and activities to help the children develop their English skills and integrate within their school zones. Some schools were already beginning to experience difficulties with disruptive local and 'non-national' students. Eowyn had been struck by the efforts of her teaching mentor to describe this contemporary phenomenon: "misbehaviour – fighting, disrupting class, cheekiness – [as] the worst she's ever seen in her 40-year career as a teacher. Children used to play games. Now they don't seem to know any games." In the case of one memorable four-year old Angolan boy we both knew, Eowyn told me that his mother felt that Irish teachers were incapable of properly controlling and managing children; her best friend thought that the Angolan men he spent time with at the weekends were negatively affecting his behavior, and his teachers – most of whom had not received any anti-racism training according to

Eowyn – were exhausted and somewhat unsympathetic, finding that the quickest way of restoring order in their class rooms was to hand him off to her care in a separate room.

In fact, when Eowyn attended as a student herself, the school had almost 800 pupils. When we spoke, enrollment had fallen to 200. “One third are Travellers, one third are non-national and rest are underprivileged Irish kids” she told me. I asked if it was the result of depopulation but Eowyn felt that new schools were coming into being and siphoning off what used to be her school’s student base. “The wealthy townspeople campaigned for a separate school and received funding for one. Their enrollment policies are a disgrace.” Eowyn, who recalled being in class with the children of politicians and the wealthy in Longford observed that this new school erected “obstacles” which “drove away both non-national and Traveller parents” (Fieldnotes: March 2004).

The pressure of so many arrivals in such a short period of time upon local services like schools and healthcare is reportedly what prompted the Mayor of Longford to call for a halt to more asylees coming to live in the town and for the central government to properly aid Longford by allocating additional aid:

the ordinary person on the street will tell you that there is a greater queue to see their doctor or a practical example is that people have experienced the computers in the library being taken up all the time. Comments have been made to me about queue in the post office with non-nationals with buggies forcing their way through (Longford Leader: Feb 28 2003)

The Mayor received considerable push-back from local and national NGOs following his public request for DJELR and the Health Service Executive to confirm the exact number of asylees in the town. Support NGOs felt his call for ‘numbers’ was borderline (if not actually) racist. Mitchell, a practicing (asylum and general law) solicitor, was unbowed. However, his sensitivity about being denounced as racist for making these financial and demographic data demands was conveyed by his use of the American-originated (right-wing and often racialized) cultural trope of a ‘silent majority.’

one problem is that if you raise this issue people throw it back in your face that you're racist. We are entitled as public representatives to raise challenges. I am not doing my job as a public rep if I don't raise such concerns. I am certainly not a racist but the concerns of the silent majority have to be raised (Ibid)

PART III

Good Friday Agreement: Anti-Racism And Human Rights

The 1998 *Good Friday Agreement* (GFA) translated its post-conflict bona fides into explicit governmental commitments to human rights, ethnic recognition and related anti-discrimination initiatives concerned with anti-racism, equality, interculturalism and so forth. Outside Ireland, this multi-party, international agreement is perhaps best known for its prison releases, arms decommissioning, cease-fire and security normalization provisions and is thought of as primarily affecting Northern Ireland. However, this set of inter-related agreements not only laid out a system of future governance within Northern Ireland, it also re-inscribed the parameters of future political relations between Northern Ireland, the Republic of Ireland and the United Kingdom, proclaiming the thorny question of citizenship and belonging in Northern Ireland a 'matter of individual choice.' This momentous development was underscored with expressions of support for equality and respect for civil, political, social and cultural rights. In particular, it called for respect for 'difference' as it related to the identity and ethos of the Northern Ireland's various communities and traditions.²⁰³

Some policy-related elements of the GFA were built around the findings of the 1997 European Year Against Racism (EYAR) program which had culminated in a report identifying a two-pronged

²⁰³ Cf., David Trimble (Leader of the Ulster Unionist Party) who wrote in *Being Irish* that '... I believe it is dangerous and inappropriate to attempt to integrate existing diversity. One should not try to blend together traditions that are essentially different ...' (Quoted in Longley and Kibberd 2001: 8).

problem in the Irish context: how to effectively address issues of racism and exclusion while simultaneously valuing the increased diversity which Ireland was then experiencing. One of its principal recommendations was the institutionalization of a Human Rights Commission which was formed by the Irish Government in 2000. In furtherance of understanding and tolerance for diversity on both sides of the border the EYAR report also recommended that a National Consultative Committee on Racism and Interculturalism (NCCRI) be formed; that Equality Proofing measures to safeguard minority groups like Travellers, Black people, refugees and asylum seekers should be adopted by all government departments; that “anti-poverty objectives of public policy should include a focus on anti-racism and the positive inclusion of minority ethnic groups”; that commitments in existing government policy, such as the 1995 Task Force Report on Travellers and the full implementation of the Refugee Act should be “given greater urgency to prevent further slippage in time scales”; and finally, that funding to Minority Ethnic Groups should be enhanced and new programs of support should be developed.²⁰⁴

Compliance in Return for Rights and Recognition: From Regulationist to (Delimited) Rights-Based Governance

In keeping with the shift in governance approaches that I have been tracing throughout this dissertation, the Irish government’s post-GFA approach towards Travellers altered from what some scholars have termed a ‘regulationist’ approach to an ‘Active Citizenship’ (or recognition and rights-based approach). Obviously, this occurred in line with the government’s overall turn to a model of ‘social partnership’ governance in keeping with its GFA commitments, but also – importantly - as the result of European concerns re: the ‘structural inequalities of minority populations’ (Crowley and

²⁰⁴ Source: <http://www.nccri.ie/nccri-background.html> Accessed 9/18/2011.

Kitchin 2007: 130).²⁰⁵ Ireland's post-GFA ratification of human rights legislation had given rise to various legal reforms including the Traveller Accommodation Act (1998) and the 1998 Citizen Traveller campaign.²⁰⁶ The Traveller Accommodation Act (1998) initially appeared particularly promising, requiring each local authority, *in 'active' consultation with Travellers and the general public*, to prepare and adopt a five-year plan for Traveller Accommodation by March 31, 2000. Nevertheless, as with the experience of Irish unions and voluntary sector during Social Partnership consultations, many Travellers and their advocates ultimately found 'Active Citizenship' to be a disarming/disempowering mechanism.

²⁰⁵ "Active citizenship refers to the active role of people communities and voluntary organization in decision-making, which directly affects them. This extends the concept of formal citizenship and democratic society from one of basic civil, political social and economic rights to one of *direct democratic participation and responsibility*" ((Government_of_Ireland 2000) as quoted in (Crowley and Kitchin 2007: Emphasis added)).

²⁰⁶ The Citizen Traveller campaign was conceived in 1998 as a public relations effort to try to improve the image of Travellers and remediate relations between settled and Traveller populations. It also had the goal of trying to create a sense of Traveller 'community' – something that ethnography has indicated is more kinship based than communitarian – and solidify Traveller identity in the public imagination. As with NCCRI's Know Racism project, it was funded under the Equal Status division of DJELR, though implemented by Traveller organizations (including Irish Traveller Movement (ITM) and Pavee Point) and advised by various media, marketing and PR companies (who captured approximately two-thirds of the campaign's budget) (Crowley and Kitchin 2007: 132).

The Citizen Traveller campaign unfolded with some vivid ads emphasizing Traveller citizenship and positive aspects of Travellers and Traveller lifestyles. However, it was badly portrayed by the media which suggested that the campaign was directed towards blaming everyone except Travellers themselves for their situation. There was a tremendous media and public backlash to its ads causing the campaign to falter. When it launched its next set of ads, they contained an especially sharp condemnation of the tightening legal restrictions on Travellers, declaring the new legislation to be racist. Minister McDowell (DJELR) waited a few months and then pulled all funding from the campaign, effectively suspending it (Crowley and Kitchin 2007: 140).



Image 10: Voter Training with Partnership for Social Justice, Longford Traveller Movement in association with Longford Women's Link and Longford Community Resources Ltd (Source: The Longford Leader)

Government negotiators took the position that in ‘responsibilized’ democratic engagement with marginalized populations it is only “through participation that is *compliant with the regulations and expectations of the State, [that] a person accrues citizenship and entitlement to rights*” (Crowley and Kitchin 2007: 131, emphasis mine). Restrictive ‘*quid pro quos*’ were demanded in return for access to rights for Travellers:

The Act works on a *quid pro quo* basis, wherein the State provided sites, accommodation and rights as long as Travellers comply with the law. In turn, parts of the law were made more restrictive. For example, Section 32 replaced and strengthened the powers of local authorities and police to evict Travellers from public land and from the side of the road. It empowered local authorities to act where an unauthorized temporary dwelling is within five miles of a service site if the trailer could be accommodated on such a site. As such, Travellers can be forced to move to sites (often over crowded and unsanitary) with limited facilities (Crowley and Kitchin 2007: 132)

While some Travellers arguably could have done more to uphold their end of the Active Citizenship 'bargain' by trying to avoid trespassing and littering when they encamped, to resolve feuds without violence, and to eschew 'anti-social' behavior, in real terms Travellers lost out on multiple fronts with this turn to so-called rights-based governance.²⁰⁷ Traveller representatives and organization leaders now had a place at the discussion table (for what that was worth), but the ensuing policy and legislation unfolded in a contingent - even contradictory - manner that imposed ever-more restrictive regulations on Traveller mobility and lifestyles.

In many cases, despite the 'theatre' of multi-party consultation processes, local authorities who were mandated by the 1998 Housing (Traveller) Act to provide accommodation for Travellers often failed to honor their end of the bargain, leaving municipal funding earmarked for Traveller accommodation and maintenance of existing sites unspent. To the best of my knowledge, none have been censured for failing to fulfill their statutory duty in this regard. Meanwhile, Traveller infractions are zealously pursued. An 'indigenous clause', which was introduced to force Travellers to register in a county in order to receive accommodation there, began to be used to evict Travellers not registered in a jurisdiction when housing plans were drafted. And, the old practice of 'bouldering'²⁰⁸ to prevent Traveller encampment in public spaces increased (Crowley and Kitchin 2007: 136-7). With only three transient sites in the entire country and most official temporary sites poorly maintained, many

²⁰⁷ Avoiding trespassing is not easy or always possible for complicated reasons having to do with the lack of habitable or appropriate Traveller sites throughout the country, but also because of internal Traveller family disputes which prevent co-habitation of certain sites. Not littering too is difficult when there are no means of disposal near at hand. That said, a majority of the most unsightly waste is often not derived from domestic or household waste but from the practice of salvaging scrap metal and related dumping.

²⁰⁸ Placing large stones to prevent the passage and/or parking of caravans. They are usually located at the entrances to scenic areas and potential camping sites.

Travellers were left with little alternative but to encamp ‘illegally’ on vacant industrial land, construction sites or in leisure parks.

The Government also used legislative and other tactics which undermined equality and rights legislation in practice. The Equal Status Act (2000) which prohibited discrimination in the provision of goods and services had resulted in a slew of cases brought by Travellers involving bias and discrimination experienced at the hands of publicans, hotel owners, insurance companies, landlords and transportation providers (Fanning 2002b: 171). After energetic lobbying by the powerful Vintners Federation of Ireland following positive verdicts (and large amounts of damages) in discrimination claims against pubs, hotels and other hospitality venues, the Government hollowed out the Act by removing the legal competence from the Equal Status Act (2000) to Section 19 of the Intoxicating Liquor Act (2003).²⁰⁹ That adjustment changed the jurisdiction to hear such cases from the Equality Authority to the District Court. Not only were discrimination hearings more adversarial in this venue but the possibility of being assessed with costs in the result of a negative verdict acted as an effective deterrent for many Travellers. Lastly, details of this change were not been properly disseminated by the government and monitoring groups reported that many people inaccurately believed that law had been fully repealed (O’Farrell 2013).

²⁰⁹ See <https://www.independent.ie/irish-news/vintners-accused-of-undermining-equality-law-26048871.html>, Accessed 06/16/2021.



Image 11: Author Training Refugees in Active Citizenship at Longford NGO (Source: Trish Rouller)

By playing up the democratic exchange elements of Active Citizenship and visibly eschewing older assimilation and rehabilitation policies for culturally-sensitive, pluralistic models which formally recognize the ethnic distinction and concomitant cultural needs of Travellers, the Irish government has managed to deflect some of the EU Commission's harsher criticisms of its treatment of Traveller populations. Less charitably, one might also say that it has consolidated its dominance as a gatekeeper to social goods like as welfare redistribution, transferred responsibility for any future policy failure onto the seeming 'non-compliance' of minority groups, and simultaneously legally disabled much of the nomadism central to Traveller lifestyles:

The law attempts, in effect, to remove nomadic Travellers from public space, delimit their geography, and enforce their invisibility through sedentary conformism in return for recognising their lifestyle (which it has just severely delimited) and introducing legislation that makes individual discrimination illegal (e.g. Equal Status Act [2000]) (Crowley and Kitchin 2007: 141).

NCCRI: Developing Anti-Racism Awareness

Racism is wrong. Discrimination is wrong. Just as sectarian violence is wrong. They have no place in a Republic that was founded on the ideals of equality and the dignity of every member of our human family. Racism is the exact opposite of the values and welcome and fair play which Ireland is known for, and has always stood for. (Taoiseach Bertie Ahern at the launch of the Know Racism Campaign, Oct 2001 (quoted in McDonagh 2004: 8))

Yet another element of post-GFA policy modification involved approaches taken by the Irish government to raise awareness concerning racism and to deepen appreciation of diversity and intercultural values. Concretely, this involved some of the legislation mentioned above, but also the formation of a national committee to advise on race and intercultural issues and to develop programming on anti-racism, in particular. Since its broad departmental portfolio encompassed equality and reform, DJELR was accordingly given oversight of the establishment of the National Consultative Committee on Racism and Interculturalism (NCCRI). Composed of Civil Servants, academics, and Social Partners such as NGO members, NCCRI inaugurated its first meeting in April 2001. From there a four-fold anti-racism strategy emerged:²¹⁰

1. Develop an understanding of racism
2. Devise a brand image for the programme
3. Engage with community groups
4. Embark on partnership ventures

Several research studies were commissioned over a period of time to better understand attitudes towards racism and minority groups in order to guide NCCRI's subsequent anti-racism campaigns. In October 2001, once the results of the first study had been digested, NCCRI unveiled

²¹⁰ Amid reports of tensions growing between asylees/refugees and people in parts of Dublin, a 'precursor' of NCCRI, the Consultative Committee on Racism and Interculturalism was initiated in 1998 to advise the government on European Year against Racism initiatives and matters relating to racism in Irish society. Its initial budget was £20,000 (Editor 1998).

a €5.7 million national anti-racism awareness programme entitled ‘Know Racism’. A logo was designed and well-known Irish designer John Rocha crafted a Know Racism lapel pin which people could purchase and wear to demonstrate support for anti-racist principles.²¹¹



Image 12: John Rocha with Know Racism pin (Source: Irish Times)

From May 2001 through April 2003 when DJELR suddenly pulled NCCRI’s funding, four phases of grant schemes (totaling €1.3m) were allocated to assist local community groups and NGOs with the development of local anti-racism awareness initiatives (Department of Justice 2004b). In three short years, the initiative had accomplished an amazing amount of work. It developed a web site (www.knowracism.ie), compiled and disseminated educational and media packs to debunk misinformation and raise awareness about racism. To bring attention to racism in the workplace, it partnered with unions and the newly-formed Equality Authority to promote An Anti-Racist Workplace Week. It supported students working on related issues, funded internships with Raidió Telefís Éireann (RTÉ) to work on programs reflecting the ethnic diversity of refugees and immigrants

²¹¹ The pin, *Five Continents - One People*, was created by fashion designer, John Rocha: “The human race has so much to share, we have so much to learn from each other and so much in common, we are after all only divided by space, five continents - one people” (McDonagh 2004: 11).

in Ireland; and co-funded a multicultural program series on national TV entitled 'Mono', video excerpts of which it later distributed as educational tools for schools. Importantly, given the tense political climate in 2002/2003, it drafted an anti-racism protocol for political parties to sign, pledging that election campaigns would be conducted without inciting anti-immigrant or other prejudices. It scripted a Charter Against Racism in Sport (launched in 2003), and a series of powerful national ad campaigns were designed and disseminated.²¹²



Image 13: Launch of Know Racism Campaign 2001 (Source: (McDonagh 2004: 8))

²¹² These national ad campaigns were rhetorically clever: The first phase of this national campaign was developed and launched in March 2002; in it Dublin County Footballer Jason Sherlock [Asian?] was featured with the caption: "He's Part Of A Small Ethnic Minority. Dubs With All-Ireland Medals." In the next phase which featured World Cup Supporters, the caption read: "In The Green Army, Colour Isn't An Issue." Next, a back to school issue featured a picture of three children with the caption: "Kids Know Nothing About Racism." A migrant worker ad featuring two construction workers with the caption "Does Prejudice Colour Your Thinking?" and a doctor/patient with the caption: "Which Do You See - A Foreigner Or Your Doctor?" In 2003, an ad showing 40 individual photographs of 'mixed' people's faces appeared with the caption: "Forty Shades Of Green" to be succeeded with ads which built on the Special Olympics World Summer Games and included one caption which read: "38,000 Visitors 100,000 Welcomes," a color press photograph of a White Games official hugging a Black participant with the caption "Something Special Happened This Summer."

Know Racism's award-winning accomplishments in such a short time were impressive. It may have had its internal frustrations but, externally, it was a well-designed and well-executed project, periodically re-evaluated for project goal criteria.²¹³ It incorporated qualitative methods (such as focus groups), surveys and other research methods. However, beyond Dublin its reach was relatively limited if not entirely absent outside primary school contexts. Focus groups interviews conducted by the initiative (comprised of 2 Dublin-based groups and 1 semi-rural-based group (from Mullingar, a town about 30 miles from Longford) indicated that after two years, only 23% of the 'general public' (i.e., as represented by the focus groups) was aware of the project. Its Omnibus Questionnaire which surveyed 1200 adults between September 2003 and January 2004 suggested that the reach of the campaign beyond its focus groups was even worse; 70% had not seen or heard of Know Racism. 81% had never even seen Rocha's Know Racism Emblem. Among a plethora of findings, the survey reported that sentiment about Ireland's most vulnerable remained complicated. For example, 54% of respondents agreed that most asylum seekers were abusing the system and were really economic migrants; 80% believed that asylees were putting pressure on essential services like housing and health; 76% believed that the Travelling community should have the same rights as settled Irish but 72% believed that the settled community was not willing to accept Travellers living among them (McDonagh 2004: 15-28). Despite the hard work of the Committee Members, the government's most material anti-racism effort had been funded for a little over 2 years and its exertions had had only minimal effect beyond Dublin.²¹⁴

²¹³ I spoke to three NCCRI appointees off the record and two of them described their time on the committee as quite frustrating and often tension-filled. The third – the only non-White Irish of the three - rarely attended the meetings (Field Notes, February 2003).

²¹⁴ This was not the government's only awareness raising campaign. In 1995, the Minister for Equality and Law Reform, Mervyn Taylor, launched "All Different, All Equal" as Ireland's part of the Council of Europe's campaign Against Racism, Xenophobia, Intolerance and Anti-Semitism. It was an education pack facilitated by the National Youth Council of Ireland and Development Education

More crucially, as I describe shortly below, the awareness raising aspect of Know Racism's program often utilized training tools (like McIntosh's 'White Privilege: Unpacking the Invisible Knapsack') developed from the not-so-recent US 'race relations' pedagogical-therapeutic context.²¹⁵ Delivered as a catechistic exhortation for white Irish to examine their internal thoughts and acknowledge/confess their privilege and subconscious prejudices, this particular American import was to have inauspicious implications for how Know Racism's message was received, especially in predominantly white, poorer, rural contexts.²¹⁶

The Catechism of 'Know Racism'

It appears that prejudice against minority nationalities and religions lies deep within our psyche (DJELR Minister, Mervyn Taylor Quoted in Waters 1997)

for Youth, with support from the Departments of Education and Equality and Law Reform (Andy 1995). Additionally, an independent effort composed of a number of NGOs (including the African Cultural Project; the Cities Anti-Racism Project; the European Union Migrants Forum; the Irish Refugee Council; and Pavee Point, an Irish Traveller project) was launched an anti-Racism project entitled Platform Against Racism in 1996 (Connolly 1996).

²¹⁵ American Professor of Black Studies and Political Science, Cedric Johnson, has described McIntosh's work as part of a "therapeutic, consciousness-raising approach to whiteness that has spawned a cottage industry of professional trainings, national conferences, study guides, manuals, and curricula targeting white audiences" (Johnson 2019: 6).

²¹⁶ The logic of these 'pseudo-catechistic' statements was often structured along the lines of 'ignorance of the law is no defense'. One example of such logics in the writings of one of the anti-racism TV program *Mono* presenters, Shalini Sinha notes:

It is that critical question "Am I racist?" that is currently plaguing most of you today. ... This is where you come to realize that racism does not just affect 'us'. If we are subjected to it, you – as a member of the majority – are participating in it. This participation may not be obvious, but I would like to remind you that even unaware acceptance of privileges – or unearned, unquestioned membership into the dominant group, or even unawareness of others' exclusion from this group – all allow the system of racism to continue. (Sinha 2002: 117-118)

Vignette No. 7: Counterintuitives of the Knapsack of White Privilege

In March 2004, as part of Know Racism’s activities in honor of the newly-announced International Day for the Elimination of Racial Discrimination, I accompanied Sadhbh,²¹⁷ a refugee support worker from a rural NGO, and Lucinda, a Ghanaian asylum-seeker, to give an anti-racism workshop to a class of 5th year secondary school boys in a relatively under-developed township not far from the Roscommon/Galway border.

Relatively untouched by the bounty of the Celtic Tiger, the area’s nascent development projects had yet to make serious inroads into its unemployment and other poverty indices. To the contrary, unemployment looked set to climb as a result of the 2002-3 economic slowdown.²¹⁸ Nonetheless, we were told that residents had awoken several months earlier to find that, seemingly overnight, a remote recruitment firm had transported hundreds of butchers from Brazil to work at the nearby Kepak meat processing plant. Parishioners could not understand how the jobs could “legally be given to foreigners” when the area suffered from so much unemployment, a local priest, Fr. Ó Cianáin, later confided to me. Moreover, as Kepak and other Irish employers made disconcertingly clear in a 2003 news article on the Brazilian arrivals, though they claimed to pay the newcomers the same wages as Irish workers, they were inclined – economic climate notwithstanding - to continue favoring foreign workers for the physically demanding work of slaughtering, deboning and meat processing:

²¹⁷ Sadhbh is pronounced ‘Sive’.

²¹⁸ Ireland experienced an economic slowdown in 2003. Broadly speaking the slowdown had multiple causal factors: the 9/11 attack in the U.S combined with the 2001 Foot and Mouth disease outbreak affected Irish tourism and agriculture; a massive retrenchment in IT investment, an industry in which Ireland was heavily extended, occurred; issues of competitiveness develop as small increases in Irish wages took place; the adoption of the Euro and its rise in value affected some exports; and there was generalized uncertainty attendant upon the accession of 15 new member states.

‘[Brazilians] work every hour God gives,’ says Brendan McDonagh, a director of [Kepak] company. ‘With the Irish people, they’d be out the gate [at the end of their shift], but with these foreigners you really have to run them out the gate at times. ... Irish people don’t want to do that work now ... [g]uys don’t want to be slitting animals’ throats and pulling out bellies’ (Irish_Times_Editor 2003).

No-one in the town had been consulted or forewarned about their arrival. Few of the workers spoke English and despite the efforts of the priest, company-sponsored translators, the Chamber of Commerce, and the Mid-South Roscommon Rural Development Company, the butchers’ integration into community life could not be termed a success. There were tensions in the area, hence – Sadhbh told me – our invitation to talk about anti-racism to the local teenage schoolboys.

Based on ‘Know Racism’s awareness raising model, Sadhbh’s workshop was one of a number of initiatives carried out at the time in schools as part of an attempt to defuse some of the challenges of integration and ameliorate the experience of exclusion and marginalization which had unsettled migrant communities in nearby Britain, France, and Germany.²¹⁹ I was given the task of providing an overview of the unsavory history of scientific racism. Lucinda’s role was testimonial, to speak about the realities of her life as an asylum-seeker in Ireland. Sadhbh’s task was to build on our presentations by leading interactive exercises which she had selected from the anti-racism materials supplied to her during trainings by a burgeoning number of anti-racist and global justice NGOs around the country. Two of the exercises she chose focused on developing awareness re: prejudice and stereotyping, the third was McIntosh’s American-derived exercise called the ‘White Privilege: Unpacking the Invisible Knapsack.’

²¹⁹ See for e.g., the “Mayo Children Confront Their Prejudices Early”(Changing_Ireland 2003) report of Cosgallen East Mayo Community Development Project’s anti-racism programme for primary schools, which together with the Mayo Travellers’ Support Group involved 420 children in a five-week series of workshops featuring a Traveller, a Disabled person and an African person to discuss stereotyping (Changing_Ireland 2003).

Arrayed before us in their blue and grey uniforms, the boys were clearly excited by the change in programming, joking and teasing with us and each other as Sadhbh began an exercise entitled “Stereotyping – Seeing People Differently.” On one side of the room, she taped a number of large photographs; on the other, a list of occupations. She then invited students to assign occupations from the list to each of the photographs. The reveals, of course, were designed to be light-heartedly counterintuitive, to illustrate the predominance (though often subterranean) of stereotypical associations which accompany our encounters with so-called ‘others.’ Initially, the students were quite amused, taking great delight in supplying slightly mischievous responses when we prodded them to elaborate thoughts following each reveal. The ‘Radical Dutch Feminist’ turned out to be a black man [murmurs of surprise], the ‘Grandmother from the West of Ireland,’ a sexy redhead [low wolf whistles]. The ‘Overweight Financial Broker’ was a middle-aged woman, the ‘Methodist Minister’ was a cigarette smoking slob and the ‘Football Fanatic’ was an attractive blonde woman [more laughter and teasing]. But the laughter faltered somewhat when it was revealed the ‘Lively Honeymoon Couple’ was two men. ‘Why this response?’ we probed. Homosexuals were ‘unnatural,’ one grinning boy supplied. ‘And contrary to the bible’ another called out, laughing. His classmates teased him that he didn’t pay much attention to the bible otherwise and they all hooted with laughter. The light-hearted teasing disappeared entirely however when we revealed the “Carpenter/Father/Recycler” occupation to be that of a Traveller. In its place a sullen silence. Again, we probed. Why such a negative response? A cacophony of voices this time: “They’re dirty!” “Disgusting!” We asked them to take a moment and reach for different descriptors. “Violent.” “Criminal.” “Frightening.”

With the tone in the classroom noticeably subdued, Sadhbh turned to the final exercise, McIntosh’s ‘White Privilege’ exercise. She began by eliciting from the class their sense of whether the stereotyping exercise had illustrated that everyone operated with some preconceptions about other people? The boys conceded that it had and agreed when prompted that those preconceptions could

come to act as prejudice. The exercise, she explained to the class, is premised on the notion that whiteness is like an invisible knapsack of unearned assets, special provisions, and blank checks ... in other words, power. This unearned skin privilege allows whites to be and do things that they might not acknowledge or even recognize as stemming from a position of privilege. For example, privilege was feeling secure that individual actions are not attributed to one's 'race,' or never having to worry about being represented in national histories, not worrying that they may not be able to rent a particular house or apartment because of color, or not having to educate one's children about systemic prejudice in order to physically safeguard them.

Sadhbh then asked the class if they could think of examples of such privilege in their everyday lives. There was a long silence. Eventually one boy volunteered that he now disliked the Brazilian workers even more than Travellers because on a recent outing with his family, a group of workers obstructed the footpath, forcing his mother and two disabled siblings to go out onto the road to get around them. He considered this a display of incivility which proved they lacked the correct social values.

Sadhbh acknowledged the possible rudeness but tried to persist with the lesson of the Knapsack exercise. 'Could the boys see how they were privileged by their whiteness?' 'That it gave them a kind of taken-for-granted power?' Silence. 'Could they see that the first step to preventing discrimination towards non-whites was to recognize the privilege of their skin?' The class seemed stumped. After a long pause one student hesitantly raised his hand. 'Did he have privilege because when he visited his father's factory, the workers there said 'hello' to him because he was the Supervisor's son?' His classmates nodded encouragingly.

A number of questions are suggested by the incorporation of this exercise in Irish anti-racist pedagogical materials, beginning with how we might best understand the boys' misrecognition of class privilege for race privilege? Even in the contemporary American context, 'whiteness' is deemed so capacious a concept that it is essentially meaningless as an explanatory mechanism (Johnson 2019).²²⁰ Not only does it reify what it seeks to explain but it essentially presupposes that 'racial identity' determines all working-class thought and action (2019: 8). So why were Irish refugee support NGOs using 30-year old American Whiteness Studies' materials in a context where the most virulent disgust narratives were focused on the phenotypically indistinguishable figure of the Irish Traveller? In Longford (as in most of Ireland), anti-Traveller bias is far more entrenched than anti-African racism and xenophobia, so why such a determined focus on skin color and embodied notions of 'race' as the ur-signifier of discrimination and difference-making? Equally confounding was the use of a workshop module which insists on the acknowledgement (confession, even) of white privilege in a context where identification has historically been construed via nationality, and not race. (Recall, that the government consistently referred to both immigrants and asylees as 'non-nationals,' signaling a restricted access to rights within the nation).

While the DJELR's portfolio included Equality issues which arguably includes intercultural and antiracism, it seems somewhat counterproductive to locate the nation's anti-racism programming

²²⁰ In a critical overview of the whiteness studies literature, Arneson notes the concept is a 'moving target' and essentially uncritiquable: "[W]hiteness is, variously, a metaphor for power, a proxy for racially distributed material benefits, a synonym for 'white supremacy,' an epistemological stance defined by power, a position of invisibility or ignorance, and a set of beliefs about racial 'others' and one-self that can be rejected through 'treason' to a racial category" ((Arneson 2001: 9) as cited in (Johnson 2019: 6)). Barbara Fields, a well-known historian of race has also critiqued the analytic mystifications of the concept, noting that it performs a series of crucial displacements: "first substituting race for racism, then postulating identity as the social substance of race, and finally attributing racial identity to persons of European descent" ((Fields 2001: 48) as cited in (Johnson 2019: 7)).

in the department of a Minister who had singlehandedly been responsible for the stigmatization of a majority of claims as ‘bogus.’ Notwithstanding that, why was DJELR outsourcing the important work of integration and anti-racism to the haphazardly-trained NGO workers they scorned in Ireland’s media as ‘ignoramuses’ - unable to grasp the difficulties of building and managing Ireland’s asylum regime?

Most important of all, how were these developments connected to the dismissiveness of redistributive anxieties and of political economy issues more broadly, in government, voluntarist and many academic efforts to ‘think’ and ‘know’ the evolving social relations of the moment (Williams 1960)? Understanding those omissions/commissions in relation to the government’s success in distracting from the violence of neoliberal reforms and welfare attenuation by (re)presenting the public with old scapegoats (those on benefits, like single mothers and the unemployed, whose ‘lifestyle choices’ were draining us all; intransigent public sector unions; and those who failed to ‘put on the green jersey’ and get on board with the neoliberal agenda) crystallized not only the power of scapegoating and mass mediation, but the necessity for understanding how such ‘thinking’ and ‘knowing’ relates to modes and technologies of governance.

PART IV

Conclusion

I will conclude by returning to the opening quote of this chapter:

The question is whether today’s politics of immigration in Europe are ultimately about the neoliberal economic policies of the EU, or whether xenophobia has a logic of its own that cannot be reduced to some form of exploitation (Fassin and Surkis 2010: 487-505)

This chapter has tried to address this question for Ireland beginning with an exploration of two sensational moments during my fieldwork after the 2004 Referendum – the painting of the Tupac tag and the subsequent staged ‘lynching’ of an effigy, which declared that black new arrivals could never be Irish. I have argued that the manner in which these isolated incidents were sensationalized by the national media overwhelmed and contributed to a persistent misrecognition of the most prevalent anxiety of Longfordians, which was primarily redistributive in character. Using this case study as a generative starting point, I have suggested that, as a diagnostic here, the abstraction of ‘racism’ is too capacious and can often obscure what it is deployed to explain. In its stead, I use the broader taxonomic term of ‘stigma’ which allows me to more readily distinguish forms of denigration as well as tropes and logics of local discrimination and national prejudice. One such is the perduring trope of ‘non-productivity,’ historically deployed as a moral disgust narrative by the English against the Irish, and later by the Irish against autochthonous welfare recipients (particularly Irish Travellers), before more recently being transferred to the figure of the asylum-seeker. In support of my argument concerning the predominance of redistributive anxieties – more broadly, the problems of inequalities - I elaborate a short history of the stigma attaching to poverty and welfare in Ireland (from the colonial era to the present day), and argue that the more recent adoption of American welfarist approaches (like Workfare) has – through its focus on individual behaviorism - distracted from the structural character of poverty in favor of the stigmatized notion of a morally and contractually malfeasant individual (Somers 2008). I show how the manifold forms of stigma attaching to the receipt of welfare combines in particular ways with newer Irish and EU policy approaches to poverty, heightening the discriminatory logics embedded within these neoliberal policies and illustrating how stigma is not merely an effect of power, *but a power in itself* (cf. Kleinman and Hall-Clifford 2009). In particular, the Longford case study illustrates how an EU-wide shift from the policy object of ‘poverty’ to one of ‘social inclusion’ has had counterintuitive outcomes on the ground, as it were, dispersing funding for

development projects without also appropriately attending to the actual political economic needs of low-income Longfordians. In particular, it demonstrates how the ‘tax relief schema’ approach of successive Irish governments towards rural redevelopment has acted as a form of upward wealth transfer, bypassing the poorest while creating unplanned material outcomes such as the abundance of vacant private housing estates which attracted refugees and asylees to Longford in the first place.

Throughout the chapter I attend to the highly stigmatized figure of the Irish Traveller. Phenotypically indistinguishable, yet still the object of virulent ‘disgust discourses,’ Irish Travellers occupy the space of a contemporary pariah figure in Ireland. In historicizing (as far as is possible) the construction of this figure, I show how the gains of rights-based policy approaches (e.g., ethnic recognition for Travellers) adopted in the wake of the Good Friday Agreement have been attenuated by accompanying regulationist technologies (such as restrictive street trading laws, horse laws and occupation of public space laws) and by the bad-faith of some local authorities. Nowhere is the lack of government attention to the rights and needs of citizen Travellers more starkly rendered than in the juxtaposition of the new, fully-serviced Liosgall refugee site with its neighboring Traveller site which had, by that point, existed for more than 12 years without running water or electricity.

A final thread in this chapter is the Irish government’s tardy and lackluster attention to the issue of anti-racism. A brief awareness-raising campaign, Know Racism, was launched under the oversight of the DJELR, despite its own questionable track record of stigmatizing asylum-seekers. Mainly focused in Dublin and a few larger rural cities like Cork, Limerick and Galway, Know Racism, had limited impact in rural towns like Longford. In the absence of a coordinated national approach, NGOs and other civic groups began conducting anti-racism training workshops. However, while some of the (often US-derived) exercises which circulated among them were helpful, for example in establishing how prejudice and race are social constructs, others were unsuited for the Irish context and, at times, were counter-productive in practice. Describing one anti-racist teaching module at a

rural school on the Roscommon border, I show how the dissemination of one outdated American anti-racist teaching tool, Peggy McIntosh's catechistic white privilege knapsack workshop, was particularly ill-suited for contemporary Irish anti-racism efforts. McIntosh's module insists on the acknowledgement (confession?) of white privilege (in a context where race had historically been construed/identified via nationality) and these (mainly) low-income schoolboys were unable fathom racial privilege, proffering instead an example of class privilege when pressed. I explicitly connect this misrecognition with a widespread dismissiveness of redistributive anxieties and political economy issues more broadly within government, voluntarist and academic circles, and I understand those omissions/commissions as central to the government's success in distracting from the violence of neoliberal reforms and welfare attenuation by (re)presenting the public with old scapegoats seemingly unrelated to the effects of neoliberal capitalism.

That said, irrespective of varying ascriptive nomenclatures, in many respects Longford's story *is* one of indigenous gate-keeping lest the 'barbarian other' demand even what was once 'ours' (Trouillot 2001). And indisputably, racial prejudice plays a part in this, especially because the discourse of racial injury has become an important claims-making currency in Ireland and the EU. However, indigenous hostility expressed in the readily available terms of race is only one strand of this complex tale and when teased out illustrates that race *per se* is quite often not the *fons et origo* of the actions that sensationalized Longford in the national imaginary in 2004. In unraveling the tapestry of Longford's diverse responses to asylees, this ethnography offers a caution that notions of racism are not simply or always a prior question of racial and cultural difference, but often about a localization of anxieties. In the instant case, it obscures the government's neoliberal approach to long-standing problems of rural underdevelopment, indigenous poverty and skyrocketing inequality. It masks and dismisses the acceptance and openness of a majority of Longfordians; the exhaustive voluntarism of locals like Sadhbh, Gearóid, Eowyn, Aonghus, and many others. It erases the friendships and collaborations

formed between Longfordians and asylees as well as the extensive voluntarism of asylees in educational settings, libraries, theatre groups, and local causes such as Tidy Towns Campaigns. It prevents us from learning the lesson that recourse to ill-fitting forms of anti-racist moralizing and the abstraction of universalist appeals to common humanity often fail, because at one level it is *difference* and the celebration of new-found diversity of all kinds which forms the cornerstone of the manifold arguments adduced for tolerant citizen behavior. At another level, these moralizing arguments founder because they fail to properly examine what the imagination and reality of ‘diversity’ mean for rural Irish citizens, particularly those experiencing the deepening inequality produced by the Celtic Tiger. And they fail to grasp how old logics of stigma intertwine with new forms of governance to continue to disempower and legally disable.

Teasing these issues out – historically and materially – has been the overarching goal of this dissertation. Thus, rather than asking whether today’s politics of immigration in Europe were ultimately about the neoliberal economic policies of the EU, or whether xenophobia has a logic of its own that cannot be reduced to some form of exploitation (Fassin and Surkis 2010: 487-505), this dissertation tries to demystify those moments of contingent interdependence and interconnection, and understand how forms of ascriptive difference-making (stigma, racism, sexism, classism, etc.) constitute a nexus that is inextricably related – often in complex, counterintuitive ways – to the legitimization of the current order of things, from the social division of labor to existing hierarchies of wealth, power and privilege (Reed 2013).

The Irish case is additionally unique because of the particular governance role played by the state as the result of a number of social partnership agreements with members of ‘civil society’ including unions, small business employers, members of the community and voluntary sectors (NGOs), and other interest groups, including Irish farmers. In addition to quelling NGO and union militancy concerning deepening inequality and deteriorating labor conditions, these agreements

reinscribed the logics of pre-existing stigmas re non-productivity via “conversion narratives” which continuously displaced responsibility for ‘social problems’ from structural conditions onto alleged defects in individual moral character (Somers 2008). While market logics, deepening poverty and confusions re commonalities and difference cannot be held solely responsible for surges in racist and xenophobic sentiment, understanding the ways these phenomena exacerbate and take off from already-existing exclusions and stigmas is central to my analyses of so-called ‘Irish racism.’ The structural shifts responsible for the intensification of social inequality during a boom time are, I believe, key to understanding responses by some disenfranchised Irish citizens towards non-citizens.

This sensibility was especially keen among Travellers and their advocates. Comparatively speaking, the treatment afforded some non-citizen refugees by the state – especially in terms of housing - was noticeably better than that directed towards citizen-Travellers and served to underscore their social and economic marginalization, a situation that Traveller advocates have been working to highlight from the 1960s, but which took on new salience under the circumstances surrounding the arrival of asylees. More broadly, while the shift from a (moral) policy language of ‘poverty’ to (a spatialized/ecological) policy imaginary of ‘social inclusion’ (Saris and Bartley 2002; Saris and Bartley 2000) had been intended to encompass poverty-related matters, in practice anti-poverty mechanisms began to subtly emphasize issues of difference and diversity rather than the economic marginalization and deepening inequality that was part and parcel of the Celtic Tiger for many Irish citizens - especially in rural areas such as Longford. Counterintuitively, while gaining substantially more access to legal remedies under new anti-discrimination legislation, as a category, Travellers did not fare particularly well during the Celtic Tiger. The pacification of militancy and the *quid pro quo* of ‘compliance’ in return for Traveller ethnic recognition might be said to amount to representation, but without redistribution.

Significantly, this shift in local policy foci and funding mechanisms coincided with the Irish government’s incremental retreat from its post-war social protection commitments, particularly in the

areas of housing, healthcare and, to some degree, education. Thus, although welfare assistance to low-income Irish citizens continued (and in some areas increased in order to compensate for historically being far lower than EU standards) overall, the repertoire of poverty-related policy instruments and funding streams either shrank or failed to remain on par with the soaring cost of living which accompanied the Celtic Tiger.

Along this spectrum of deepening national inequality, Longford's socio-economic underdevelopment was a particularly glaring exception to the Tiger's cornucopia. Its low population density reflected the fact that the county was widely considered to be an ill-favored location in terms of poverty, education, health and crime.²²¹ Nonetheless, Longford's reputation had not deterred the asylees and refugees who began arriving in an *ad hoc* fashion throughout the late 1990s and early 2000s. Although the state had not (as many Longford politicians and locals suspected) literally dumped asylees in the town, the contingency of the socio-economics of the region and the government's long-term practice of investing public funds into the construction of private housing intended to meet social housing needs, combined to position Longford as a more attractive living prospect for welfare dependent asylees than other more urban contexts. Decades of governmental tax incentive programs ostensibly aimed at promoting development and encouraging foreign direct investment (FDI) into the area meant that the sole resource in Longford that could be described as abundant, was vacant private housing. As available housing for asylees in Dublin became scarce, the government extended rent allowances to asylees willing to move to Longford. Before long this uncoordinated migration from the capital resulted in the town's volunteer networks and municipal authorities struggling to absorb

²²¹ When in 2006 the government tried to decentralize its prison service headquarters from Dublin to Longford, civil servants reportedly mutinied citing a 2002 governmental report that concluded Longford was one of the worse locations in Ireland in terms of poverty, education, health and crime. (Longford_Leader_Editorial 2006)

proportionately large numbers of non-English speaking migrant and asylee children into local schools, to cover the healthcare needs of people originating from a wide range of countries of origin (with varying health-related issues) and to provide welfare benefits for asylees and refugees from its anaemic municipal funding streams. As I outlined above, many of the more high-profile refugee-related support projects, especially diversity and integration-oriented projects received proportionally more abundant funding, giving rise to suspicion of unfairness and a feeling of resentment among some – though not all – of the native Longford population. All of this set the scene for how Longfordians would vote in Ireland’s Citizenship Referendum on June 11th, 2004.

CHAPTER 4: DIFFERENTIATING RIGHTS: REFERENDUM

1998 GOOD FRIDAY AGREEMENT AMENDMENT TO ARTICLES 2 AND 3 IRISH CONSTITUTION

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage

2004 BIRTHRIGHT CITIZENSHIP AMENDMENT TO ARTICLE 9 OF IRISH CONSTITUTION

Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law. This section shall not apply to persons born before the date of the enactment of this section²²²

Introduction: Those With ‘No Real Connection’

In today’s world of inequality of wealth between the southern and northern hemisphere and the consequent south-north migration patterns, we must recognise [sic] that citizenship is a property right which entitles its holders to specific entitlements, protection and assets, while excluding all others (O’Connell and Smyth 2004)

Between 1998 and 2004, the Irish government held two referenda amending citizenship rights in its Constitution. The first in 1998 removed a territorial claim to the entire island but inserted (via Articles 2 and 3) the right of everyone born on the island, including in Northern Ireland, to choose to

²²² See (O’Connell and Smyth 2004) for an earlier juxtaposition of the two referenda.

be an Irish citizen. This meant that for the first time since Partition in 1921, Catholics and Protestants born in the UK-governed territory of Northern Ireland could choose Irish rather than British citizenship if they wished. A mere six years later, on January 31, 2004, the Irish Government announced it was seeking legal advice on whether the constitutional right to Irish citizenship for all children born in the Republic should be withdrawn (Beesley 2004a). Department of Justice, Equality & Law Reform (DJELR) Minister, Michael McDowell, claimed that a ‘loophole’ created by the Good Friday Agreement (GFA) had given rise to a situation whereby the category of Irish citizenship was being abused by so-called ‘maternity holidayers,’ ‘citizen tourists’ and other bad-faith arrivees, such as pregnant asylum seekers. On behalf of the government, he proposed altering the basis of Irish citizenship from its historical focus on birthright (*jus soli*) and descent (*jus sanguinis*) to one predominantly based on a combination of descent (*jus sanguinis*) and naturalization (*jus domicile*). This would contravene the vision of citizenship proffered by the 1916 Proclamation of the Republic, and, the more recent 2001 Citizenship Act, both of which state that birth on Irish territory – regardless of parentage – confers citizenship (Garner and Moran 2006: 108).²²³ Additionally, Ireland’s long history of colonialism, partition, civil war and emigration, and the symbolic resonance the notion of territory has traditionally held in nationalist and republican imaginaries (sentiments deepened, arguably, by the Good Friday Agreement’s recent relinquishment of a territorial claim to the entire island), meant that the government’s 2004 proposal was truly momentous.²²⁴ Add to this, the government’s supposed commitment to diversity, social cohesion and rights-based governance described in Chapter 3. This

²²³ Prior to this, birthright citizenship had been encoded in 1922 Constitution of the Irish Free State, and the Irish Nationality and Citizenship Acts of 1935 and 1956 (Mancini and Finlay 2008).

²²⁴ Although Ireland increasingly “happens elsewhere” as Fintan O’Toole has appropriately noted with regard to the so-called Irish diaspora, the imagination of Irish national space has nonetheless remained territorially anchored (O’Toole 1994: 13). See for example, (Graham 1999; Johnson 1997; Smyth 2001).

chapter considers how the 2004 Fianna Fáil/Progressive Democrat governing coalition successfully persuaded Irish citizens to vote against all of the above in order to remove birthright citizenship for new arrivals – migrant workers and asylees alike.²²⁵

Though Ireland was the last country in the EU to operate primarily on *jus soli* or birthright citizenship, many argued at the time that it was unnecessary to make such a change at the constitutional level.²²⁶ Legal scholars suggested that it was possible to enact the kinds of safeguards the government claimed to need through legislation alone. This option – which would have avoided a divisive referendum – contained the legal safeguards the Department of Justice, Equality & Law Reform (DJELR) wanted, especially in light of the fact that in January 2003 DJELR had already won an important concession from the Supreme Court. Specifically, Minister McDowell’s department had won a case which argued that the constitutionally protected familial rights of an Irish citizen child need not prevent the state from deporting its non-Irish national parents, even if this action had the effect of forcing the *de facto* deportation of Irish citizen children.²²⁷ Despite this critical victory against what he and the government persistently described as ‘citizenship abuse,’ Justice Minister McDowell declared in March 2004 that the government needed to go beyond legislative remedies and amend the

²²⁵ A center-right Fianna Fáil/Progressive Democrat government came to power in 1998. McDowell was a senior PD politician at the time.

²²⁶ Beyond Europe, Mancini and Finlay (2008: 578) note that there has also been a long campaign in receiving countries to restrict access to *jus soli*. Australia removed unrestricted birthright citizenship in 1986 and India in 1987. South Africa required that one parent be either a citizen or permanent resident in the South African Citizenship Act of 1995, and New Zealand removed unrestricted *jus soli* as of January 1, 2006.

²²⁷ See *Lobe, Osayande and Others v. Minister for Justice, Equality and Law Reform*, [2003] I.E.S.C. 1, Supreme Court, January 23, 2003.

Constitution via a referendum in order to remove *jus soli* citizenship as a ‘pull factor’ for ‘citizen tourists.’

The referendum result which removed birthright citizenship has been described by many in the Irish academe and media as motivated by racist and genderist impulses and anxieties (Lentin 2007; Luibhéid 2004; O'Mahony 2004; Reilly 2004; Sunday_Independent_Editorial 2004). This is a reasonable reading in light of the fact that the referendum architect, Department of Justice Minister McDowell, spent the weeks in the run up to the election date heightening anxieties about the demographic changes occurring in the country by discursively emphasizing citizenship as a moral regime and constructing/racializing foreign-nationals (primarily women) and their future children as ‘suspect patriots,’ and abusers of Irish hospitality (see Chapter 2).²²⁸ In an earlier version of this Chapter, I argued that Minister McDowell himself drew attention to the racial optics of the proposed Amendment by declaring on national radio that “anyone with eyes can see the problem” (Tormey 2007). The problem, the Minister seemed to suggest, was there for all to see, uncannily laminated upon the bodies of pregnant black women who – thanks to McDowell and others’ relentless discourse of non-national childbearing as a threat to the nation – were rendered hyper-visible in Irish socio-political space (Hewson 2018; Luibhéid 2004).

Nonetheless, in keeping with previous chapters in this dissertation, here too I suggest that discerning the public’s motivations during the referendum as wholly/simply motivated by racism is complicated by many factors, not least of which was that in the wake of a decade-long neoliberal retrenchment, what many Irish voters were trying to protect was a growing sensibility of citizenship as a kind of intangible “property right,” an “asset” endowing entitlements and protections at a moment

²²⁸ ‘Suspect patriot’ is a media term which was popularized during the national debate on the Amendment. It is used to describe foreign-national parents (particularly refugees and asylees) and their Irish-Citizen children, denoting that their patriotism can only be self-interested.

when many were increasingly experiencing insecurity and precarity despite the boomtime of the Celtic Tiger (O'Connell and Smyth 2004). As one Irish grandmother from Mullingar put it to me after the Referendum, she had voted 'Yes,' feeling she needed to act to secure her grandchildren's future. This chapter discusses the work of differentiation performed by the government's racist dog-whistling. I argue that race, gender, and morality operate as alibis for discourses of civic worth/worthlessness which function as class technologies - in this case camouflaging the creation of a differentiated set of rights which would affect access to healthcare, education and welfare protections for future generations of Irish migrant-workers – who far outnumbered asylees and their families (Hewson 2018).

Part I of this chapter elaborates the government's case for the Amendment. I discuss its mediation of threat imaginaries, its deployment of statistical evidence (later discredited), its conceptualization of the purported risk to Irish citizenship and its arguments re: loyalty to the state and connectedness to the nation. The event of the Referendum also allows us to distinguish the development of an illiberal strain of governance in Ireland, which not only labors here to differentiate a second-class tier of non-rights bearing subjects, but which increasingly scorns democratic debate and process in the Dáil and engages – openly and unapologetically – in underhanded political tactics. The FF/PD's attempt to 'freeze the nation in time' (Mancini and Finlay 2008: 581) by sequestering rights for new ethnic groups and inserting new illiberalities into Irish legislation has been also accompanied by a worrying increase in the frequency of questionable governance tactics. To begin with, the Fianna Fail/Progressive Democrat alliance played 'hide and seek' with the details and scheduling of the Referendum; declaring it was not going forward before suddenly springing it on the Opposition Parties and then expediting the process through the Dáil and Seanad with minimal debate. Throughout the government's brief but intense campaign, McDowell delayed publication of the text under consideration and steadfastly resisted all entreaties from his own Human Rights Committee,

legal scholars and members of the Opposition to pause the proposal and allow the Dáil to properly – democratically – examine not just the proposed legislation but the socio-legal and political implications of such a momentous change. Similar railroading tactics have been used in the deployment of other important governance bills, and there has been a strategic overuse of a process known as Guillotining, the suspension of Dáil debate and forcing of votes on complex legislation.

Crucially, because Ireland does not have a Bill of Rights, citizens and residents primarily access rights through the fundamental protections contained in its constitution. Thus, Part II examines elite attitudes towards rights, and the role morality plays in operating as a boundary marker between the deserving and undeserving in their narratives of what best serves a “vibrant, merit-based society” (Gurdgiev 2004). Beyond the removal of *jus soli*, much of the legislation and policy concerning migrant rights issued by this Coalition and their successors has been reactionary and classist, e.g., income limits on so-called ‘green cards,’ constraints on non-EU family reunification, and on access to benefits for work permit holders, as well as a new requirement on foreign nationals to gain the permission of the Minister for Justice before marrying Irish citizens.

In this vein, I discuss a possibility that a few other scholars have proffered. Beyond curtailing so-called pull-factors for asylees, an additional governance target of the referendum was migrant workers (who, at the time of the referendum, outnumbered asylees by a ratio of 4:1). Perhaps even more importantly, it safeguarded the government’s ability to continue recruiting large numbers of labor migrants without yielding more than the most minimal access to rights (Mancini and Finlay 2008: 577). In particular, workers on permits constituted a labor tier which had been administratively set apart from Irish society; rendered temporary, disposable and exploitable via the serf-like conditions laid out in their work permits.

In Part III, I consider the peculiar moral force attaching to female reproductive behavior in Ireland. The governance of women's behavior, child-bearing and sexuality has historically been a particular focus of the state and the Catholic church in their attempts to reform and shape a distinctly Catholic, post-Independence "moral landscape" (Crowley and Kitchin 2008: 359, 368). These highly-gendered efforts gave rise to a taken-for-granted-ness concerning biopolitical interference in Irish women's reproductive lives, normalizing a role for the government and the Church in the intimate regulation of women's lives and bodies. Through a series of ideologically-driven policies and laws, women's 'duties' in the home were sacralized, strong prohibitions on divorce, contraception, and abortion were established (in 1937 Constitution), and deviance was discouraged and punished (Crowley and Kitchin 2008; Hewson 2018). Correspondingly, a gendered cultural and moral universe emerged wherein oversight of and intervention in women's sexual behavior and reproductive praxes was construed as "crucial to national development" (Hewson 2018: 5) and this construal – though now waning in force – remained integral to the moral perception and gendered treatment of asylee mothers in the early 2000s.

The performative materiality of so-called 'non-national/non-EU' and especially black pregnancy was also an important element during this time. The signifying power of pregnant women of color in Irish spaces in the early 2000s was brought home to me, not solely by the attacks some endured, but by the profound embarrassment of my friend and informant, Lucinda, upon encountering numerous expectant African mothers during a trip to Dublin together. Thus, this chapter also briefly considers how Lucinda, (a Ghanaian asylee who gained residency status as the mother of an Irish child), comes to recognize pregnant, African women as indexing the category of 'citizenship abuse' rather than other available categories such as refugee, migrant worker, or simply, mother. For some voters, the Minister's rhetoric of abuse discursively affixed a moral sensibility of deceit and exploitation to non-EU asylee womens' reproductive praxes and that moralizing stigma

came to act as an alibi, I contend, not only for impolitic considerations of blood and race but for the overwhelming need many Irish citizens felt to set themselves apart from those who might plunder the dwindling social goods still being doled out by the government.

Irish experiences, understandings, and sentiment toward racial and cultural difference were an uneven and not well-understood force in this Referendum. Although Ireland had always been more culturally and phenotypically diverse than is generally portrayed, as I discuss in the Introduction to the Dissertation, for many Irish of voting age in the early 2000s (especially the thousands of Irish emigrants who returned in the late '90s and early 2000s, often with non-Irish spouses and children), Nationalism and not race, had typically been considered a guiding principle of identity formation (Nelson 2012). Parsing Nationalist sentiment and its possible role in the Referendum is extremely complex, as might be expected given the Ireland's history. Similar to periodic surges of anti-Irish prejudice and racialization, swells in Nationalist sentiment has tended to coincide with moments of extreme political tension (Douglas 2002).²²⁹ For example, the Good Friday Agreement brought the long, post-1969 episode of sectarianism in Northern Ireland to an end but it also reinvigorated Nationalist/Unionist debate concerning cultural and religious difference, social boundedness and belonging. So too, has the amplified securitization discourse accompanying immigration in Europe, especially since 9/11 when migration began to be conflated with security issues.

Thus, while I discuss the relation of Nationalism to historic forms of anti-Irish sentiment in greater detail in the Introduction, here I argue that ultimately, 'Nationalism/Unionism' functions like 'race' - as an avatar of difference and a mechanism of differentiation. With this in mind, I approach

²²⁹ For example, during the late-1800s Land War in Ireland and during Ireland's strong political support for the abolition of slavery in the US. Similarly, during the interwar years (1919-1944), a burgeoning 'racial hibernophobia' arose in Britain, affecting both British and Irish identity formation at the time (Douglas 2002). Other surges of anti-Irish sentiment arose throughout the war in Northern Ireland following the suppression of civil rights advocates in 1969 and thereafter.

differentiation and its many alibis and avatars as a kind of a “metalanguage” (De Nie 2004) or “ideological medium,” if you will, which apprehends questions of “power and dominance, sovereignty and citizenship, justice and right” (Fields 1982: 162), through which people articulate complex anxieties, prejudices and preconceptions, including classism and sectarianism.

Part I: ‘How can Anyone Fear the Will of the People?’

Before getting into the substance of this section, I would like to foreground what follows with a question displaced by the ambient sensationalism caused by Minister McDowell’s racializing rhetoric – if the Minister was seeking greater control over immigration, why privilege an ‘emotive’ argument rather than a legal one in the lead up to the referendum? After all, as legal scholars Donncha O’Connell and Ciara Smyth (2004) pointed out at the time, there *were* pragmatic reasons to hold a public debate on citizenship. Irish demographics were changing rapidly and that alone demanded an exploration of the kind of citizenship regime that would best fit the emerging nation. There was also the consideration that attaining Irish citizenship provided EU citizenship with all of its benefits and rights. McDowell had noted during his presentation before the Dáil that the Irish government was ‘obliged’ to prevent its laws from being used to permit a ‘back door’ entrance to the EU and its citizenship regime (Dáil_Éireann_Debate 2004). However, that pragmatic line of argument was almost a side note in his presentations concerning the abuses of ‘maternity holidayers,’ ‘suspect citizens’ and ‘citizenship tourists.’²³⁰ A related question was why the necessity to expedite matters on such a foundational issue as citizenship? Normally, such important changes to the Constitution warranted

²³⁰ The terms ‘citizenship tourism’ and ‘maternity holidayers’ are used by Minister McDowell during his presentation of the proposed Amendment to the Dáil (Dáil_Éireann_Debate 2004). It is unclear whether these terms were initially coined by the news media, however their use became widespread in subsequent public debate over the Amendment.

green and white papers and the devotion of considerable time to public consultation and debate. As O'Connell and Smyth mused in an April 2004 editorial to the Irish Times, the execution of the Amendment campaign made it "... difficult to avoid the suspicion that there is a dubious subtext to this proposal" (Ibid).

Threat Imaginaries

As discussed in Chapter 1, the Irish asylum system was completely overhauled in the early 2000s. The extensive bureaucratic delays which had begun to characterize the under-resourced, perennially-backlogged regime improved, although the asylum recognition rate dropped rather precipitously. Many asylees who had children during the long wait for a decision on their application chose to avail themselves of the 1989 *Fajujonu* decision which upheld the right of citizen children to family life, effectively granting a right of residence to the foreign-national parents of Irish children.²³¹ Indeed, according to some asylees I spoke with, DJELR's own officials encouraged them to formally withdraw their application for asylum and re-apply for leave-to-remain on the basis of *Fajujonu*. While publicly available statistics are incomplete with regard to country-of-origin for these parents of so-called Irish-Born Children (IBC), written responses by the then Minister for Justice, John O'Donoghue, indicate that in 1996 and 1997 permission to remain on this basis was granted to 142 and 107 current or former asylees, respectively (Ryan 2005: 181). Following a 1998 policy review,

²³¹ The 1987 *Fajujonu* case concerned a Nigerian and Moroccan married couple who had resided in Ireland since 1981 in breach of immigration law. They had a child in 1983 and two further children after 1984. In 1984 the Department of Justice indicated it would not allow them to continue to reside in Ireland. The family applied for a judicial determination regarding their right to reside in the state. Ultimately, the High Court upheld the childrens' right to family life ... subject to the 'exigencies of the common good.' The Minister for Justice was therefore refused the right to deny residence to the parents (Ryan 2005). See *Fajujonu v. Minister for Justice* [1990] 2 IR 151.

permission to remain was granted to 1,428 parents in 1999, and 1,515 in 2000. In 2001 this number increased to 6,570 and in 2002, 8,620 were given residence rights on this basis (Ibid).

While many of these parents were current or former asylum applicants, the significant increase in the number applying to remain in the State on the basis of parenthood was reportedly what had prompted the newly-tenured Minister for Justice, Michael McDowell, to want to change this legislation in 2002.²³² And, towards the end of 2001, the government had already begun to refuse applications from parents of Irish citizen children whose family had not been resident in Ireland for ‘an appreciable time’ (Ryan 2005: 181). The 2003 Supreme Court ruling in *Lobe & Osayande*, which upheld the State’s right to deport the families of Irish citizen children, has been interpreted as McDowell’s attempt to prevent these parents from ‘undermining’ the asylum and immigration systems by relying on the birth of a child to secure indefinite residence in the State.²³³

McDowell also claimed that recent decisions made by the European Court of Justice (ECJ) had facilitated ‘citizenship tourism’ and thus constituted a threat to the integrity of Irish immigration.

²³² McDowell had been Attorney General of Ireland (1999-2002).

²³³ *Lobe & Osayande v. Minister for Justice, Equality and Law Reform* [2003] IESC 1 (23 January 2003). This ‘test case’ emerged, Ryan notes, from the change in policy beginning in 2001 wherein the State began to refuse applications from parents who had not resided for an appreciable period of time in the State. The case was brought against the Lobes (a Czech Roma family) and the Osayandes (a Nigerian family). Briefly, both families had applied for asylum in Ireland after being refused asylum in Britain. Under the Dublin Convention, Ireland was permitted to deport these families back to Britain and an initial deportation order had been made prior to the birth of the Irish citizen child in each family. In the *L & O* case the State argued that it needed to proceed with the deportation orders based on three criteria: the short period of time (less than a year in one case) the family had been in the state, the appropriate application of the Dublin Convention, and the ‘overriding need to preserve respect for and the integrity of the asylum and immigration systems’ (Ryan 2005: 181-2, 185). Notably, while the *L & O* decision was intended to prevent parents from undermining the asylum and immigration systems by relying on the birth of a child to secure indefinite residence in the State, the Minister for Justice would later defend the need for the 2004 Constitutional Amendment by noting that the *L & O* decision had resulted in “no significant diminution” in the numbers of non-nationals arriving heavily pregnant” (Minister McDowell 2004).

He was referring to the now-infamous *Chen* decision which splashed across Irish headlines in May 2004. Chen, who had been living in the UK with her husband and child, had been refused long-term residence rights and was under threat of deportation by the UK Home Office. It was claimed that she could not return to China since she had recently become pregnant with a second child and that her solicitor suggested that she travel to Northern Ireland to give birth, thereby accessing Irish and EU citizenship for her child and residence rights in the UK for the family. One month before the Irish referendum, the ECJ Advocate-General ruled in Chen's favor, granting her residence in the UK and overturning the UK's Supreme Court's decision to deport her (Garner 2007: 442). As Garner notes, "her case was held up by Minister McDowell as the thin end of the wedge ... despite the fact that Chen made no claim on Irish state resources, never set foot in the Irish Republic, and that her daughter was born in a British NHS hospital" (Garner 2007: 442).

From 2002 on, it had become clear that official attitudes were beginning to harden in response to perceptions concerning the 'threat' of immigration and its high support cost and this sensibility seeped into the public sphere, thanks in no small part to interminable media reports of costs, numbers, chaos, difficulties, etc., emanating from DJELR's senior officials. Brendan Howlin, the Labour Party Justice Spokesman cautioned that DJELR's hostility "... towards refugees and asylum-seekers [was] creating a climate of intolerance against non-nationals generally, which [could] soon escalate into physical attacks" (O'Halloran 2002). In January 2002, when a young Chinese student named Zhao Liu Tao was beaten to death in Dublin, it began to emerge that such attacks had already been occurring on a "not infrequent" basis (O'Halloran 2002).

Indeed, the increase in number and virulence of attacks upon immigrants suggests that Irish understandings of the circumstances underwriting their presence in Ireland were at times over-determined by other factors including perceptions of incommensurable difference, fears of economic recession, and periodic consternation generated by vague notions concerning the 'sudden' imposition

of a multiculturalist ethos by the EU. Racial and cultural anxiety may be discerned in the obsessive quantification of refugee presence and in the threat-metaphorical language (flood, tide, surge, invasion, etc.) used by many in the media and government to constantly describe the arrival of asylees. Similarly, an imagined threat to the health of the citizen-body is reflected in sensationalized media reports of HIV-positive pregnant asylee women and in the intense public scrutiny of their reproductive practices. The right-wing Immigration Control Platform (ICP) contended that “political action” was necessary to protect the homogeneity of Ireland. Describing multiculturalism as “one of the greatest heresies of the Twentieth Century” the ICP publicly called for the curtailment of citizenship rights to asylee’s newborns: “Rash and radical decisions are needed to evict these people and return Ireland to the Irish” (Magee 1997).

Despite the government’s awareness of relatively high levels of intolerance in Ireland, legislative and institutional measures to confront the problem have been characterized as weak and as contributing to a climate of exclusion wherein institutional commitments have emphasized heightened restrictions for immigration and asylum approval (as exemplified by the 1990 Schengen Accord and the Dublin Conventions)²³⁴ rather than concrete measures to disarm racism and xenophobia and promote integration into membership of the nation-state (Daniel and Knudsen 1995; Marrus 1985; Sassen 1999), (see also (Alliance 2004)). As Lentin and Lentin have written:

... the Irish state has both denied racism and consistently minimized the effect of state

²³⁴ The Schengen Accord allows for shared policing information, establishing and committing signatory states to a common administrative structure and pooled national resources for criminals, refugees and ‘illegal’ immigrants. The 1997 Dublin Convention prevents asylum seekers from applying to more than one member-state simultaneously and returns rejected applicants to their country of origin or to their first ‘safe haven’ outside the European Union. It is a crucial piece of legislation for Ireland in that (in theory) no asylum-seeker should be granted refugee status because, for geographic reasons – namely because there are no direct flights to Ireland from its top five asylee countries of origin – all asylees *must* have set foot in another EU country before travelling to Ireland (Garner 2004: 166).

policies on the lives of racialised populations ... [if] the Republic of Ireland was facing substantial in-migration for the first time in its history, it goes without saying that racism was perceived to have been imported by migrants rather than being the product of state policies enacted by white, Christian, settled Ireland. The state had to do something and the result was racial categorization and state racism, a racism the state uses to defend 'its own' population, a racism that society exercises against itself' (Lentin and Lentin 2006: 11)

Frequent governmental enumeration of the high cost of providing welfare to refugees and asylees heightens anxieties concerning asylum-seekers obviating the sovereignty of Irish borders, thereby hollowing out the rights of citizenship (Jacobson 1996). Meanwhile, until 1999 the government adamantly refused to allow asylees to work forcing them to live on social welfare for prolonged periods during the adjudication of their application for asylum.²³⁵ Crucially, because they were not legally allowed to work, asylees were not perceived by Irish citizens to visibly contribute to the productive force of the nation and, consequently, were unable to stake a moral claim to membership of their communities. They were vulnerable to charges of parasitism and of failing to fulfill notions of social reciprocity, a sentiment commonly expressed by Irish citizens to me but also in the media, as a failure to repay 'Irish hospitality' (Slater and Peillon 2000).

The Nature of the Abuse'

When the government convened on April 7, 2004 for Leader's Questions after the FF/PD Coalition's announcement that the Referendum would take place, the exchanges with Opposition members were remarkably contentious. The Labour Party leader claimed the government's handling

²³⁵ During my fieldwork I noted that asylees did work informally, and were subject to all the insecurities that such arrangements entail, including not being paid for their work. However, even in small communities where these activities cannot remain totally anonymous, the willingness of asylees to work did nothing to alleviate charges of parasitism as they were forced to continue collecting social welfare or risk incurring closer scrutiny by the Welfare Department and the potential denial of their application because of this illegal activity.

of the issue had been “dishonest and underhand” and that the only consultation he had received on the issue occurred while he was “having coffee in the members bar of the Dáil” (Editor_Irish_Times 2004). The leader of Fine Gael questioned the need to rush the issue, noting that “rushing to amend the Constitution of Ireland has led to legal quagmires in the past.” Matters became so heated that Fine Gael’s foreign affairs spokesperson was ejected from the chamber following angry exchanges with the Progressive Democrat Tánaiste, Mary Harney.

Two weeks later, when Minister McDowell presented the actual proposal for the Amendment to the Dáil, its reception was tumultuous (Dáil_Éireann_Debate 2004). A grandson of one of the first post-Independence Ministers, McDowell’s speech reflected his classic republican roots, dwelling at length on fidelity to the nation, loyalty to the state and the dutiful aspects of citizenship before outlining the abuse of it by foreign mothers who, he implied, had no desire to shoulder its obligations. Governments, he claimed, had a duty to protect the institution of citizenship:

... the Constitution ...declares that fidelity to the nation and *loyalty to the state are fundamental political duties of all citizens*. It is important on occasion to remind Members who talk about citizenship that loyalty to this state, which has only one Army, is a fundamental political duty of all citizens.... Citizenship, then, is not just an entitlement to a passport with a particular symbol on its cover, ...*[I]t is a complex of rights and obligations shared by people of a common nationality Governments have a duty then to safeguard the institution of citizenship* to ensure that it continues to fulfill the requirements of its role as a manifestation of a nation whose people value membership of that nation. That is the reason the Government is putting forward this proposal – to eliminate an aspect of our law that exposes Irish citizenship to abuse. *The nature of the abuse is that it is possible for somebody with no real connection with Ireland, North or South, to arrange affairs so as to give birth to a child in Ireland, North or South* (Dáil_Éireann_Debate 2004)(emphasis mine)

Throughout his lengthy presentation, Minister McDowell repeatedly insinuated foreign-national mothers could not fulfill the duties of citizens because they have “no real connection” to the nation. The public was left to imagine for itself what this “connection” might consist of, and I revisit this point below. By enunciating the parameters of good citizenship as loyalty, fidelity and duty and

by contrasting these values with the supposed “motives of individuals who come to Ireland and have children,” McDowell indicated that such mothers do not share in the values and obligations of the moral community but care only for the entitlements that an Irish passport can bring. It was the duty of the government, he claimed, to protect the institution of citizenship from such abuse by foreign-national mothers (Dáil_Éireann_Debate 2004). What he mentioned briefly in the Dáil but did not dwell on in public statements was the fact that with the overturning of the 1991 *Fajujonu* precedent, such mothers only gained residence rights, not citizenship, from birthing Irish citizen children and that such residence was not an absolute right, but existed at the discretion of the Minister (Garner 2007).

Mathematical Certainties and Demographic Shifts

In March 2004, shortly after announcing the Referendum, DJELR issued an Information Note which led with the maternity-issue, announcing that hospital-related maternity rates were ‘evidence’ of “non-EU national mother[s]” questionable motives:

Data collected by the Reception and Integration Agency from the Dublin maternity hospitals recently showed that an average of 1 out of every 5 children now born in Dublin has a non-EU national mother. It is clear that the citizenship entitlements of children born in Ireland and the resulting claims to residence by their parents has been the single most important factor in bringing non-EU nationals to Ireland to give birth (Department of Justice 2004a)

But it was not only asylee women who were perpetrating this fraud upon the institution of citizenship:

... the scale of the problem is even greater outside of the asylum seeker framework, with very large numbers of non-EEA nationals now coming to Ireland to give birth. The Minister has been informed of the growing concern among health care professionals about the rate of non-nationals coming to Ireland to give birth and the strains which this is placing on services . . . There are broader, and indeed profound, implications for health and social policy in the figures mentioned above—both in terms of short-term pressure on maternity services and medical services generally and in medium- and long-term patterns of social provision and expenditure. There are also

very obvious implications for the future of Irish immigration policy and for the maintenance of the integrity of Irish law on immigration and residence (Department of Justice 2004a)

When questioned further on April 21, 2004 in the Dáil about the government's motivations in rushing to amend the Constitution and, more importantly, the possible whirlwind of racial and national partisanship it had the potential to give rise to, McDowell again encouraged everyone to 'examine the evidence':

I have compiled sufficient information to provide *clear and incontrovertible evidence* that a disproportionate number of non-national mothers are giving birth to children in Dublin maternity hospitals and ... presenting to maternity hospitals at a late stage of pregnancy (emphasis mine)

He argued that while it was impossible to know other's motivations to a "point of mathematical certainty," he – and the evidence would show this – was motivated by "proper considerations":

It is impossible to demonstrate the motives of individuals who come to Ireland and have children to a point of mathematical certainty. Anybody who examines [this evidence] will immediately appreciate that I have been motivated at all times by proper considerations, including the overwhelming need to avoid ammunition for racism in Irish political debate. My message to those who favour discrimination against people, based on skin colour [sic] or other ethnic characteristics is as follows: if you are racist vote "no" in this referendum

While it was quickly revealed that the statistical 'evidence' the Minister had wielded with such certainty had not been systematically collected and was in fact far from 'incontrovertible,' the damage had largely been done. The fact that 60,000 non-citizen women had given birth the previous year and that 24.3% of all births in Dublin were "non-national" created a great stir. McDowell and other pro-Amendment politicians capitalized on this, omitting to properly contextualize both numbers.

Over the previous ten years, there had been a significant shift in Ireland's demography and this was having an entirely predictable effect on Ireland's outdated and under-resourced services. The 2002 Census revealed that the population had soared to 3.92 million and that 5.5% of residents in the

Republic were now non-nationals, mainly workers and retirees (Garner 2007: 437). As Garner and Moran aptly described it:

[the] context here is a demographic increase that has returned Ireland's population to above its 1871 levels for the first time in a century, a health service that has been steadily recruiting non-EU personnel to work in it for the last seven years, and reducing maternity facilities over the last twenty (2006: 109)

Moreover, the figure of 24.3% was not so startling if one takes into account the fact that – like many OECD countries – Irish fertility rates had fallen from a rate of 3.93 in 1970 to 1.98 in 2003 ((OECD) 2006). When this shrinking native fertility rate is considered alongside the fact that the Celtic Tiger economy attracted migrant workers of child-bearing age, it makes sense that non-national migrants and asylees would register as statistically significant in terms of the number of births.²³⁶

Over-riding both of these considerations, however, was the fact that McDowell's statistics had not been systematically collected. It was, in fact, impossible for the government to accurately discern how many of the purported 60,000 non-national new mothers in Ireland were asylees, fully-documented migrant worker mothers, or non-EEA women who periodically travel to avail themselves of (and pay for) the reputedly high level of maternity care available in Dublin hospitals.

What *was* accurate was the fact that asylees had been arriving in the country in increasing numbers – reaching almost 12,000 in 2002. And, it was possible to say with some certainty, thanks to data collected by the Office of the Refugee Applications Commissioner (“ORAC”), that the percentage of asylum seekers pregnant at the time of application was approximately 57% of female

²³⁶ This pattern of reduced fertility has been replicated across the OECD area where the total fertility rate has declined dramatically over the past few decades, falling on average from 2.7 in 1970 to 1.6 children per woman of childbearing age in 2002. By 2002, the total fertility rate was below its replacement level of 2.1 in all OECD countries except Mexico and Turkey. In all OECD countries, fertility rates have declined for young women and increased at older ages, because women are postponing the age at which they start their families ((OECD) 2006).

asylees aged 16 years and over (Department of Justice 2004a). In 2000, 20% of the 23,000 births in Dublin's three major maternity hospitals were to asylee women; proportionately speaking, an undeniably high number (Kennedy and Murphy-Lawless 2003). Hospital staff noted worrying numbers of asylee women presenting at Irish hospitals in extremely vulnerable physical condition having endured long flights late in their third trimesters, a few within days or hours of giving birth. The arrival of proportionately high numbers of women, many of whom had fled situations where antenatal care was sparse or nonexistent often presented additional complications for maternity wards – including trauma from rape, torture, domestic violence, complications from HIV and Hep C, and the emotional challenges of dislocation, loss of family and community (Kennedy and Murphy-Lawless 2003: 46). So, Dublin maternity hospitals *were* being overburdened, but the crucial point omitted by the Justice Minister is that these hospitals were *already* under “acute pressure” before asylee births added to the problem (Kennedy and Murphy-Lawless 2003: 43).

On March 13, 2004, the Hospital Masters, whose pleas the Minister claimed the referendum was intended to serve, published their refusal to be “scapegoated” for the Amendment (Radio Teilifis Éireann 2004). They publicly challenged McDowell's account of their interaction, claiming that they had never asked for this citizenship restriction, merely for more resources to be allocated to the health care system.²³⁷ The FF/PD Coalition had pursued an extremely unpopular policy of closing emergency departments and maternity units in regional hospitals, and of under-resourcing and underpaying Irish nurses.²³⁸ In 2002, a premature baby had died after her mother was refused admittance to Monaghan General Hospital, resulting in a political crisis for the government

²³⁷ See <https://www.irishtimes.com/news/doctors-group-calls-for-no-in-citizenship-vote-1.980830>.

²³⁸ For a detailed account of government policy re: nursing in Ireland and its current dependence on nursing labor from Asia and India, see (Yeates 2008).

(Mancini and Finlay 2008: 583). Yet, none of this broader context swayed the Minister from his public certainty that the problem was solely non-national maternity-driven. Although there he never presented figures on the precise number of “non-national women arriving in late stages of pregnancy, giving birth and then claiming residence” (Garner and Moran 2006: 110), he continued to state that Irish facilities were being overwhelmed, by “maternity holiday[ers]” to the potential detriment of Irish citizen mothers, and “citizen tourists” were entering Ireland in the late stages of pregnancy (compounding their moral culpability by simultaneously endangering their foetus) and giving birth there in order to acquire undeserved entitlements for their child.

The Dutiful Government

As some legal observers have noted, many of the rationales presented by the government for the referendum can be read as originating from ‘republican theories of citizenship’, especially those which privilege fidelity, loyalty, duty and fear of corruption (Mancini and Finlay 2008: 582). And certainly, Minister McDowell was not loathe to emphasize his republican *bona fides* by underscoring his connection to his grandfather, Eoin O’Neill, a key figure of the Gaelic revival and a Minister in the first Dáil after Independence (though he played no role in the 1916 Rising). However, rationalizing a need for the Referendum via the cherished republican ideals of ‘duty,’ ‘fidelity’ and ‘loyalty’ might be more comprehensible had the Minister refrained from racial dog-whistling and shunned emotive rationales for the pragmatic. Instead, contrasting his motives with the alleged self-interest of foreign-national mothers, Minister McDowell portrayed the government as a moral force for good, an arbiter of liberal democracy and benign protector of the Irish Republic and EU sovereignty. There is even a moral whiff, as Luibhéid suggests, of the patriarchal protector – the “gentlemanly Minister for Justice” being taken advantage of by women’s sexualized behaviors and now needing to shield the nation from their ‘illegitimate labors’:

It is as if the Irish nation, personified by the Minister for Justice, has become represented as a decent gentleman who is being taken advantage of by a woman who cynically uses her sexuality. From taking advantage of him, she moves on to take advantage of everyone and everything else, for example, the welfare system (Luibhéid 2004: 343-4):

When a prominent Irish-American immigration campaigner²³⁹ suggested that the proposed Amendment would prompt Irish citizens to exercise their worst instincts about immigrants because the current government had (at that time) failed to emplace a coherent immigration strategy, the Taoiseach (Fianna Fáil Prime Minister, Bertie Ahern) piously replied that a constitutional referendum was the rational action of a democratic government:

There can be no greater illustration of our democracy than to consult the Irish people and this is the inherently democratic exercise in which we are now engaged. *How can anyone fear expression of the will of the Irish people?* (Dáil_Éireann_Debate 2004)(emphasis mine).

Illiberal Governance Through Hide And Seek

‘What In The Name Of God Does The Government Think We Are?’

For several months after announcing it was seeking legal advice on amending Irish citizenship, the Fianna Fáil/Progressive Democrat alliance government dithered on whether and when they would hold a referendum on the issue. The possibility had originally been mooted three years earlier by a Fianna Fáil government, but in the wake of a controversial 2003 legal case (*Lobe & Osayande v Minister for Justice, Equality and Law Reform*) allowing Minister McDowell to deport non-citizen parents – and *de*

²³⁹ Senator Bruce Morrison worked with the Irish Government during the 1980s to acquire over 50,000 U.S. visas for Irish citizens. He also helped to regularize the status of many undocumented Irish citizens working in the U.S.

facto, their Irish citizen children – the question of citizenship reform was raised again.²⁴⁰²⁴¹ The timing of the referendum was also judged by some to relate to polling data showing gains for opposition parties and, despite government denials, it was reported that the government had acquired polling data that confirmed “immigration was a lightning-rod issue for voter discontent” (Mancini and Finlay 2008: 582).

In December 2003, following the *Lobe & Osayande* ruling, McDowell had announced that there would be “no move to amend the citizenship provisions of the Constitution, including the new Article 2 adopted with the Belfast Agreement” (Beesley 2004b). In February 2004, the Taoiseach stated in the Dáil that the government had no plans to hold a referendum to change the constitution that year (Brennock 2004). Thus, from an Opposition perspective, all indications were that the Government was “moving away from the referendum option.” Notwithstanding those assurances, on March 10 2004, DJELR Minister McDowell threw the Opposition (and indeed much of the country) into disarray by abruptly announcing the necessity for a referendum on Irish Citizenship in order to “remove an incentive for foreign mothers to give birth in Irish hospitals” (Beesley 2004b). He noted that no decision had been made about the timing of the referendum, though he felt the Government had time to pass legislation and ‘piggyback’ it on the upcoming local and EU elections scheduled for June 11, 2004. That prospect was strenuously resisted by the Opposition who argued that the

²⁴⁰ Garner (2016: 79) reports that McDowell was *Fajujonu*’s solicitor in 1989 and had been central to the establishment of the very citizenship protections that his Department was seeking to overturn in 2004.

²⁴¹ Here, the court essentially undid *Fajujonu* by holding that “there were grave and substantial reasons associated with the common good that required that the residence of the parents within the State should be terminated, even though, in order to remain a family unit, their children would also have to leave the State.” The Minister was obliged to consider elements such as the length of time spent in the State but was able to deport the families of Irish children, even if it meant *de facto* deporting Irish citizen children. https://www.courts.ie/acc/alfresco/8717336e-c696-4447-8516-fae335fe3eee/2003_IESC_3_6.pdf/pdf#view=fitH (Accessed July 31, 2021).

Government's new equality and human rights-proofing commissions needed time to assess the implications of the proposed amendment – in particular for the implications it would have for Article 2 of the Good Friday Agreement (Irish_Times 2004a).

Adding the Referendum Bill to already-scheduled Dáil sittings, curtailed as they were by the upcoming Easter recess, heightened the logistical challenges of the proposed timing of the referendum. On April 9, the Government finally announced an extra two days would be added – April 21st and 22nd – to give the Opposition time to debate the Bill. The leader of the Labour Party, Pat Rabbitte, claimed that the Government was disrespecting the Dáil and had concealed from it an intention to hold the referendum. The leader of Fine Gael was beside himself:

What in the name of God does the Government think we are? ... We have repeatedly asked questions about the Government's business, and how it is being conducted. Yet we are expected to return to the House on April 21st and 22nd and sit here like lame ducks to listen to dictator McDowell read his script and bulldoze the Bill through by postponing votes until the following week (Irish_Times 2004b)

Referendum Commission: 'Democracy is not Well-Served'

Opposition politicians were not the only ones blind-sided by the government's demurrals and reversals. Civil servants were also taken by surprise. The Referendum Commission for the proposed Twenty-Seventh Amendment to the Constitution Bill (hereafter Commission), which was not established until April 22, 2004, was volubly distressed by the short timeframe forced upon it.²⁴²

It is with a certain sense of frustration that the Commission must once again record the fact that on this occasion it was not permitted ample time to run a fully comprehensive information campaign. ... The Commission is of the view that *democracy is not well served* by allowing a minimal amount of time for the electorate to

²⁴² Referendum Commissions are created by Establishment Bills in relation to the issue under consideration.

consider proposals to amend the Constitution. (Kearns 2004: 8)(emphasis mine)

The Commission held its first meeting on April 28. There, under “severe time constraints,” it worked out a plan of action which involved agreeing a script to communicate the implications of the Amendment to Irish citizens, negotiating with *An Post* a nation-wide delivery schedule in the context of the additional burden of the election, tendering for a booklet printer, engaging an advertising agency to plan its information campaign, appointing a communications consultant and finally, issuing a press release to the public concerning its establishment and plans. It completed the mailings of its information booklets to citizens on May 31st - just eleven days before the Referendum (Kearns 2004: 3-4).

The Commission’s early campaign research in May 13-17 indicated that:

There was widespread confusion among respondents as to what a Yes or No vote would mean. Most felt that a No vote would mean introducing a more restrictive regime in terms of the granting of Irish citizenship and that a Yes vote would mean permitting a more liberal regime (Kearns 2004: 11).

Mid-campaign (May 31) research findings showed better familiarity with the issues:

... respondents were familiar with the referendum at some level. Many expressed the view that non-nationals were using Irish citizenship to unlock access to everything Ireland had to offer and that non-national parents were hoping to get Irish citizenship through their children getting citizenship. There was a strong view that the Yes camp was in the ascendancy.

However,

There was still a lack of understanding by many people of the terms being used in some of the information material and the difference in meaning of some of the terms e.g. “constitution”, “legislation”, “Acts”, “Bills”, “Oireachtas” etc. Many lacked a basic understanding of these various terms which made the information material more difficult to comprehend (Kearns 2004: 12).

Though the Referendum Commission did its utmost in the time available to it, its report on the effectiveness of the campaign is revealing. Contrary to the 1995 referendum on divorce which yielded a turnout of 68.2%, the turnout for this crucial referendum on citizenship was proportionally lower at 59.9% despite being ‘boosted’ by being held on the same day as local and EU elections.²⁴³ Post-vote qualitative and quantitative research showed that a worrisome number of voters were confused by the presentation of the ‘yes/no’ options; that there was confusion about the difference between constitutional and legislative citizenship rights and the implications of the Amendment for the future and uncertainty about the government’s ‘loophole’ discourse vis a vis the Good Friday/Belfast Agreement.

Governance by Guillotine

The political tactics employed by Minister McDowell and the government in introducing a complex referendum at the last minute and in the middle of both EU and local electioneering caught the Opposition off-guard. Election budgets were already stretched and several smaller Opposition parties were unprepared or under-resourced to properly contest the issues, particularly (as I noted in Chapter 3) in rural areas of the country such as Longford. However, in addition to the consequences those tactics portended for democratic decision-making, the Fianna Fáil/Progressive Democrat government had also used its majority in the Dáil to extensively impose the use of a parliamentary device known as ‘Guillotining.’ Essentially this device cuts off debate and forces a vote on Bills. It was used most ‘audaciously’ during an early 2000s discussion of the Immigration Bill after the High

²⁴³ Here I am emphasizing *only* proportional difference since the growth in population between 1995 and 2004 meant that even with a lower proportional turnout, almost 90,000 more people voted in 2004 than 1995 (Kearns 2004: 13).

Court found part of an earlier Immigration Act to be unconstitutional (O'Malley 2004).²⁴⁴ In that instance, McDowell proposed to take and pass all five stages of the Bill in a single Dáil sitting. When the Opposition objected, the Bill was Guillotined to the Senate and there too was Guillotined to expedite its passage.²⁴⁵ O'Malley notes that “some 21 of the bill’s 22 sections were not discussed at all. Indeed, many of the amendments the sponsoring minister later introduced to the bill ... were never considered.” What was intended as a device of last resort had become an increasingly common tool of a government accused of being uncaring of democratic process.

Part II: Moralities and Rights

Reward the Worthy or A Pond Life Of Refugees?

In case the subtleties of government politicking were lost upon the voting public, a proliferation of newspaper editorials focused on the topics of morality and rights throughout the brief campaign. One memorable piece characterized anti-Amendment positions as the oppressive moralizing of egalitarianism and multiculturalism. Dr. Constantin Gurdgiev, a director of the *Open Republic Institute*²⁴⁶ in Dublin, exhorted the Irish public to “forget for a moment all the moralizing about the ‘poor’ souls rescued out of their ‘misery’ by the loopholes of automatic citizenship and asylum process. Forget that only the relatively well-off of the Third World can finance baby-tourism by satisfying the Irish visa requirements and affording their travel.” Consider instead, he suggested:

²⁴⁴ The FF/PD government also used the Guillotine to force through its 2004 Finance Bill without extensive Opposition debate (O'Malley 2004).

²⁴⁵ ‘Guillotining’ is a procedural parliamentary device which cuts off debate and forces a vote on Bills.

²⁴⁶ The Open Republic Institute (ORI) describes itself as a “source of public policy analysis and ideas, that is independent of vested interests — whether public or private sector.” See <http://www.openrepublic.org>

[I]f desperation were to become the measure of belonging, would you want to hold an Irish passport? ... [I]f we simply want to fake compassion for the sake of foreign and domestic zealots of equality, we will give our citizenship away to the undeserving ... the nation of the desperate may look good on the surface to those who seek to paint every argument concerning our rights and obligations in the colour of racism. Yet, such a nation surrenders the vibrant merit-based society for a pond-life of refugees: foreign-ones and home-grown ones side by side

The Amendment to Ireland's citizenship regime would, he claimed, "affirm society's values, recognize individual efforts and reward the worthy. Such a notion of citizenship drives progress, for progress is born out of the force of caring and contributing, and not from claiming and exercising rights ahead of respecting obligations" (Gurdgiev 2004).

Gurdgiev's contempt for the "zealots of equality" who paint "every argument concerning our rights and obligations in the colour of racism" reveals his frustration at the contradictions entailed in Ireland's commitment to a human rights regime and his view that the moral sensibilities of liberal multiculturalism endangered the progress of the nation. Gurdgiev's views, as I discuss next, mirrored those of many contemporary state politicians: specifically, if human rights is a universalist regime which "transcend[s] parochial identities and borders of all kinds," how then in a supposedly post-racist multiculturalist era might governments properly discriminate between the rights and entitlements of the citizen and those of other human beings? (Comaroff and Comaroff 2001b).²⁴⁷

In addition to those obligations imposed by human rights instruments (e.g., the Universal Declaration of Human Rights, the 1951 Convention on the Status of Refugee, and the 1967 New York Protocol), some members of the Irish government had religious, ethical and humanist commitments. "The humanist version [of the historical duty argument] sees asylum-seekers for example as the

²⁴⁷ Indeed, the relationship between universalism and racism (and indeed, humanitarianism and racism) demands closer attention, but unfortunately must remain beyond the scope of this paper. Balibar for instance reads racism and universalism as mutually constitutive forces (Balibar 1994: 198).

economically and politically-persecuted Irish of other times” writes Garner (2004: 159). Thus, Ireland’s collective experience as an emigrant nation means that immigration entails a moral obligation.

The Labour Party leader, Pat Rabbitte, expressed this as follows:

Ireland’s history was shaped in many ways by emigration. The coffin ships of the 19th century were replaced by the mail boat of the 20th century. In both eras there were destinations willing to make Irish people welcome. Are we now to send a coded signal to the rest of the world that none of their huddled masses is to be made welcome here? (Dáil_Éireann_Debate 2004)

Although these humanist and multiculturalist obligations are refused or generate outrage at different times, this latter obligation with regard to Ireland’s emigrant past is perhaps most vehemently refused. Many Irish (anachronistically) contend that Irish migrants never sought rights without obligation. In this narrative of Irish exceptionalism, it is claimed that the Irish worked wherever they emigrated and that this work ‘earned’ the social and political ascendance of the Irish abroad.²⁴⁸ Few Irish people I spoke with (other than those in asylee support capacities) were swayed by the fact that the Irish government prominently refuses to allow asylum-seekers to work. Instead they were indignant at what they were constantly told was the perceived duplicity and strategic praxis of foreign-national mothers, and expressed doubt that they were ‘genuine’ asylum-seekers at all. Most of all, they seemed outraged that asylees and foreign-national mothers could avail themselves of Irish social welfare benefits while seeming to give nothing in return (see Ch 3). Indeed, such was the emotional turbulence around mytho-narratives of an hospitable nation being taken for suckers that many failed

²⁴⁸ In a Letter to the Editor of the *Irish Times*, one American-based Irish emigrant argues for the exceptionalism of Irish emigrants:

We come prepared to work hard and make a go of it. We would not be allowed to claim unemployment benefits or otherwise scrounge off the state [. . .] taxes in Ireland are appallingly high – they will remain so if we keep subsidizing the economically challenged from abroad [. . .] I suggest that many of the recent influx of foreigners have come to Ireland, not for love of the country either, but because the word is out that we are suckers for a sob story. (*Irish Times*, May 27, 1998 as cited in (Garner 2004: 160-161)).

to notice that the Amendment's proposed curtailment of rights would constrain those who give a lot 'in return' – the thousands of migrant workers who had been recruited to Ireland to meet the labor demands of the Celtic Tiger, and their spouses and children.

The Moribundity of Rights

Changes in the basis of citizenship are not simply about the moral composition of the civic public, but have important economic and social consequences—chiefly, the creation of a docile class of laborers who can be dismissed and deported at will, and who have almost no rights to seek redress for the exploitive aspects of their condition (Mancini and Finlay 2008: 576)

Although the FF/PD Coalition was the government which instituted the referendum, the nation's constitutional departure from *jus soli* is best understood when view against the broader context of Ireland's social, political and economic developments from Independence at the end of the Anglo-Irish war (1919-21) and the particularities of how those conjoined with the onset of Neoliberalism in the late 1980s (see Chapter 3). Successive governments have struggled - politically, legislatively, and socially - to accommodate a post-nationalist vision of its mytho-historical self to the reality of its contemporary body politic. Nowhere is this struggle more evident than in the Irish government's seemingly chaotic approach to immigration – most starkly in the counterintuitives of its 2004 promotion of a restrictive referendum even as it simultaneously strove to expand particular forms of labor immigration. To make sense of this counterintuitive, it is useful to revisit some of the moments where the FF/PD Coalition members discussed their ideological approaches – not directly towards migrants - but towards the issue of a rights-based approach to social and economic rights in general. Recall that the two most senior PD politicians of the ruling coalition - Michael McDowell and Mary Harney - headed up respectively the DJELR (which worked to restrict access to citizenship) and the Department of Enterprise, Trade and Employment (DETE) (which had designed a two-tier work permit/work visa system characterized by remarkably scant attention to worker's rights) (Mancini and

Finlay 2008: 582). Harney is the politician who in speaking to the American Bar Association about Ireland's socio-economic approach declared her government to be ideologically 'closer to Boston than Berlin.' As Justice Minister, McDowell had been even more explicit about his resistance to a rights-based approach to social and economic rights. In a September 2002 address to the Annual Conference of the Irish Social Policy Association, he outlined the reasons for this belief, explaining that while he agreed the 'bundles' of social/economic and civil/political rights were connected, he did not feel there should be an equation. Indeed, he felt that:

An every [sic] increasing tendency to state all value differences as conflicts of rights carries with it the potential to diminish and belittle the democratic and political debate in our society

McDowell worried about judicial politicization and overreach should socio-economic rights come to be protected by a legal regime:

Civil and political liberties from [sic] a corpus of rights that are undoubtedly suitable for protection in a system based on adversarial trial before an independent arbitral judiciary which is the cornerstone of the Common Law state.

Social and economic rights are quite different. They are the proper subject matter of political consideration and resolution. Issues such as to whether the State should expend its resources on doctors, police, soldiers or social workers (and in what proportions) and as to whether available capital should be spent on hospitals, roads, schools, or art galleries (and in what proportion) are matters of democratic political judgement - not arbitral legal judgement.

Ironically, given the questionable stratagems used to introduce and pass the referendum bill, for McDowell, social justice was a moral issue best managed by democratically elected representatives:

Social justice is undoubtedly based on moral opinion and moral opinion is undoubtedly based on an appreciation in many cases of the moral entitlements of individuals. But the strength of our system lies in its capacity to mediate differences as to the demands of social justice through the same processes that decide on policy to do with wealth creation and distribution - namely the democratically elected parliament and government (McDowell 2002a).

He concluded with an extraordinarily pessimistic view of a rights-based approach, likening it to the unfreedom of the feudal period:

I pose this issue for those who champion social and economic legal or constitutional rights. Every right must have a corresponding legal duty; otherwise it is meaningless. If we were to create a society of enforceable rights, we create, by definition, a society based on enforceable duties. Flexibility, choice, dynamism, and “freedom to” (as distinct from “freedom from”) are the qualities which provide the climate for change, growth, wealth creation, and social and cultural innovation.

Could it be that a society based on an ever-increasing network of rights and duties would turn out to be as hidebound, as moribund, as economically unsuccessful and as intellectually unfree as the last great historical period of society based on rights and duties - the feudal period? (Ibid).

Geographies of Labor Illiberality

In Chapters 1 and 3, I described the unequal growth of Ireland’s Celtic Tiger economy with wealth increasingly being concentrated at the top of the income bands and inequality deepening at the lower and middle-income levels. For the leaders of the PDs however, inequality *per se* was not anathema, as McDowell noted in interview with the Irish Catholic two weeks before the referendum: “a dynamic liberal economy like ours ... demands flexibility and inequality in some respects to function” ((McGarry 2004) quoted in (Mancini and Finlay 2008)). Given these sensibilities and his apprehensions re: codifying socio-economic rights, it is not surprising that the FF/PD government opted for hyper-flexibility and minimal codified protection when it came to the rights of the thousands of non-EEA workers it recruited from abroad to propel the Celtic Tiger.²⁴⁹ Since coming to power in 1997, the center-right Fianna Fáil/Progressive Democrat Coalition government had steadfastly

²⁴⁹ Overall, in the period 1995 to 2000, approximately 250,000 persons migrated to Ireland. Roughly half were returning Irish emigrants, approximately 100,000 were EU nationals, and 29,000 (ca. 12%) were non-EU nationals, in other words, from “outside the EU and the USA.” This latter designation is used in state documents as a gloss for so-called Third World countries. It does not generally include Australia, Japan, China etc.

promoted and expanded labor immigration on the basis of an illiberal system of visas and work permits. Thus, despite the fact that in the run up to the referendum the government's rhetoric of abuse centered mostly on asylees, even by 2002 the number of foreign work permit holders had exceeded that of asylees by a ratio of 4:1 (Hewson 2018; Mancini and Finlay 2008: 577).²⁵⁰ One month before the referendum, in May 2004, the largest expansion of the EU to-date took place when a further ten countries acceded to it.²⁵¹ Ireland was one of only three EU states (including Sweden and the UK) not to restrict the entry of workers from the newly acceded Baltic states. Instead, the Irish government restricted access to rights – primarily by limiting access to citizenship and welfare protections.²⁵²²⁵³

Despite the government's neoliberal rhetoric of labor as a market-driven commodity, ebbing and flowing with the vagaries of supply and demand, it also created 'mechanisms' to ensure it maintained tight control prior to laborers' entry into the Irish market (Allen 2007). These mechanisms included the creation of restrictive work permit and visa regimes, and a refusal to legislate or codify non-EEA worker's rights in favor of maintaining 'administrative' control and expansive discretion over the designation of labor categories and permissions. Through this approach, the FF/PD Coalition was balancing two concerns; continuing its policy of a very lightly-regulated business environment, while maintaining the tightest possible control over labor-related immigration. A crucial part of the latter was to facilitate those workers its labor experts deemed critical for the economy while

²⁵⁰ The government issued approximately 5,750 work permits to non-European Economic Area (EEA) citizens in 1999. In 2002, ca. 40,504 work were issued (Mancini and Finlay 2008: 577).

²⁵¹ These countries were: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

²⁵² It also restricted access to welfare by creating the Habitual Residence Condition, which made it very difficult for the new arrivals to access social assistance without evidence of two years prior residency and tax contributions.

²⁵³ By 2006, the government had issued over 160,000 Personal Public Service numbers (the equivalent of US Social Security identification numbers) to accession country citizens alone (Mancini and Finlay 2008: 577).

ensuring that workers it viewed as less desirable and designated as ‘unskilled,’ remained a *temporary* labor force with minimal meaningful legal recourse.²⁵⁴

Between 1995 and 1999 - the early years of the ‘Tiger’ – Ireland had predominantly absorbed labor demands by deploying pre-existing labor ‘reserves’ of Irish under- and un-employed, appealing to emigrants to return and for women to enter the workplace in greater numbers. After 1999, labor shortages loomed and the then government devised the permit system, modelling it on the post-WWII guest worker system (Allen 2007). As I discussed in Chapter 1, the ‘fiction’ underlying this particular labor regime – that workers are merely ‘guests’ whose ‘host’ may require them to leave – had long broken down by the time the Irish government embraced it. Countries like Germany and the US found that their guest workers and braceros had become “structurally embedded” - their children and grandchildren claiming allegiance and rights (Ibid). Yet, as labor sociologist, Kieran Allen, observes:

... the Irish state carried on with the official fiction regardless – migrants were only guests and had to be legally treated as such. There was no provision for permanent residence, no automatic assumption of family reunification, and permits could be applied for only from outside Ireland

Irish work permits were therefore designed with impermanence in mind and issued directly to employers who needed to employ non-EEA nationals to fill specific vacancies (usually in agriculture, hospitality, fishing). Such employers were required to advertise the job with the Foras Áiseanna Soathair (FÁS) for four weeks and complete an economic needs test before they received the permit.

²⁵⁴ In this regard, the Irish government has been noticeably reluctant to extend rights to the migrant labor sector, refusing to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Nor has it ratified the European Convention on the Legal Status of Migrant Workers or a number of other ILO conventions (Toomey 2015). As with justice issues, the Minister for Jobs, Enterprise and Innovation has expansive discretion when it comes to defining labor categories eligible for permits and this discretionary power renders permit workers especially vulnerable during periods of economic recession. She/He also has the discretion to “refuse applications for employment permits in the ‘public interest’ which includes, without clear definition, ‘the need to protect the labour market’” (Toomey 2015).

The employer then holds the permit throughout the period of employment, with the employee unable to leave that job if conditions proved adverse without leaving the country. Employers, not employees, renewed such permits with the government, meaning that in practice non-EEA employees essentially found themselves entering into a form of ‘bonded labor,’ behold to their employer to maintain their documented status and thus vulnerable to exploitation (Allen 2007; Dundon, et al. 2007: 519).²⁵⁵

This vulnerability was subsequently deepened by the introduction of a third-party, the use of recruitment agencies who globally solicit and then employ workers on ‘temporary agency contracts,’ making abuses by Irish employers extremely difficult to prosecute – even if the government were inclined to do so. Its *disinclination* was signaled both by the low number of labor inspectors it maintained and the fact that the government claimed to no longer collect routine statistics on the number of workers registered with such agencies.²⁵⁶ This is an astonishing claim, as Allen explains, since recruitment agencies are legally obliged to report to the government on the number of temporary contracts they register and place (Allen 2007).²⁵⁷

²⁵⁵ Toomey notes that the Employment Permits Act 2006 changed this aspect, granting employment permits to employees rather than employers. It also gave migrant workers who had been made redundant a period of 6 months to find new employment without losing their immigration status (Toomey 2015).

²⁵⁶ Allen reports that in 2006/7 Ireland had 31 labor inspectors to cover a work force of nearly 2 million. He puts this woefully inadequate number powerfully in perspective by noting that there are over 40 inspectors to enforce non-smoking bans in pubs and fifty dog wardens to cover a canine population of 150,000. Leaks to the Irish Times suggest that training for labor inspectors was also inadequate with knowledge of labor law allegedly not a necessary requirement for hiring. The number of inspections and the number of successful prosecutions reflect this lackadaisical approach to enforcement and the fines administered for infractions of labor law are not a serious deterrent – ranging from €500 to €2,000 (Allen 2007).

²⁵⁷ Recruitment agencies themselves are lightly regulated, a worrisome fact given that, as Allen writes, studies suggest Ireland has the “highest percentage of workers employed on a temporary agency contract (5.2%) in the European Union.” The average across the rest of the EU is 2.2% (Allen 2007).

In 2000, the Coalition and its advisors developed a visa scheme for those with professional skills considered ‘critical’ to the economy (medicine/health, IT/Tech, engineers/architects). The visa is issued for a period of two years to the individual and the individual is free to change jobs within the skill sector of their visa. Visa holders can renew the visa directly with the immigration authorities (Toomey 2015), but they still do not have an automatic right to family unification and the entry of dependents is restricted. This restriction has since been challenged by critical workers like the thousands of Filipino nurses who work in Ireland’s health sector and wish to be joined by their children and spouses and in February 2004, the government conceded the entry of such spouses but restricted their employment prospects to the permit regime (Allen 2007).

However, while visa workers have significant restrictions, the permit scheme has created a pool of low-paid workers, many of whom exist in ‘near serf-like’ working conditions where employers had extensive control over their working and personal lives and – despite government claims to the contrary – employees are often linguistically and socially excluded with little to no recourse in terms of access to labor rights (Dundon, et al. 2007). In addition to a lack of permanence and job security, issues of debt bondage, the charging of excessive permit fees, systemic over-working, wage theft, abusive and unsafe working conditions have been extensively documented, particularly in the key areas of agriculture, fishing and domestic work. Heavily critiqued by unions and labor groups, the Irish government has been credibly accused of poor regulation and foot-dragging in this area and has been rebuked by the Irish High Court and the Council of Europe for its failure to tackle trafficking and to safeguard against the severe exploitation its permit regime invites.²⁵⁸ In 2018, the United States actually

²⁵⁸ SIPTU and The Irish Transport Workers Union (ITW) (among others) has been warning of these abuses for years and has asked the government to better regulate the sector, specifically by removing the permits from employer’s controls. In 2003, the Immigrant Council of Ireland published a report containing testimonials of these abuses and focusing on the difficulties encountered in seeking redress ((Immigrant_Council_of_Ireland 2003) as quoted in (Allen 2007)). The government’s

downgraded Ireland to a Tier 2 country on these grounds.²⁵⁹ Indeed, as the now infamous story of the exploitative treatment of GAMA workers case disclosed, the Irish government itself has participated – albeit at a plausibly deniable contractual remove – in these very abuses. GAMA, a Turkish construction company had (allegedly) been invited to Ireland by the Department of Enterprise, Trade And Employment (DETE) and before long unions and labor groups began to report that GAMA severely underpaid and overworked its workers. The government conducted two investigations before claiming that the allegations had no substance and continued to award lucrative National Development Infrastructure contracts to GAMA – who managed somehow to underbid its competitors by tens of millions of euros on public tenders.²⁶⁰

The rebukes by the High Court and trade unions created little traction with the FF/PD Coalition and its labor policy advisory group, the Expert Group on Future Skills Needs (EGFSN). The EGFSN emerged from the Social Partnerships of the 1990s and together with the Skills and Market Research Unit of FÁS had an outsized impact on the formulation of Irish labor policy. Allen notes the composition of EGFSN was largely corporate, including a member of the American

response has been negligible despite a number of high-profile scandals. In 2015, the Guardian published an explosive exposé of trafficked and highly exploited migrant workers in the Irish fishing industry:

See <https://www.theguardian.com/global-development/2015/nov/02/revealed-trafficked-migrant-workers-abused-in-irish-fishing-industry>.

See also: (Migrant_Rights_Center_Ireland 2017; Murphy, et al. 2021) on the ineffectiveness of the government’s response and ongoing exploitation.

²⁵⁹ <https://www.freedomunited.org/news/ireland-downgraded-to-tier-2-as-us-cites-abuses-in-irish-fishing>; <https://www.theguardian.com/world/2018/jun/29/us-criticise-ireland-action-modern-slavery-people-trafficking>

²⁶⁰ See <https://www.irishtimes.com/news/a-dirty-fight-1.1172354>, <https://www.irishtimes.com/news/allegations-found-to-be-without-substance-1.431802>; <https://www.irishtimes.com/business/construction/judge-moves-to-progress-hearing-of-turkish-workers-40m-claim-1.3666677>, and <https://www.irishtimes.com/news/crime-and-law/gama-reaction-turkish-workers-treated-like-slaves-says-solicitor-1.2303900> .

Chamber of Commerce, the Hewlett Packard Manager with responsibility for the Government and Public in Ireland affairs, and the HR Director of Cement Roadstone, among others (Allen 2007). The explicit goal of EGFSN was to track labor requirements for particular economic sectors and ensure that skill needs were met. In practice – because of wage restrictions agreed by successive social partnerships – their alignment of skill shortages with migrant labor was designed in many cases to prevent wage inflation, essentially reducing the pressure to raise wages by importing external workers. Here, Allen is worth quoting at length on the cascading effects of the Irish government’s neoliberal approach to labor policy-making:

What is striking about the EGFSN reports is the level of detail that has been provided to corporate interests to plan how they can manipulate the labour market to prevent wage inflation. In effect a crude form of geography was developed. The ten new accession states were to become the main suppliers of cheap, unskilled labour. Workers from these countries would enter the meatpacking plants, work as labourers on building sites, become the backbone of Ireland’s tourist industry, gradually displacing former holders of work permits from non-EU countries. Deprived of social welfare, they would be the nearest equivalent to the Workfare victims of the United States – forced to work for relatively low wages and poor conditions. For skilled workers, however, Ireland was encouraged to raid the resources of non-EU countries such as India or the Philippines. Concessions had to be made because of the competition at global level for these workers – but concessions were to be kept to a minimum (Allen 2007).

Part III: Moralities And Materialities of Reproduction

1937 Constitution, Article 41

The State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

Rights And Gender: Ireland's 'Disordered Relationship with Irish Women from the Waist Down'

As I mentioned in the Introduction to this chapter the referendum result which removed birthright citizenship has been described by many in the Irish academe and media as motivated by racist and genderist impulses and anxieties (Lentin 2007; Luibhéid 2004; O'Mahony 2004; Reilly 2004; Sunday_Independent_Editorial 2004). In this section I am considering the historical particularity of Irish gender-based discrimination and the moral force subsequently attaching to female reproductive behavior. As I elaborate below, post-1923, the government enacted a thicket of laws and policies to govern women's behavior, child-bearing and sexuality, rendering women a predominant focus of the state and Catholic church's attempts to reform and mold a distinctly Catholic, post-Independence "moral landscape" (Crowley and Kitchin 2008: 359, 368). In what can now be understood as a renewal of the 16th-18th Century 'enclosures' of women's bodies, labor power and rights and a deepening of their subjugation to patriarchal and religious orders (Federici 2004), women's 'proper place' and duties in the home were constitutionally sacralized, and access to divorce, contraception, and abortion was cut off. A church-state architecture of 'School, Church, Court and Hospital' labored to inculcate and enforce these moral sensibilities. Deviance was managed via the construction of an overwhelming discreditation or stigma (Goffman 1963) and the appropriation of a network of religious-run laundries established by social purity movements in the 19th Century to rehabilitate prostitutes and destitute women (Crowley and Kitchin 2008: 366). Not only did these gendered efforts to fashion a stable, moral nation normalize a role for the government in the intimate regulation of women's lives and bodies, a cultural and moral universe emerged wherein oversight of women's sexual behavior and reproductive praxes could be construed as "crucial to national development" (Hewson 2018: 5) and therefore a rightful site of intervention.

While the role of the Church and its purist sensibilities attaching to women's sexuality are foundering in contemporary Ireland, successive center-right governments have continued – in the words of one Irish journalist – to have a “disordered relationship with Irish women from the waist down” (Lord 2018). I begin below by describing the post-civil Civil War (1921-22) hardening of attitudes, not solely towards women but towards elements of the revolutionary republican agenda espoused in the 1916 Proclamation – equality and social rights – and show how the state's disordered relationship with women and with women's reproduction as a space of intervention was integral to its moral perception and treatment of asylee mothers in the early 2000s.

*Silencing the 'Furies' and 'Die-Hards'*²⁶¹

In 2016 Ireland began a decade of commemoration for the Centenary of its Independence from Britain. This decade of memorialization has conspicuously included the ongoing recovery and “scholarly corrective” work of writing *back* into Irish histories the considerable role played by women (and the gendered harms visited upon them) throughout the period of the 1916 revolution, the 1919-1921 War for Independence and the subsequent Civil War (1921-1922) (Connolly 2019; McAuliffe, et al. 2016). There is a complicated and long history behind the effacement of Irish revolutionary women, and historians are still working to uncover a sense of gender relations within the revolutionary nationalist tradition (Ward 1996/7: 10). Margaret Ward, a well-known historian of Irish women's revolutionary nationalist movements locates a seminal shift in gender relations to a much earlier period, the post-Famine era (ca. 1850s) when a series of ideological, social and cultural shifts had what

²⁶¹ This nomenclature stems from a speech given by President Cosgrave who is quoted in the Irish Times on January 1st, 1923, referencing anti-Treaty women by remarking: “Unhappily in Ireland the ‘Die-hards’ are women, whose ecstasies at their extremest can find no outlet so satisfying as destruction – sheer destruction” (quoted in (Ryan 1999: 256).

she terms a “disastrous impact upon relations between the sexes.” In Marxist terms, it constituted a late moment of ‘primitive accumulation’ wherein the post-Famine expropriation and consolidation of land, had an outsized impact on women’s bodies, reproduction and labor:

The Famine, in which over one million starved to death as a result of the failure of the potato crop, made those who survived determined to ensure that this would never happen again. This meant land consolidation, putting an end to sub-division and dependence on one crop. It meant passing down inheritance to one son, providing a dowry for one daughter to marry. It meant postponed marriage and enforced celibacy as restricted opportunities for marriage and changes in inheritance patterns were underpinned by a new puritanism. Irish Catholicism lost the remnants of an easy-going Gaelicism which had not attempted regulation of personal relationships. The Irish church was reformed, the authority of Rome imposed and the impact of this was profound. The demise of the old village clusters, due to land consolidation, led to women being isolated on family farms and as labour-intensive tillage gave way to cattle-rearing their economic worth was discounted. Public space was rigidly separated on gender lines, the importance of women’s domestic role leading to increased pressure for women to remain within the home (Ward 1996/7: 10).

Many Irish women voted against these shifts with their feet – hence the thousands of women who emigrated from Ireland in the late 1800s. For the purposes of this chapter however, I focus on the regulatory mechanisms which developed post-Independence in line with the socio-moral anxieties of the Catholic Church hierarchy and men who rose to power in the new government, concerning the potential upheavals of republican socialism, labor militancy, land agitation, and anti-imperialist fervor. A thread which ran through all of these fears concerned revolutionary women, denigrated by the first President Cosgrave as “furies” and “diehards” in the aftermath of the Civil War, following the refusal of a disproportionate number of women to accept the Treaty terms imposed by the British and accepted by the new Irish state.²⁶²

²⁶² The Anglo-Irish Treaty which secured Independence required an oath of fealty to the British King and partitioned Northern Ireland from the southern counties, something many revolutionaries found unacceptable. *See* (Allen 2016; Allen 2017). Margaret Ward, an historian of Irish women revolutionaries acknowledges the disproportionate number of women dissenters from the Treaty and their later demonization for its violence when she writes:

Although the initial post-Independence Constitution (1922) defined the state as officially secular, a progressively closer alliance between the new Irish government and the Catholic Church hierarchy gradually configured a post-colonial moral and political landscape that was essentially synonymous with Catholic morality (Crowley and Kitchin 2008). By 1923, the social configuration that had materialized from the nationalist struggle to revive Gaelic identity and mold a new, post-colonial nation proved more ‘counter-revolutionary’ than could have been imagined when Pádraic Pearse first read aloud the Proclamation of the Irish Republic in 1916.²⁶³ Addressed to “Irish men and Irish women,” it had promised a pluralist Ireland, with religious and civil liberties and with equal opportunities for all – Protestant and Catholic alike - regardless of difference:

The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally, and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past.

Instead of this vision, what emerged from the Treaty and ugliness of the Civil War was an authoritarian, Catholic-inflected, gendered nationalism which privileged masculinized memory and history, forsaking the suffragist, egalitarian and socialist goals which had motivated many of the Rising’s republican participants. Its first acts (e.g., the 1924 Juries Act) were to remove some of the fragile gains women had made in a “conservative backlash ... [under] the guise of creating a stable

It is important to emphasise that all the women in the Dáil and the overwhelming majority of women in Cumann na mBan rejected the Treaty. And their argument was not simply on constitutional matters, such as oaths of allegiance, but on the recognition that the freedom they envisaged, which included freedom for women, would not become a reality under the restrictions placed upon Ireland by the Treaty. In the bitterness of the Civil War, women's opposition was demonised and women were blamed for having caused that war (Ward 1996/7: 14).

²⁶³ Allen has argued persuasively that a ‘counter-revolution’ had occurred by 1923, effectively subjugating what can loosely be termed republican-socialist or ‘social justice’ issues to the requirements of the nationalist agenda (Allen 2016: Chapter 4, pp. 82-110).

society free from the upheavals of war” (Ward 1996/7: 14). Allen recounts how “free market conservatism was built into its apparatus from the very start and ‘fiscal rectitude’ and ‘balanced budgets’ became its catch cries to ward off claims for social rights” (2016: 109). Labor demands were treated as risks to the national project and attempts to develop a welfare state were batted away as unrealistic given the exigencies of the moment.

Undeniably, those exigencies were alarming. As I detailed in Chapter 3, the fledgling, post-colonial state was industrially underdeveloped, with high rates of unemployment and poverty and some of the worst slum conditions in Europe. Moreover, even by the standards of the horrors of WWI, the shocking atrocities committed during the Civil War prompted profound disquiet concerning the moral character of the new state. Those who opposed the Anglo-Irish Treaty had become the internal enemy and the new state government partnered with its old enemy, the British, to wipe them out.²⁶⁴ Many vocal Anti-Treaty protests came from women who recognized that the nationalist focus combined with an emerging conservatism was taking them further and further from their egalitarian

²⁶⁴ Initially, the Rising was scorned as criminal and lawless by mainstream newspapers like the Irish Times and the Irish Independent. Women’s participation was largely ignored or ridiculed by the media despite the fact that regardless of their origin in the nationalist Cumann na mBan (*trans.* the Women’s Council), the Irish Women Worker’s Union or the mixed gender socialist militia, the Irish Citizen Army (ICA), women performed a number of military roles in the revolution including sniper, grenade throwers, couriers, first aid, overseeing safe houses, transporting arms for ambushes, kitchen duties, disseminating propaganda, and so forth. During the War of Independence (1921-22) as almost 50,000 raids took place on Irish households, the women who remained in place while men were on the run or in other safe houses were primarily depicted as “passive victims.” Notably, this sense of passivity changed during the Civil War as the longevity of women’s activities outside their traditional sphere is increasingly portrayed as disorderly and their passion for the Republic, its promise of equality for those women who were feminists, or socialism for others is increasingly described as illegitimate and treasonous activity against the newly elected Irish government. Women who participated on the anti-treaty side were widely written about as “active agents in Republican militarism” and constructed as “disorderly, corrupting influences on men and children, and on other women” (Ryan 1999: 257). Eventually, the continued presence of women in Republican forces was politicized and used to denigrate the forces and their cause as illegitimate and disorderly. *See also* (Coleman 2013; McAuliffe, et al. 2016; Ward 1996/7).

and socialist causes. It is against this backdrop, that women and their role as reproducers of the new nation became a central focus in the new governance architecture being constructed by the state and its Catholic advisors.

Crowley and Kitchin (2008: 356-357) have documented the comprehensive network of legislation created after the Civil War which aimed explicitly to legislate a ‘new moral geography’ wherein women’s sexuality, reproductive and social rights would be tightly regulated, their access to job opportunities constrained, their ability to acquire welfare rendered dependent on their husbands, and their civic presence marginalized:

Table 4: Legislation Affecting Women’s Rights and Sexuality (1923-1939) / Table Continues On Following Pages

Table 4: Key Reports and Government Acts Concerning The Regulation Of Sexuality*		
1923	Local Government (Temporary Provisions) Act 1922	Provided a framework for dealing with unmarried mothers, proposing various methods for reforming ‘first offenders’ and punishing ‘recidivists’ and those who could not or would not be reformed.
1923	Censorship of Films Act	Established a film censor (moral editor) with power to cut or refuse a licence to films which in his opinion were subversive of public morality, indecent, obscene or blasphemous
1925	Civil Service Amendment Act	Gave the government the power to bar women from certain civil service exams.
1925	Poor Law Reform Commission and the Workhouses	Proposed methods for reforming ‘fallen women’ and punishing those who could not or would not be reformed.
1926	Inter-Departmental Committee of Inquiry Regarding Venereal Disease	Set up to ‘make inquiries as to the steps, if any, which are desirable to secure that the extent of Venereal disease may be diminished’
1926	Report of the Committee on Evil Literature	Apart from reporting on ‘indecent literature’, also reported on levels of illegitimacy and contraception

Table 4: Key Reports and Government Acts Concerning The Regulation Of Sexuality*		
1924, 1927	Intoxicating Liquor Act	1924 Act limited opening hours and an amendment in 1927 reduced the number of licensed premises – both were driven, in part, by concerns over the effects of alcohol on sexual conduct
1924, 1927, 1927	Juries Bills Report of the Commission on the Sick and Destitute Poor	Denied women the right to sit on juries. Focused on the issue of illegitimacy and unmarried mothers. The Report delineated two classes of mother – ‘those who may be amenable to reform’ and the ‘less hopeful cases’. It advocated different treatment for each category. Commission proposed a period of detention or ranging from ‘moral upbringing’ to segregation to forced detention.
1929	Censorship of Publications Act	Section 16, 17 banned the advertising of contraception or abortion. Prohibited the sale and distribution of ‘indecent or obscene’ books.
1930	Illegitimate Children (Affiliation Orders) Act	Ordered fathers to pay maintenance
1930-34	Report of the Department of Local Government and Public Health	Emphasised the importance of specialised homes for ‘fallen women’
1931	Legitimacy Act	Provided for legitimation by subsequent marriage of parents
1931	Committee on the Criminal Law Amendment Acts (1880-1885) and Juvenile Prostitution	This report dealt with age of consent, contraception and prostitution. It found an ‘alarming amount of sexual crime’, illegitimacy, prostitution sexual immorality. Recommendations included raising the age of consent from 16 to 18, a ban on contraceptives ‘except in exceptional circumstances’, increased penalties for brothel owners and the establishment of a female police force. This report was never published.
1934	Maternity Homes Act	Registration of private maternity homes – brought in after grave concerns about the high rate of infant mortality (particularly amongst illegitimate babies) and ‘baby farming’.

Table 4: Key Reports and Government Acts Concerning The Regulation Of Sexuality*		
1935	The Conditions of Employment Act	Extended the marriage bar of the Civil Service Amendment Act to the entire civil service (except for workers in the lower grades such as cleaners) and gave the government power to limit the number of women employed in any given industry
1935	Dance Halls Act	Clamped down on illicit behaviour – covering licensing, suitability of premises, parking of motorcars, age of admission, police supervision and hours of proposed dancing.
1935	Criminal Law Amendment Act	The Act raised the age of consent from 16 to 17 years and raised from 13 to 15 the age at which carnal knowledge would be classed a felony. Section 16, ‘suppression of prostitution’, increased the penalties for prostitution. Section 17 banned the sale and importation of contraception. Section 18 related to public indecency – inhibiting sexual behaviour in public.
1937	Bunreacht na hÉireann (Irish Constitution)	Articles defined the family as the basic social unit of society and the position of woman as ‘mother’, made contraception and divorce illegal and reconfirmed the illegality of abortion and homosexuality (as enshrined in the Offences Against the Person Act 1861 and Criminal Law Amendment Act 1885)
* Table Reproduced From: Crowley and Kitchen (2008)		

Notable here is the move beyond the Church’s more traditional disciplinary tools of excommunication, the confessional and tactics of stigmatizing, shaming, guilt, notions of sin, etc.²⁶⁵

²⁶⁵ In October 1922 the Catholic Church excommunicated all Republicans who were fighting against the state. Cardinal Logue reportedly “deplored that a number of women and girls have become involved in this wild orgy of violence” (Ryan 1999: 265).

The legislation and policy enshrined in Ireland's second Constitution (passed in 1937) and disseminated through an apparatus of hospitals, courts, churches and schools and detention sites, contained a "distinctive biopolitics" which relegated women entirely to the domestic sphere (Harrington 2005: 430-431). Officially denied access to contraception and divorce and legally prohibited from continuing with traditional jobs like banking, teaching and other civil service positions post-marriage, women's civil liberties were progressively infringed. They were marginalized from public life, lost a significant amount of control over their own finances and gradually 'airbrushed' from the official narrative of Irish revolutionary history (Connolly 2019: 6).²⁶⁶²⁶⁷ Many of those who deviated from the private sphere or were thought to threaten the 'moral fiber' of Irish society were punished by being subjected to severe social stigma and thousands were incarcerated in what Smith (2007) has described as an Irish 'architecture of containment,' the best known of which were the now-infamous Magdalene Laundries.

Despite the fact that the State utilized the services of these laundries both commercially and as sites of detention and was aware of abnormally high mortality rates (among babies in particular but also mothers) and the fact that the girls and women (referred to as 'penitents') contained in them

²⁶⁶ Married women could not officially claim a domicile independent of their husband until 1986. Until the Social Welfare Act 1986 passed, they could not register for unemployment. When it came to children, mothers did not have the same legal status as fathers until 1964 (Crowley and Kitchen 2008: 360).

²⁶⁷ As mentioned in the above Table 4 by Crowley and Kitchen (2008), the state-imposed bans in 1933 and 1935 on the employment of married women in the Civil Service, local authorities and in health boards until 1973. Thus a 'feminized profession' such as teaching, lost a huge percentage of women upon their marriage. But the marriage bar also applied to trade unions and within the banking industry. Writing on the history of Irish women's liberation movements, Mahon notes "Women were forced to resign on marriage, although some were allowed to return to temporary, lower-paid posts if they wished. The participation rate of married women in the labour force remained at the very low level of 6 per cent until the removal of the bar in 1973 initiated a gradual rise to 20 per cent in 1985" (Mahon 1987: 56).

worked for no pay and received no education, it never moved to regulate them in any manner (O'Rourke and Smith 2016: 5). The religious orders in question still refuse to open their archives to the public, accept any responsibility for the harms caused or the necessity for reparation to the remaining survivors (O'Rourke and Smith 2016: 11). The state too has resisted accepting liability despite extensive evidence that it was knowing and complicit in the institutional treatment of laundry inmates.

It was not until 2013, following several more scandals involving the state's approach to women's rights and a protracted campaign by hundreds of campaigners, that the government finally apologized. Memorably, it used a language of rights:

... Nowhere in any of this did the word or concept of citizenship, personal rights and personal freedoms appear...

This was an Ireland where justice and morality were conflated so that there was much in the way of morality but little in the way of justice, and justice was not done for these women (Speech by Tánaiste, Eamon Gilmore (2/19/2013) quoted in: O'Rourke and Smith 2016: 1)

Despite its rhetoric in this regard, the state has arguably continued to minimize and infringe upon the rights of these women. After resisting any liability, it eventually consented to some minimal redress. However, the government characterized the scheme as *exgratia*, in other words 'a gift' rather than a right of compensation for harms. Even worse, and arguably contrary to existing human rights law, it forced the women to sign away their legal rights in order to access the benefits. The women – many now elderly, in poor health and relatively impoverished – were in no position to demur (O'Rourke and Smith 2016: 10).

The last of the laundries closed in 1996 but the state's record on women's reproductive rights including bodily autonomy, obstetrics and healthcare remains mired in a paternalistic and patriarchal authoritarianism (Lord 2018; Mullally 2018). The continuation of abuses stemming from these power

asymmetries were laid bare in the late-1990s scandal involving Dr. Michael Neary’s performance of over 129 hysterectomies – often without consent and bearing no relationship with the medical history of the patient. After female midwives complained about his procedures being outdated and unnecessary, Dr. Neary was initially exonerated by three of his male peers and the midwives censored, before his case was reexamined by a British doctor and Neary eventually stripped of his medical license (McCarthy, et al. 2008).²⁶⁸ Together with its historical prohibitions on contraception and divorce and the Magdalene Scandals, a slew of contemporary scandals including: the Hysterectomy Scandal (as it became known), the Symphysiotomy Scandal²⁶⁹, the Anti-D/Hepatitis C Scandal,²⁷⁰ the ongoing Cervical Cancer Screening Scandal,²⁷¹ and the Miss X case wherein the government sought an injunction to prevent a suicidal teenage victim of rape from accessing abortion; constitute a dismal legacy of what one journalist astutely described as the state’s “disordered relationship with women from the waist down” (Lord 2018).

²⁶⁸ McCarthy et al write that a government inquiry “found that 188 peripartum hysterectomies were carried out in the 25 years between 1974 and 1998; 129 of these were attributed to Neary. In the period 1992–1998 the peripartum hysterectomy the rate was 5%. One in 20 caesarean sections ended in hysterectomy: 20 times the rate of other similar hospitals in the same period (McCarthy, et al. 2008: 644).

²⁶⁹ Symphysiotomy is a procedure performed during childbirth which cuts or tears the *symphysis pubis*; a ligament at the front of the pelvis. Enright reports that though it had been abandoned elsewhere in the developed world, it was revived in Ireland in the 1940s and carried out until the 1980s, generally without the knowledge or consent of the women involved. An intensely painful procedure which has a protracted aftermath, women who survived the procedure report “lifelong incontinence, chronic pain and walking difficulties ... Others report depression, post-traumatic stress disorder, sexual dysfunction ... and damage to family life as a result of ongoing disability” (Enright 2018: 3).

²⁷⁰ See <https://www.irishtimes.com/news/health/at-least-260-deaths-in-20-years-since-hepatitis-c-scandal-erupted-1.2301172>; <https://www.independent.ie/irish-news/health-department-tried-to-bury-hep-c-scandal-doctor-26037281.html>; <https://www.irishexaminer.com/opinion/commentanalysis/arid-20259488.html>

²⁷¹ See <https://www.theguardian.com/commentisfree/2018/may/03/ireland-cervical-cancer-scandal-vicky-phelan>; <https://www.irishtimes.com/news/politics/miriam-lord-leo-s-list-of-indignities-and-insults-visited-on-women-in-ireland-1.3480802>

That disorder extends beyond the reproductive sphere to the labor sphere. As the extremely low percentage (20%) of married women's participation in the labor market as late as 1985 exposes, the state's lackadaisical approach to affordable childcare policy, a tax and welfare structure that encourages working mothers, equal opportunities policy, and numerous other hindrances continue to contingently interact to affect women's access - not merely to participate in the labor market at the same rate (and for the same wages) as men - but to the full panoply of rights that should be available to them (Mahon 1987; Mahon 1994). Or, to put this another way, while the state has made minimal progress on protecting women within its patriarchal system, it has never really called the basis of that system into question (Mahon 1987: 61).²⁷²

Immigration Anxieties And State Neglect

For several years prior to the passing of the Amendment there had been a steady drip-feed of commentary by members of the government, politicians, pundits and the media disparaging asylees as bogus, their motivations as self-interested, and their arrivals as vaguely threatening the abilities of the state. By 2003, the discourse of bogusness had largely been cemented and rumors of disproportionate welfare entitlements swirled but the charge of 'citizen tourists' and 'maternity holidayers' had yet to gain popular traction. In the late 1990s and early 2000s, racist graffiti, leaflet campaigns and physical attacks began to occur in working class and deprived inner-cities of Dublin. Refugees and asylees were subjected to verbal assaults, spitting and sometimes physical altercations. In one series of conflicts, African shops were targeted and damaged and their owners subjected to racist slurs and

²⁷² Enright has argued that the 'politics of national time' has helped manage discourses of responsibility for historical abuse, by "corral[ing] certain historicised abuses within a distinct regulatory space." The perception of 'closure' achieved by such processes then works to limit the state's liability and responsibility (Enright 2018).

threats (Haughey 2000). Irish politicians responded in a number of ways; they decried working class ignorance and racism, they complained about floods of migrants, and the ‘problem’ of immigration and pledged to tackle the ‘evil of racism’ through diversity and anti-racism initiatives, and laws to manage hate-based crime and so forth.²⁷³

However, spokespersons from the communities involved had always had a slightly different take. In a December 1997 letter to responding to a public warning by a Fine Gael politician that there would be ‘ugly’ racist confrontations in the inner city unless the Government dealt with the immigration ‘problem,’ one anti-racist campaigner wrote:

Many politicians and sections of the media have, over the past six months or so, been guilty of propagating racist lies such as that there has been a ‘flood’ of refugees coming to Ireland, that immigrants are causing a housing crisis and indeed that people are coming here to milk the social welfare system. These sort of lies are designed to turn working class people against refugees and to divert public attention from the real scandals in Irish society - scandals such as tax amnesties, land rezoning deals, offshore accounts, golden circles, beef tribunals etc. They will not be successful. The working-class people of Dublin and the rest of Ireland know only too well what it is like to be an ‘economic refugee’. The economic policies of successive governments have forced many of us, our families or friends to go abroad in search of a decent standard of living.

People will not be fooled. What is needed is to break the cycle of golden circles and corruption and free up the necessary resources to provide housing, jobs and a decent life for all - Irish, refugee and immigrant. Then there will be no danger of “ugly racist confrontations”. - Yours, etc., (Kerr 1997)

Just over two years later, in 2000, in a newspaper article concerning racial tensions in an area of Dublin described as “suffering from State neglect, endemic crime and a heroin infestation,” a similar comment was made by a ‘veteran community worker.’ He acknowledged that locals were “ill-equipped

²⁷³ See also <https://www.irishtimes.com/news/racist-attacks-prompt-call-for-tougher-legislation-1.1160585>

to deal with the dramatic, unplanned changes in an already troubled and marginalised [sic] area which has its fill of unresolved internal tensions which often lead to violence.” But, he added:

For the best part of 20 years, the landlord, which is the corporation, corralled this area of north Dublin so it was like a reservation in which problems developed, and as long as it was kept within the area it was OK ... Now with the property boom and the movement of refugees into the area, it's no longer contained. Ethnic groups are now becoming the new victims of those years of neglect. Sadly, people who have been so long neglected now have another group to blame for their misery (quoted in Haughey 2000).

Opening the Front Door And Closing the Back Door

Upon gaining office 2002, Minister McDowell expanded the justice department's discourse concerning asylum bogusness to include a focus on citizenship abuse. In August 2002, he published two reports which he claimed in the media would provide an “‘important base’ for the development of new legislation on immigration and residency to replace the 1935 Aliens Act” (Cullen 2002). One was a report commissioned by DJELR from the International Organization on Migration (IOM) and the second a public consultation report commissioned by the former Minister for Justice (John O'Donoghue) on the topic of immigration. IOM's report indicated that “Ireland's citizenship laws may need to be changed where particular features are seen to attract significant numbers of non-nationals.” It pointed to a number of “weaknesses” in the Irish system which “unscrupulous elements” could exploit including the use of marriage to gain residency, student visa abuses and the need to better regulate the explosion of private educational institutions which had sprung up to harvest the considerable international fees from students wishing to come to Ireland. IOM concluded by emphasizing that:

To be competitive, Ireland will need to consider a full range of open labour [sic] immigration options already tried elsewhere ... ‘One thing is clear from the experiences of others countries: to meet both the needs of Government and the labour market the ‘front door’ needs to be opened more for employers and the ‘back door’ closed for the credibility of good governance.’ (As quoted in Cullen 2002)

Not emphasized by the government (or apparently by IOM) was the fact that the State was actually out of line with the rest of the European Union on another point – its exceedingly long residence period requirement before migrants could apply for leave to remain was a forbidding ten years. Moreover, even that decision remained at the discretion of the Minister for Justice, rather than a right set forth in immigration law and policy.²⁷⁴

In November 2002, McDowell introduced new laws designed to curb so-called ‘marriages of convenience.’²⁷⁵ Then, in 2003, his department won a Supreme Court ruling in *Lobe & Osayande*, which upheld the State’s right to deport the non-national families of Irish citizen children. Within a month of the judgement DJELR announced that no further claims to residency on the basis of being the parent of an Irish child would be accepted. The ruling and the new policy placed over 11,000 families in a situation of legal limbo. That considerable number of would-be residents on the basis of childbearing (despite the fact that many were non-EU migrant workers), combined with reports from DJELR officials to the media at the end of 2002 that “some 80 per cent of women of child-bearing age who sought asylum in the previous 12 months were visibly pregnant when they lodged their

²⁷⁴ In a report published after the Referendum in September 2004, the Immigrant Council of Ireland underscored that exceptionally long residence time for migrant workers adding that even then it was “a discretionary decision for the Minister for Justice ... not even a guaranteed right.” Sr Stanislaus Kennedy, Chairwoman of ICI, noted that Ireland had a:

piecemeal, ad hoc, fragmented and often negative approach to immigration causing great suffering and grief for immigrants and confusion for the public

She called for the establishment of a Ministry of State for Immigration and Ethnic Affairs at the Department of the Taoiseach to co-ordinate service provision for immigrants and for the government to introduce a new “principle of permanence” to Irish immigration policy, one which offered security for workers on a far shorter timeline than the current basis ((Kelleher, et al. 2004) as cited in (Irish_Times 2003)).

²⁷⁵ See <https://www.irishtimes.com/news/laws-to-tighten-citizenship-rules-for-foreign-spouses-1.449310>.

applications” (Haughey 2003a) intensified the discursive process of stigmatizing non-national childbearing as an instrumental act against the nation.

Lucinda

Under McDowell’s leadership of DJELR, a rhetoric which had emerged in the early 2000s began to solidify, affixing certitude and a moral sensibility of deceit and exploitation to non-Irish women’s childbearing. Minister McDowell’s rhetoric of unworthy entitlement and maternal deceit fed into existing rumors about welfare disparities, housing discrimination and other spaces of discontent related to public supports. Much of this suspicion and rumor-mongering can be laid at the feet of politicians who speculated about but were apparently unaware of the welfare entitlements of asylees and migrants. Some was the result of drip-feeds from the DJELR and its agencies to the media as well as rebuttal pieces interviewing asylees. Throughout the asylum application process, and in order to acquire welfare, housing and so on, these women were forced to disclose to civil servants intimate details concerning their sexual lives, or risk denial of their asylum and other claims.²⁷⁶ Consequently, their bodies and sex lives were persistently and prominently on display, curated in Irish spaces by government and media discourse concerning their ‘illegal’ presence and abject natures (Lúibhéid 2002).

In essence a relation of power (Tyler 2018), the stigma which became associated in Irish social life with African women’s pregnancy in particular was tremendous, as I discovered during a visit to

²⁷⁶ Interestingly, in the lead up to the Amendment, the reproductive capacity of immigrant men did not, proportionately, acquire the ‘threat level’ ascribed to immigrant women. This is not to say however, that the sexuality of immigrant men was not experienced as threat. For example, Garner cites a newspaper editorial discussing the threat posed by young Romanian men ‘hanging around a girl’s school’ in Wexford and arguing that ‘some young asylum-seekers were intent on striking up relationships with impressionable young girls, fully aware that a baby would ensure permanent residence in this country’ (Garner 2004: 180)

Dublin in late-2002 with a Ghanaian friend, Lucinda. As we wandered down the main streets of the capital, in classic Goffmanian fashion, Lucinda suddenly blurted that she was “so embarrassed by all these pregnant black women – they’re everywhere!” (Fieldnotes, Nov 2002). In reflecting upon her exclamation, it seems clear that it is not simply a straightforward racial question, i.e., of non-white pregnancy being the abusive element. After all, Lucinda herself was a Ghanaian asylee who gained her residency status as the mother of an Irish child. She, above all people, understood her motives as sincere and honest, her desire to work to integrate to be genuine. So, how did Lucinda come to recognize pregnant, non-white/non-national women as indexing the category of ‘citizenship abuse’ rather than other available categories such as asylum-seeker, refugee, migrant worker, or simply, mother-to-be? Goffman would answer this by reminding us that social identities do not reside within social actors but emerge in social interactions and encounters. Moreover, the power relation of stigma is not simply a relation *between* people, but “also a relation of self to self” (Tyler 2018); in the myriad encounters on the street, the glances, the asides, the anxiety we both shared about a possible antagonistic encounter, Lucinda was forced to confront the fact that the historically specific form of stigma created by McDowell and others concerning African mothers, could also – and in fact did – apply to her as far as much of the Irish public was concerned.

True, Lucinda was no longer pregnant, but the materiality of her blackness overpowered this at that historical moment. Fanon describes this phenomenon as his experience of “being for others,” – the moment in which he comes to realize that the very materiality of his black body renders him responsible, not just for his own body, but for his race and his ancestors (Fanon 1990). For him, the black body is indisputably “in the world,” “sealed into crushing objecthood,” a being experienced through the perceptions of others (Ibid). In the beginning stages of the dramaturgy that would produce the Referendum, Lucinda, as a black mother in Irish social space, was also subjectively

overwhelmed by the ‘crushing objecthood’ attributable to her body and her ‘race’ by the stigmas of maternity holidayers/citizenship tourists - not social worker, nurse and mother.

This ‘incorporated embodiment’ – what Cherniavsky describes as a “specific idea of the body as the proper (interior) place of the subject” – is, of course, formed dialectically in relation to alterity (2006: xiv). But, beyond psycho-social difference and power inequities, there is an important spatial dimension at issue here. Specifically, there is a further performative quality of black pregnancy that I argue amplifies the socio-spatial impact of these mothers-to-be. There is a phenomenological disturbance caused by bodies – specifically those of women and racialised minorities – when they enter spaces in which they are not the “somatic norm” (Puwar 2004). As “bodies that matter,” and as “matter out of place” (Butler 1993), the presence of women and racialised minorities triggers a series of spatial transgressions:

While all can, in theory, enter [these spaces], it is certain types of bodies that are tacitly designated as being the natural occupants of specific positions. Some bodies are deemed as having the right to belong while others are marked out as trespassers, who are, in accordance with how both spaces and bodies are imagined . . . circumscribed as being ‘out of place.’ Not being the somatic norm, they are ‘space invaders’ (Puwar 2004)

Semiotically then, black bodies (specifically, black women’s bodies) were not (at the time) considered by some to be the rightful occupants of certain kinds of public and political spaces. Dublin, it seemed, was one such space. Several Irish citizens reported to me that they felt “their” capital city had been invaded by “blacks and non-nationals” (Fieldnotes, February 2003, May 2004).

However, it was not merely a matter of numbers.²⁷⁷ I suggest there is an additional affective provocation at work here because Dublin is the space of Ireland's national and political capital; it is a spatial locus of power. Thus, when a black mother-to-be (whose reproductive practices have been publicly represented as harmful to the interests of national community) enters certain Irish spaces, her presence has a very particular effect. As a pregnant black woman, she confronting observers with a future-inflected practice that has repercussions for the nation. Additionally, the performative quality of the pregnant female body lies not only in its corporeal instantiation of a society's reproductive possibilities, but also as a marker of processes of social closure. Such concerns are, as Stoler has noted, the very domains in which the conservative right in the United States have had greatest success: "... women have been actively called upon to police the boundaries between the moral and the immoral, between public and private, and between school and home" (Stoler 2005: 132). Women's bodies "... represent the community in as far as they maintain the cultural past, present and future of the group" (Anthias and Yuval-Davis 1992). Simply put, they are signifiers of the "social body."

Conclusion

The government's politically mediated 'crisis of citizenship abuse' in 2004 is, in many senses, a ghostly replay of the first State's use of a sense of governmental emergency, Civil War instability, social unrest and the identification of a social target for stigma (revolutionary women denigrated as 'furies' and 'diehards' for rejecting the 1921 Anglo-Irish Treaty) that needed to be regulated in order to return the nation to a state of equilibrium. The result was a series of highly discriminatory laws against Irish women, an institutional architecture to regulate them and a carceral network to punish

²⁷⁷ Although these numbers *are* proportionately high (the Central Statistics Office (CSO) reports that the usually resident population born outside Ireland and Britain rose from 1.6% in 1996 to 4.0% in 2002 (Ryan 2005: 181)).

deviance. The authoritarianism, paternalism and patriarchal biases given force in the slew of legislation produced between 1923 and 1937 persists, albeit in residual form, in the contemporary State, deforming its relationship with women and discriminating against their civil and economic rights, particularly their right to secular healthcare and reproductive freedom.

Throughout the 2004 Referendum campaign, we witnessed non-national women being made the target of a governmental campaign which once again mobilized a sensibility of ‘chaos’ and moral ‘emergency’ to stigmatize them as immoral, deceitful, instrumental and untrustworthy. The specter of citizenship abuse and immigration chaos combined with a sense of national emergency and the sensationalism of reportedly spiraling racism to prompt citizens to vote for the government to restrict the entry and rights of asylees, migrant workers, their children and spouses. For some working/middle-class and long-term unemployed, these anxieties were generated in tension with fears concerning neoliberal reforms and an increasing sense that their government had become unresponsive to citizen needs and protests. For others of a certain class, like Minister McDowell and Director Gurdgiev, the motivation for a ‘Yes’ vote stemmed from a concern that Ireland remain (relatively) unconstrained by an increasingly powerful international rights regime and what was widely perceived as an overweening EU structure. Certainly, the Minister did not afford the either the Referendum Commission or the Irish Human Rights Commissioners he appointed sufficient time to fully review and assess the socio-legal implications of the Amendment. He appeared more concerned to meet the need outlined in a report he commissioned by the IOM in 2002 to ‘close the back door’ to migrant rights and ‘open the front door’ for employers to operate with minimal constraint in the labor market. And, there is also that conservative/classist element of Irish governance that desires to maintain a significant space of ‘exceptionalism’ wherein decisions on access to rights issues remain within the purview of Ministerial Discretion, without too much opportunity for review.

The legislation voted through as a result of that campaign has had a predictable outcome. Migrant workers unable to reunite with families or have their spouses work regular hours for fair wages, with security and the ability to access fair redress in situations of employer mistreatment. The children of asylee parents growing up under the shadow of deportation orders, often in institutional Direct Provision centers, unable to access third level education or enjoy a life free from the stress such institutional positioning engenders. The propensity to blame socioeconomic ills resulting from recession and capitalist readjustments on immigrants is nothing new, but it is important for anthropologists and other analysts to encourage policymakers and legislators to explore this complicated genesis as (politicized) relationships of inequity, rather than accepting (or capitalizing on) the simple reductionisms of racism and/or culturalism. In that sense, the Irish case is illustrative of new ways in which the old story of race continues to be told. What was new in 2004 was that ‘race’ no longer had to be enunciated – indeed, politics dare not name it. It named morality in its place. In this so-called post-race era there are many forms of difference (cultural, moral, nationalist, ethnic) and ways of making difference (the creation of stigma and so forth) which come, in usual and unusual ways, to act as avatars or alibis for race. Old threads are rewoven in new ways to achieve the same result.

Postscript

Six months after the citizenship referendum, the Department of Justice announced a new residency opportunity for foreign-national parents of Irish children born before January 1, 2005. By July 2005, some 18,000 people applied for residency. They were made to sign away any rights for family reunification. In 2006, a court found that the manner in which he made decisions concerning applications for residence breached the rights of citizen children under the Constitution and the European Convention on Human Rights Act. Eight test cases were considered and with the exception of one, Ms. Judge Finlay Geoghean found that the Minister’s failure to consider the rights and welfare

of citizen children was unlawful. Moreover, she found that the decisions taken had failed to consider the private rights of Irish children “in the sense of personal and social relationships which result from living” in Ireland and were also unlawful as they were “inconsistent with the State’s obligations under the European Convention on Human Rights and breached those obligations under the European Convention on Human Rights Act 2003.” Hundreds of further decisions were expected to be revisited following the ruling (Irish_Times 2006).

CHAPTER 5: CLOSING THOUGHTS

Stigma Politics and Difference-Making

In its 1937 Constitution, the Irish state viewed childbearing and women's duties within the home as a patriotic form of labor *for* the nation, to be sacralized and protected with a variety of disciplinary techniques. Sixty years later, in the context of its EU membership, the state began to rhetorically stigmatize the childbearing of non-national women as laboring *against* the state. From Dáil Debates and accounts of his press releases, we know that the Minister for Justice's estimation of the difference between laboring *for* and laboring *against* the nation can essentially be distilled into an ideology of 'connection' – which, despite his discursive mystifications concerning loyalty and fidelity to the state – boils down to an issue of blood descent. One might even say, 'connection' comes to act as an alibi for race.

What is so masterful about the term 'connection' used by the Minister for Justice is that it can racialize and differentiate without need to enunciate race as a basis of difference. But, if the divisiveness and social upheaval caused by the Referendum was simply about race, how might one account for Lucinda's reaction to the sight of other pregnant black women on the streets of Dublin? Her embarrassment makes most sense, I argue, if we understand that social constructions like 'stigma,' 'morality,' 'culture,' 'gender,' 'nationality' and 'race' all perform the same work – that of difference-making. As the various forms of stigma examined in this dissertation ('non-productivity,' 'furries/diehards,' 'heartless devils,' 'welfare scrounger,' 'citizenship tourist' and 'maternity holidayer') exemplify, it is clear that the Irish government often endeavors to congeal consent through a politics of division and stigmatization. In tracking its deployment, effects and outcomes over the course of this dissertation, I have tried to de-homogenize a conception of the state, especially in moments of

crisis, adhococracy and irresponsibility and to complement this work with an expanded re-conception of Goffman's notion of stigma. Building on Tyler (2018), I move beyond the domain of the socio-psychologic interaction or interiorized attitude to the domain of political economy in order to argue that the material consequences of such praxis represent a tangible mode of governance. Moreover, as the long history of recurring tropes like 'non-productivity' demonstrate, stigma politics (and, indeed, all politics of differentiation) are continually renewed, revived and resurrected, especially during moments of political tension (Douglas 2002), often with each moment of difference-making and fomented division furthering the ends of enclosure and Irish capitalism (Tyler 2020: 86-7).

While Irish experiences, understandings, and sentiment toward racial and cultural difference were (and remain) an uneven and not well-understood force in this Referendum, stigmatizing forms of difference-making – especially when it came to citizenship rights and maintaining some leverage on state functionaries – can be crucial when one feels abandoned by the State, left behind by its economy and unable to partake in the new culture of wealth and cosmopolitanism sweeping the nation at this time. Terry Turner is right, I believe, when he claims that exclusionary and xenophobic forms of nationalism are primarily claims for “... *inclusion* and integration on more favorable social, political and economic terms ... by relatively disenfranchised, dominated elements of the national population” (Turner Response in Stolcke 1995). Calling for the exclusion of difference on nationalist grounds (or, in this case, voting for restrictions to Irish citizenship) is a convenient way of “stressing the common ground ... protesters share with the dominant elements of the national society.” Populist attempts to ‘enclose’ sets of rights like citizenship are unfortunately some of the only ways citizen-protestors can gain the attention of their increasingly illiberal, non-transparent and unresponsive governments, and yet, as I demonstrate, these exclusionary sensibilities can and, importantly, do co-exist with sensibilities of compassion, humanitarianism and inclusion.

EPILOGUE

In June, 2021, Uruemu Adejinmi, a Nigerian woman who arrived in Ireland in 2003 was elected as Cathaoirleach (Mayor) of Longford. She had been sought out by local politicians to assist them to understand the perspectives of Nigerian arrivees to the County and later co-opted onto Longford County Council. In her experience, “Longford had been a very welcoming community” and the news of her election had been greeted with overwhelming positivity: “Look at my journey from 2003. I went from working, to progressing, to becoming a councillor, to becoming mayor. I see Longford as a land of opportunities for myself, as a migrant, and for anybody, native and migrant alike” (Thompson 2021). First on Adejinmi’s list of projects to tackle? Housing.

As this dissertation neared completion, a second hopeful development took place in January 2022, when Ireland’s Minister for Justice, Helen McEntee, announced a new amnesty scheme to regularize the situation of an estimated 17,000 undocumented migrants in Ireland. This was followed by a second announcement in February 2022 that asylum seekers who had been waiting for over two years for a decision could also apply for an amnesty scheme which would regularize their situation, allow them to work and grant them a pathway to Irish citizenship.²⁷⁸

²⁷⁸ See <https://www.irishtimes.com/news/ireland/irish-news/amnesty-scheme-for-undocumented-migrants-opens-1.4789764>; and <https://www.irishtimes.com/news/social-affairs/amnesty-scheme-opens-for-asylum-seekers-awaiting-permission-to-stay-in-ireland-1.4795865>; (accessed April 10, 2022).

BIBLIOGRAPHY

(OECD), Organization for Economic Co-operation and Development

2006 Country Statistical Profiles 2006. <http://stats.oecd.org>.

Adshead, Maura, and Michelle Millar

2008 Naps Policy and Process-What Have We Learned?: Combat Poverty Agency.

Agamben, Giorgio

2008 State of Exception: University of Chicago Press.

AIDA, Asylum Information Database

2015 Asylum Statistics in the European Union: A Need for Numbers. E.C.o.R.a.E. (ECRE), ed. Pp. 1-10, Vol. AIDA Legal Briefing No. 2. Brussels.

Allen, Kieran

2007 Neoliberalism and Immigration. *In* Immigration and Social Change in the Republic of Ireland B. Fanning, ed. Pp. 84-112. Manchester: Manchester University Press.

—

2012 Recession and the New Resistance. *Irish Marxist Review* 1(2):3-12.

—

2016 1916: Ireland's Revolutionary Tradition. London: Pluto Press.

—

2017 Catholicism and the Irish State-Time to Separate. *Irish Marxist Review* 6(18):3-15.

Alliance, NGO

2004 Ngo Alliance Shadow Report in Response to the Irish Government's First National Report to Cerd under the United Nations' International Convention on the Elimination of All Forms of Racial Discrimination.

Andy, Pollak.

1995 Taylor Launches Education Pack in Racism and Equality Campaign. *Irish Times*, Dec 12 1995.

Anthias, Flora, and Nira Yuval-Davis

1992 *Racialized Boundaries. Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (in Association with Harriet Cain). London/New York: Routledge.

Appadurai, Arjun

1988 *The Social Life of Things: Commodities in Cultural Perspective*: Cambridge University Press.

Arnesen, Eric

2001 Whiteness and the Historians' Imagination. *International Labor and Working-Class History* 60:3-32.

Ashforth, Adam

2003 On Living in a World with Witches: Everyday Epistemology and Spiritual Insecurity in a Modern African City (Soweto). *In Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa*. H.L. Moore and T. Sanders, eds. Pp. 206-225. London and New York: Routledge.

Balibar, E.

1988a Y a-t-il Un Neo-Racisme? *In Race, Nation, Classe*. E.a. Balibar and I. Wallerstein, eds. Paris: La Decouverte.

Balibar, Etienne

1994 *Masses, Classes, Ideas: Studies on Politics and Philosophy before and after Marx*. New York: Routledge.

Bastian, Misty L

2003a "Diabolic Realities": Narratives of Conspiracy, Transparency, and "Ritual Murder" in the Nigerian Popular Print and Electronic Media. Durham: Duke University Press.

—

2003b Vulture Men, Campus Cultists and Teenaged Witches: Modern Magics in Nigerian Popular Media. *In Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa*. H.L. Moore and T. Sanders, eds. Pp. 71-96. London and New York: Routledge.

Bauman, Zygmunt

1991 *Modernity and Ambivalence*. Cambridge: Polity Press.

Beck, Ulrich, Scott Lash, and Brian Wynne

1992 *Risk Society: Towards a New Modernity*. Volume 17: sage.

Beesley, Arthur

2004a *Citizenship Right under Study by Government*. Irish Times, Jan 31, 2004.

—

2004b *Referendum to Be Held to Restrict Citizenship Rights*. Irish Times, March 11, 2004.

Beneduce, Roberto

2015 *The Moral Economy of Lying: Subjectcraft, Narrative Capital, and Uncertainty in the Politics of Asylum*. *Medical Anthropology* 34(6).

Berlant, Lauren

1999 *The Subject of True Feeling: Pain, Privacy and Politics*. In *Cultural Pluralism, Identity Politics, and the Law*. A. Sarat and T.R. Kearns, eds: University of Michigan Press.

Bew, Paul

2007 *Ireland: The Politics of Enmity 1789-2006*: Oxford University Press on Demand.

Bhreatnach, Aoife

2006a *Becoming Conspicuous: Irish Travellers, Society and the State 1922-70*. Dublin: University College Dublin Press.

—

2006b *Fair Days and Doorsteps: Encounters between Travellers and Settled People in Twentieth-Century Ireland*. *Portraying Irish Travellers: Histories and Representations*. Newcastle: Upon-Tyne, Cambridge Scholars Publishing:1-16.

—

2007a *Confusing Origins and Histories: The Case of Irish Travellers*. *Irish Journal of Anthropology* 10(1):30-5.

—

2007b Policing the Community: Homicide and Violence in Traveller and Settled Society Irish Economic and Social History 34(1):47-64.

Bhreatnach, Ciara, and Aoife Bhreatnach

2006 Portraying Irish Travellers: Histories and Representations: Cambridge Scholars Publishing.

Biehl, João

2005 Vita: Life in a Zone of Abandonment: Photographs by T. Eskerod. Berkeley: University of California Press.

Bigo, Didier

2006 Protection: Security, Territory and Population. *In* The Politics of Protection: Sites of Insecurity and Political Agency. J. Huysman, A. Dobson, and R. Prokhovnik, eds. London and New York: Routledge.

Birrell, Bob, and Adrienne Millbank

2011 Why Australia Should Abandon the Refugee Convention

Blommaert, Jan

2001 Investigating Narrative Inequality: African Asylum Seekers' Stories in Belgium. *Discourse & Society* 12(4):413-449.

Board, Longford County Development

2009 Poverty Profile. Longford County Development Board.

Bocker, Anita, and Tetty Havinga

1998 Asylum Applications in the European Union: Patterns and Trends and the Effects of Policy Measures. *Journal of refugee studies* 11(3):245-266.

Bohmer, Carol

2007 Rejecting Refugees: Political Asylum in the 21st Century: Routledge.

Boswell, Christina

2006 Europe and International Migration. *In* The Politics of Migration. B. Marshall, ed. London: Routledge.

—

2015 The Double Life of Targets in Public Policy: Disciplining and Signalling in Uk Asylum Policy. *Public Administration* 93(2):490-505.

Boyle, Richard

1996 Civil Service Change Could Finally Happen This Time. *Irish Times*.

—

1997 Developing an Integrated Performance Measurement Framework for the Irish Civil Service.

Bradley, Lara

2004 Racial Tensions Spark Fears of Midlands Ghetto. *Sunday Independent*, June 20, 2004: 7.

Brennan, Joe

2018 10 Years On: Countdown to the Irish Financial Crash. *Irish_Times_Limited*, 9/5/2018.

Brennock, Mark

2004 Coalition Determined on Citizenship Poll. *Irish Times*, March 12, 2003.

Broin, Eoin Ó

2009 *Sinn Féin and the Politics of Left Republicanism*: Pluto Press.

Brubaker, Rogers

2004 *Ethnicity without Groups*: Harvard University Press.

Bushe, Andrew

1999 Minister to Crack Down on Refugee Trafficking. *The Irish Echo*, May 19-25, 1999.

Butler, Judith

1993 *Bodies That Matter: On the Discursive Limits of 'Sex'*. London: Routledge.

Byrne, Rosemary

2007 Assessing Testimonial Evidence in Asylum Proceedings: Guiding Standards from the International Criminal Tribunals. *International Journal of Refugee Law* Advanced Access Published online November 7, 2007.

Cairncross, Frances

1988 Poorest of the Rich. *The Economist*.

Canning, Victoria

2017 Gendered Harm and Structural Violence in the British Asylum System: Taylor & Francis.

Cantillon, Sara

2001 Rich and Poor: Perspectives on Tackling Inequality in Ireland. Volume 33: Oak Tree Press (Ireland).

Cassidy, Eddie

2003 Town Meeting over Refugee Influx. *Archives Irish Examiner*.

Central Statistics Office, CSO

2000 That Was Then, This Is Now: Change in Ireland, 1949-1999. Central Statistics Office.

—

2004 Population and Labour Force Projections (2006-2036). Central Statistics Office.

—

2005 Eu Survey on Income and Living Conditions (Eu-Silc) 2004 (with Revised 2003 Estimates). Central Statistics Office.

Changing_Ireland

2003 Mayo Children Confront Their Prejudices Early. *In* Inter-Culturalism: Changing Ireland.

Cherniavsky, Eve

2006 Incorporations: Race, Nation, and the Politics of Capital. Minneapolis: University of Minnesota Press.

Cianetti, Licia, James Dawson, and Seán Hanley

2018 Rethinking “Democratic Backsliding” in Central and Eastern Europe – Looking Beyond Hungary and Poland. *East European Politics* 34(3):243-256.

Coakley, John

2005 The Foundations of Statehood. *In* Politics in the Republic of Ireland. 4th edition. J. Coakley and M. Gallagher, eds. Pp. 3-35. Dublin: London: Routledge.

Coffey, Guy

2003 The Credibility of Credibility Evidence at the Refugee Review Tribunal *International Journal of Refugee Law* 15:377-417.

Cohen, Nick

2003 A Lesson from Oz: New Labour Seem Set to Follow Australia in Shipping Asylum Seekers Back to the Third World. *The Observer*.

Cohen, Stanley

2002 (1972) Folk Devils and Moral Panics: The Creation of the Mods and the Rockers: Routledge.

Coleman, Marie

2013 The Irish Revolution, 1916-1923: Routledge.

Collett, Elizabeth

2015 The Asylum Crisis in Europe: Designed Dysfunction. Migration Policy Institute.

Colson, Elizabeth

2000 The Father as Witch. *Africa* 70(3):333-358.

Comaroff, Jean, and John Comaroff

2003 Transparent Fictions; or, the Conspiracy of a Liberal Imagination: An Afterword. *In* Transparency and Conspiracy: Ethnographies of Suspicion in the New World Order. H.G. West and T. Sanders, eds. Pp. 287-300. Durham, NC: Duke University Press.

Comaroff, Jean, and John L Comaroff

2006a Figuring Crime: Quantifacts and the Production of the Un/Real. *Public Culture* 18(1):209-246.

—

2012 Theory from the South: Or, How Euro-America Is Evolving toward Africa. Boulder: Paradigm Publishers.

Comaroff, Jean, and John L. Comaroff

2001b Naturing the Nation: Aliens, Apocalypse and the Postcolonial State. *Journal of South African Studies* 27(3, September).

Comaroff, John L.

1998 Reflections on the Colonial State, in South Africa and Elsewhere: Factions, Fragments, Facts and Fictions. *Social Identities* 4(3):321-361.

Comaroff, John L., and Jean Comaroff

1999b Occult Economies and the Violence of Abstraction: Notes from the South African Postcolony. *American Ethnologist* 26:279-301.

—, eds.

2006b Law and Disorder in the Postcolony.

Commission, Irish Human Rights

2006 Observations on the Scheme of the Immigration, Residency and Protection Bill 2006. IHRC.

Conlan, Sue, Sharon Waters, and Kajsa Berg

2012 Difficult to Believe: The Assessment of Asylum Claims in Ireland. Irish Refugee Council. Retrieved February 22:2016.

Connolly, Eileen

2005 The Government and the Governmental System. *In* Politics in the Republic of Ireland. 4th edition. J. Coakley and M. Gallagher, eds. Pp. 328-351. Dublin: Routledge in association with PSAI Press.

—

2008 The Institutionalisation of Anti-Poverty and Social Exclusion Policy in Irish Social Partnership: Combat Poverty Agency.

Connolly, John

1996 Group Wants Law to Combat Racism. *Irish_Times*, Dec 03 1996.

Connolly, Linda

2019 Honest Commemoration: Reconciling Women's 'Troubled' and 'Troubling' History in Centennial Ireland. MUSSI Working Paper Series No. 9, Maynooth, Ireland, 2019, pp. 1-15. Maynooth University.

CORI

2008 Social and Economic Review: Housing and Accommodation. Conference of Religious of Ireland.

Costello, Cathryn

2012 Courting Access to Asylum in Europe: Recent Supranational Jurisprudence Explored. Human Rights Law Review 12(2):287-339.

Costello, Cathryn, and Itamar Mann

2020 Border Justice: Migration and Accountability for Human Rights Violations. German Law Journal 21(3):311-334.

Costello, Cathryn

2005 The Asylum Procedures Directive and the Proliferation of Safe Country Practices: Deterrence, Deflection and the Dismantling of International Protection? European Journal of Migration and Law 7:35-69.

Council, Longford County

2004 Annual Report. Longford County Council

—

2009 Traveller Accommodation Programme 2009-2013. Longford County Council.

Council, Longford County, and County Development Board

2008 'Living Together in Longford,' Intercultural Strategic Plan for County Longford 2008 - 2011. LCRL.

Coutin, Susan Bibler

2001 The Oppressed, the Suspect, and the Citizen: Subjectivity in Competing Accounts of Political Violence. Law & Social Inquiry 26(1):63-94.

Crowley, Niall

2006 An Ambition for Equality: Irish Academic Press.

—

2010 Empty Promises: Bringing the Equality Authority to Heel: A. & A. Farmar.

Crowley, Una, and Rob Kitchin

2007 Paradoxical Spaces of Traveller Citizenship in Contemporary Ireland. *Irish Geography* 40(2):128-145.

2008 Producing 'Decent Girls': Governmentality and the Moral Geographies of Sexual Conduct in Ireland (1922–1937). *Gender, Place & Culture* 15(4):355-372.

Crowley, Úna, and Rob Kitchin

2015 Academic 'Truth' and the Perpetuation of Negative Attitudes and Intolerance Towards Irish Travellers in Contemporary Ireland. *In* *Tolerance and Diversity in Ireland, North and South*. Manchester University Press.

Crowley, Una M

2005 Liberal Rule through Non-Liberal Means: The Attempted Settlement of Irish Travellers (1955–1975). *Irish Geography* 38(2):128-150.

Cullen, Paul

1997a Law Change to Give Asylum Seekers New Right of Appeal. *Irish Times*, August 27, 1997.

1997b "No Blacks Here: Irish Only Need Apply 1997 Was the Year Government Officials Felt Free to Be Openly Racist, When Refugees Were Stripped of Dignity and Made Queue in the Rain. Paul Cullen on One of the Year's More Ugly Themes." *Irish Times*, . *The Irish Times*, Dec 27, 1997.

2000 Refugees and Asylum-Seekers in Ireland. Cork: Cork University Press.

2002 Citizenship Right for All Children May Go. *Irish Times*, August 8, 2002.

2005 How Pupil-Power Brings McDowell to Book. *The Irish Times*, March 26, 2005: Page 2.

Dáil_Éireann_Debate

1999a Adjournment Debate - Immigration Policy Review (Nov 16, 1999). Oireachtas, ed. Dublin: Houses of the Oireachtas.

—

1999b Illegal Immigrants (Trafficking) Bill, 1999: Second Stage. Oireachtas, ed. Pp. 7-90, Vol. Vol 511. Dublin: Houses of the Oireachtas.

—

1999c Private Members' Business - Confidence in Minister: Motion. Oireachtas, ed. Pp. 22-262, Vol. 511. Dublin: Houses of the Oireachtas.

—

2004 Parliamentary Debates Dáil Éireann Official Report. Irish Government.

Dáil-Debates

2005 Parliamentary Debates, Dáil Éireann, Deportation Orders. Parliamentary Debates, Dáil Éireann 599(5):1229-1230.

Daly, Mary, and Madeleine Leonard

2002 Against All Odds: Family Life on a Low Income in Ireland. Dublin: Institute of Public Administration and Combat Poverty Agency.

Daniel, E. Valentine, and John Chr. Knudsen, eds.

1995 Mistrusting Refugees. Berkeley: University of California Press.

Das, Veena

2007 Trauma and Testimony: Between Law and Discipline. *Ethos* 35(3):330-335.

Day, Catherine

2020 Report of the Advisory Group on the Provision of Support Including Accommodation to Persons in the International Protection Process. Government of Ireland / Rialtas na hÉireann.

De Genova, Nicholas P.

2002 Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology* 31:419-47.

De Nie, Michael

2004 *The Eternal Paddy: Irish Identity and the British Press, 1798–1882*: University of Wisconsin Pres.

Department of Justice, Equality and Law Reform

2004a Information Note on Proposal for Constitutional Amendment and Legislation Concerning the Issue of Irish Citizenship of Children of Non-National Parents. DOJ.

Department of Justice, Equality and Law Reform (DJELR)

2004b *Planning for Diversity: The National Action Plan against Racism*. E.a.L.R. Department of Justice, ed. Dublin.

Department of Justice, Equality and Law Reform (DJELR), and Irish Naturalisation and Immigration Service (INIS)

2006 *Report on Review of Asylum and Immigration*. DJELR & INIS, E.a.L.R. Department of Justice.

Devereux, Eoin, and Martin Power

2019 *Fake News? A Critical Analysis of the ‘Welfare Cheats, Cheat Us All’ Campaign in Ireland*. *Critical Discourse Studies* 16:1-16.

Donlon, John

2003 *Longford Caught in the Eye of the Race Storm*. *Longford Leader*, February 28, 2003.

Douglas, Mary

1970 *Thirty Years after Witchcraft, Oracles and Magic*. *Witchcraft Confessions And Accusations*.

Douglas, Ray M

2002 *Anglo-Saxons and Attacotti: The Racialization of Irishness in Britain between the World Wars*. *Ethnic and Racial Studies* 25(1):40-63.

Drudy, PJ, and Michael Punch

2002 *Housing Models and Inequality: Perspectives on Recent Irish Experience*. *Housing Studies* 17(4):657-672.

Dundon, Tony, María-Alejandra González-Pérez, and Terrence McDonough

2007 *Bitten by the Celtic Tiger: Immigrant Workers and Industrial Relations in the New ‘Glocalized’ Ireland*. *Economic and Industrial Democracy* 28(4):501-522.

Dunn, Elizabeth Cullen

2012 The Chaos of Humanitarian Aid: Adhocracy in the Republic of Georgia. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 3(1):1-23.

2017 No Path Home: Humanitarian Camps and the Grief of Displacement. Ithaca, New York: Cornell University Press.

Dzenovska, Dace

2016 Eastern Europe, the Moral Subject of the Migration/Refugee Crisis, and Political Futures. *Near Futures Online* 1.

Economist_Editorial

1997 Ireland Shines. *In* *The Economist*.

2004a Tiger, Tiger, Burning Bright: an Economic Miracle with Many Causes. *In* *The Economist*.

2004b The World's Best Country: Why Irish Eyes Are Smiling. *In* *The Economist*.

Editor

1998 Combating Racism. *Irish_Times*, April 28 1998.

Editor_Irish_Times

2004 Dáil Sees Heated Scenes over Citizenship Vote. *Irish Times*, April 7, 2004.

Editorial

2003 Shoplifting Is Not a Race Issue. *Longford Leader*, February 28, 2003.

Engle Merry, Sally, and Susan Bibler Coutin

2014 Technologies of Truth in the Anthropology of Conflict *American Ethnologist* (41):1-16.

English, Rachel dir.

2005 Decision to Allow Kunle Back on Six Month Visa. Ireland.

Enright, Mairead

2018 'No. I Won't Go Back': National Time, Trauma and Legacies of Symphysiotomy in Ireland. *In* Law and Time. S. Benyon-Jones and E. Grabham, eds: Routledge.

European_Commission

1985 Guidelines for a Community Policy on Migration. E. Commission, ed, Vol. Supplement 9/85. Brussels: Bulletin of the European Communities.

Evans-Pritchard, Edward E

1937 Witchcraft, Oracles and Magic among the Azande. Volume 12: Oxford London.

Fanning, Bryan

2000 Asylum-Seekers, Travellers and Racism. *Doctrine and Law* 50(No. 6):358-367.

—

2002a The Political Currency of Irish Racism (1997-2002). *Studies* 91(364):319-327.

—

2002b Racism and Social Change in the Republic of Ireland. Manchester: Manchester University Press.

—

2007 Against the 'Racial State'. *Studies: an Irish Quarterly Review* 96(381):7-16.

Fanning, Bryan

2015 Thomas Malthus and Catholic Emancipation. *In* *Histories of the Irish Future*. Pp. 55-74. London: Bloomsbury Academic.

Fanon, Frantz

1990 The Fact of Blackness. *In* *Anatomy of Racism*. D. Goldberg, ed. Pp. 108-127. Minnesota: University of Minnesota.

Fassin, Didier

2005 Compassion and Repression: The Moral Economy of Immigration Policies in France. *Cultural Anthropology* 20(3):362-387.

Fassin, Didier, et al.

2015 *At the Heart of the State*: Pluto Press.

Fassin, Éric, and Judith Surkis

2010 Introduction: Transgressing Boundaries. *Public Culture* 22(3 - Special Section: Dossier on Sexual Boundaries, National Identities, and Transnational Migrations in Europe):487-505.

Favell, Adrian

1998 *The Europeanisation of Immigration Politics*.

Favell, Adrian, and Randall Hansen

2002 Markets against Politics: Migration, Eu Enlargement and the Idea of Europe. *Journal of ethnic and migration studies* 28(4):581-601.

Federici, Silvia

2004 *Caliban and the Witch: Autonomedia*.

—

2018 *Witches, Witch-Hunting, and Women*: PM Press.

Feeney

2008 *Izevbekhai & Ors V. Minister for Justice and Law Reform, Vol. 23*. Dublin: IEHC.

Feldman, Gregory

2005 Development in Theory: Essential Crises: A Performative Approach to Migrants, Minorities, and the European Nation-State. *Anthropological Quarterly* 78(1):213-246.

Ferguson, James

2002 Spatializing States: Toward an Ethnography of Neoliberal Governmentality. *American Ethnologist* 29(4):981-1002.

Fields, Barbara

1982 Ideology and Race in American History. *In Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward* Pp. 143-77. Oxford.

Fields, Barbara J

2001 Whiteness, Racism, and Identity. *International Labor and Working-Class History* 60:48-56.

Fitzgerald, Eithne

2001 Redistribution through Ireland's Welfare and Tax Systems. *In Rich and Poor: Perspectives on Tackling Inequality in Ireland*. S. Cantillon, C. Corrigan, P. Kirby, and J. O'Flynn, eds. Pp. 151-197. Dublin: Oak Tree Press (in Association with Combat Poverty Agency).

Foster, R.F.

1989 *Modern Ireland: 1600-1972*: Penguin.

Foucault, Michel

1979 *Discipline and Punish: The Birth of the Prison*. New York: Vintage.

—

2003 *Society Must Be Defended, Lectures at the Collège De France, 1975-6*. London: Allen Lane.

Fraser, Ursula

2000 *Asylum Law and Policy in Ireland: A Critical Guide*. *In Amnesty International Irish Section*. A.I.I. Section, ed. Dublin: Dorman and Sons.

Fraser, Ursula, and Colin Harvey, eds.

2003 *Sanctuary in Ireland: Perspectives on Asylum Law and Policy*. Dublin: Institute of Public Administration.

Garner, Steve

2004 *Racism in the Irish Experience*. London: Pluto Press.

—

2007 *Babies, Bodies and Entitlement: Gendered Aspects of Access to Citizenship in the Republic of Ireland*. *Parliamentary Affairs* 60(3):437-451.

—

2009 *Ireland: From Racism without "Race" to Racism without Racists*. *Radical History Review* 2009(104):41-56.

2015 The Simianization of the Irish: Racial Ape-Ing and Its Contexts. *In* Simianization: Apes, Gender, Class, and Race. W.D. Hund, C.W. Mills, and S. Sebastiani, eds. Pp. 197-222: LIT Verlag Münster.

2016 Making 'Race' an Issue in the 2004 Irish Citizenship Referendum. *In* Defining Events. Manchester University Press.

Garner, Steve, and Anthony Moran

2006 Asylum Seekers and the Nation-State: Putting the "Order" Back into "Borders" in Australia and the Republic of Ireland. *In* Race and State. A. Lentin and R. Lentin, eds. Cambridge Cambridge Scholars Press.

Geary, Laurence M

1999 "The Whole Country Was in Motion": Mendicancy and Vagrancy in Pre-Famine Ireland. *Luxury and Austerity*:121-36.

Gilroy, Paul

1987 There Ain't No Black in the Union Jack: The Cultural Politics of Race and Nation. Chicago: The University of Chicago Press.

Glynn, Irial

2012 More Power, Less Sympathy: The Response of Igos in Western Europe to Unwanted Migration During Economic Crises Compared. *Comparative Population Studies*.

Gmelch, Sharon Bohn, and George Gmelch

1976 The Emergence of an Ethnic Group: The Irish Tinkers. *Anthropological Quarterly* 49(4):225-238.

Goffman, Erving

1961 Asylums : Essays on the Social Situation of Mental Patients and Other Inmates. Garden City, N. Y.: Anchor Books.

1963 Stigma: Notes on the Management of Spoiled Identity. New York: Simon & Schuster, Inc.

—

1967 Interaction Ritual: Essays on Face-to-Face Behavior. New York: Pantheon Books.

Goldberg, David Theo

2002 The Racial State (Malden, Ma. Blackwell 2:14.

Good, Anthony

2004 Expert Evidence in Asylum and Human Rights Appeals: An Expert's View. International Journal of Refugee Law 16(3):358-380.

Gorlick, Brian

2003 Refugee Protection in Troubled Times: Reflections on Institutional and Legal Developments at the Crossroads. *In* Problems of Protection: The Unhcr, Refugees, and Human Rights. N. Steiner, M. Gibney, and G. Loescher, eds. Pp. 79-101. New York: Routledge.

Government_of_Ireland

2000 Supporting Voluntary Activity: A White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector. Dublin: Stationary Office.

Gráda, Cormac Ó, and Kevin H O'Rourke

1997 Migration as Disaster Relief: Lessons from the Great Irish Famine. European Review of Economic History 1(1):3-25.

Graham, B.

1999 In Search of Ireland, a Cultural Geography. London: Routledge.

Graham, Mark

2003 Emotional Bureaucracies: Emotions Civil Servants, and Immigrants in the Swedish Welfare State. Ethos 30(3):199-226.

Guild, Elspeth

2006 The Europeanisation of Europe's Asylum Policy. International Journal of Refugee Law 18(3-4):630-651.

Gurdgiev, Constantin T.

2004 The Referendum: For and Against. Irish Times, June 8, 2004: 16.

Hacking, Ian

1990 The Taming of Chance. Cambridge [England]; New York: Cambridge University Press.

Hansen, Randall

1999 Asylum Policy in the European Union. *Geo. Immigr. LJ* 14:779.

—

2017 Constrained by Its Roots: How the Origins of the Global Asylum System Limit Contemporary Protection. Migration Policy Institute.

Hardiman, Niamh

2000 Taxing the Poor: The Politics of Income Taxation in Ireland. *Policy Studies Journal* 28(4):815-842.

Hardiman, Niamh, and Muiris MacCarthaigh

2010 The Unpolitics of New Public Management in Ireland. *ADMINISTRATIVE REFORMS AND DEMOCRATIC GOVERNANCE*:55-67.

Harrington, John A.

2005 Citizenship and the Biopolitics of Post-Nationalist Ireland. *Journal of Law and Society* 32(3):424-49.

Hathaway, James C

1984 The Evolution of Refugee Status in International Law: 1920-1950. *International and Comparative Law Quarterly*:348-380.

—

1990 A Reconsideration of the Underlying Premise of Refugee Law. *Harv. Int'l. LJ* 31:129.

—

1993 Harmonizing for Whom: The Devaluation of Refugee Protection in the Era of European Economic Integration. *Cornell Int'l LJ* 26:719.

Hatton, Timothy J, and Jeffrey G Williamson

2004 Refugees, Asylum Seekers, and Policy in Europe. Institute for the Study of Labor (IZA).

Haughey, Nuala

1999 Lawyer Calls the Asylum Process a 'Travesty'. Irish Times.

—

2000 Ignorance and Poverty Add to Racial Tensions in Dublin an African Enclave in Dublin's North Inner City Has Become the Focus of Racial Tension in Recent Weeks. Irish Times, May 06, 2000.

—

2003a Residents of Limbo. Irish Times, June 7, 2003.

—

2003b When Two Cultures Clash: How Do the People of Longford Feel About This Week's Controversy over Non-Nationals in Their Town? The Irish Times, February 22, 2003.

Hayes, Michael

2009 Irish Travellers and Images of Counterculturality. *In* Counter-Hegemony and the Irish 'Other'. T. Acton, and Michael Hayes, ed. Pp. 45-75. Cambridge: Cambridge Scholars Publishing.

Hearne, Rory

2015 The Irish Water War, Austerity and the 'Risen People'. Online at https://www.maynoothuniversity.ie/sites/default/files/assets/document/TheIrshWaterwar_0.pdf.

Helleiner, Jane

2000 Irish Travellers: Racism and the Politics of Culture. Toronto: University of Toronto Press.

Herzfeld, Michael

1992 The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy. Chicago: University of Chicago Press.

Hetherington, Kevin

2005 Blank Figures in the Countryside [2000]. *In* The Subcultures Reader. Second edition. K. Gelder, ed. Pp. 246-255: Routledge.

Hewson, Dominic

2018 Pregnant with Risk: Biopolitics, Neoliberalism and the 2004 Irish Citizenship Referendum. *Irish Political Studies* 33(4):569-588.

Hodžić, Saida

2017 *The Twilight of Cutting: African Activism and Life after Ngos*. Oakland, California: University of California Press.

Holland, Kitty

1999 Refugees Have to Stand and Wait as the Crisis Worsens Another Day, Another Queue, Another Dose of Shabby Treatment. Welcome to Ireland? Kitty Holland on Last Week's Chaos at the Refugee Application Centre in Dublin. *Irish Times*.

Hood, Susan

1995 The Famine in the Strokestown Park House Archive. *The Irish Review* (1986-) (17/18):109-117.

Huysman, Jef, Andrew Dobson, and Raia Prokhovnik, eds.

2006 *The Politics of Protection: Sites of Insecurity and Political Agency*. London: Routledge.

Hyndman, Jennifer, and Alison Mountz

2008 Another Brick in the Wall? Neo-"Refoulement" and the Externalization of Asylum by Australia and Europe. *Government and Opposition* 43(2):249-269.

IDA_Ireland

2000 Annual Report. IDA Ireland.

Immigrant_Council_of_Ireland

2003 Labour Migration into Ireland. Immigrant Council of Ireland.

Independent_Review_Group

2015 Findings from Dje Employee Survey. DJELR.

Irish_Times

2003 'Market-Driven' Immigration Policy Criticized. *Irish Times*, Sept 13, 2004.

2004a Impact of Citizenship Poll Queried. Irish Times, April 3, 2004.

2004b Referendum Bill Debate Curbs Are Criticised. Irish Times, April 9 2004.

2006 McDowell Breached Children's Rights Irish_Times.

Irish_Times_Editor

2003 Brazillians Adapt to Life in Roscommon. The Irish Times, March 10, 2003 (Updated 2013).

Irish_Times_Editorial

1997 Humiliating Refugees. Irish Times, Oct 14, 1997.

1999 Unrepentent Pd Rattles the Ff Cage. Irish Times, November 20, 1999.

Jacobson, David

1996 Rights across Borders: Immigration and the Decline of Citizenship. Baltimore: The Johns Hopkins University Press.

James, Erica Caple

2004 The Political Economy of 'Trauma'in Haiti in the Democratic Era of Insecurity. Culture, Medicine and Psychiatry 28(2):127-149.

Johnson, Cedric

2019 The Wages of Roediger: Why Three Decades of Whiteness Studies Has Not Produced the Left We Need. Nonsite.org (29).

Johnson, Nuala

1997 Making Space: Gaeltacht Policy and the Politics of Identity. *In* In Search of Ireland, a Cultural Geography. B. Graham, ed. Pp. 174-91. London: Routledge.

Joppke, Christian

1998 Why Liberal States Accept Unwanted Immigration. *World Politics* 50(2):266-293.

Jordan, Donald E

1994 *Land and Popular Politics in Ireland: County Mayo from the Plantation to the Land War*: Cambridge University Press.

Joyce, Corona

2010 *Annual Policy Report on Migration and Asylum 2009: Ireland*. ESRI and EMN.

Kearns, Nicholas

2004 *Report of the Referendum Commission on the Referendum on the Twenty-Seventh Amendment of the Constitution Bill 2004 (Irish Citizenship)*. R. Commission, ed. Dublin.

Kelleher, Patricia, Carmel Kelleher, and Orla Parkinson

2004 *Voices of Immigrants: The Challenges of Inclusion*: Immigrant Council of Ireland.

Kelly, Mark

2005 *Immigration-Related Detention in Ireland. A Research Report for the Irish Refugee Council, Irish Penal Reform Trust and Immigrant Council of Ireland*. Human Rights Consultants.

Kennedy, Patricia, and Jo Murphy-Lawless

2003 *The Maternity Care Needs of Refugee and Asylum Seeking Women in Ireland*. *Feminist Review* 73:39-53.

Kerr, Gregor

1997 *Refugees and Racism*. *Irish Times*, Dec 04, 1997.

Kirby, Peadar

2002a *The Celtic Tiger in Distress: Growth with Inequality in Ireland*: Palgrave.

—

2002b *The Celtic Tiger: A Cautionary Tale of Economic Success and Social Failure in a Globalised World*. School of Law and Government, Dublin City University.

Klein, Naomi

2007 *The Shock Doctrine: The Rise of Disaster Capitalism*: Macmillan.

Kleinman, Arthur, and Rachel Hall-Clifford

2009 Stigma: A Social, Cultural and Moral Process. *J Epidemiol Community Health*

63(6):418-419.

Kneebone, Susan, ed. 2008 Refugees, Asylum Seekers and the Rule of Law: Comparative Perspectives. Cambridge: Cambridge University Press.

Lancaster, Roger N

2017 The New Pariahs: Sex, Crime and Punishment in America. *In The War on Sex*. D.M. Halperin; and T. Hoppe, eds. Pp. 65-125: Duke University Press.

Larragy, Joe, and Brendan Bartley

2007 Transformations in Governance. *In Understanding Contemporary Ireland*. R. Kitchin and B. Bartley, eds. Pp. 197-208. London: Pluto Press.

Layte, Richard, Brian Nolan, and Christopher T. Whelan

2004 Explaining Poverty Trends in Ireland During the Boom. Economic and Social Research Institute (ESRI).

LCRL

2000 Strategic Plan 2000-2006 Local Development Social Inclusion Sub-Programme. Longford Community Resources Ltd.

Lentin, Alana , and Ronit Lentin, eds.

2006 Race and State. Newcastle, UK: Cambridge Scholars Press.

Lentin, Ronit

2007 Ireland: Racial State and Crisis Racism. *Ethnic and Racial Studies* 30(4):610-627.

—

2008 (2006) From Racial State to Racist State? Racism and Immigration in Twenty First Century Ireland. *In Race & State*. A. Lentin and R. Lentin, eds. Pp. 187-206. Newcastle upon Tyne: Cambridge Scholars Publishing.

Lentin, Ronit, and Robbie McVeigh

2002a Racism and Anti-Racism in Ireland: Beyond the Pale.

—, eds.

2002b Racism and Anti-Racism in Ireland. Belfast: Beyond the Pale.

—

2006 After Optimism? Ireland, Racism and Globalisation. Dublin: Metro Éireann Publications.

Li, Tania Murray

2007 The Will to Improve: Governmentality, Development, and the Practice of Politics. Durham, NC: Duke University Press.

Lipsky, Michael

2010 (1980) Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. New York: Russell Sage.

Loescher, Gil

1989 The European Community and Refugees. *International Affairs* (Royal Institute of International Affairs 1944-) 65(4):617-636.

Longford Community Resources Ltd., (LCRL)

2000 Annual Report 2000. LCRL.

Longford_Leader_Editorial

2006 Two Thirds of Welfare Staff Want Out. *In* Longford Leader. Longford: Longford Leader.

Longley, Edna, and Declan Kibberd

2001 Multi-Culturalism: The View from the Two Irelands. Cork: Cork University Press in association with The Centre for Cross Border Studies, Armagh.

Lord, Miriam

2018 Leo's List of Indignities and Insults Visited on Women in Ireland. *Irish Times*, May 2, 2018.

Loughnan, Claire

2017 On the Tears of the Other: Refugees, Responsibility and the Ethical Corrosion of Office.

—

2019 Active Neglect: The New Tool for the 'Externalisation' of Refugee Protection. .

Loyal, Steven, and Kieran Allen

2006 Rethinking Immigration and the State in Ireland. *In* Race & State. A. Lentin and R. Lentin, eds. Newcastle upon Tyne: Cambridge Scholars Publishing.

Luibhéid, Eithne

2004 Childbearing against the State? Asylum Seeker Women in the Irish Republic. *Women's Studies International Forum*, 2004. Vol. 27, pp. 335-349. Elsevier.

Lúibhéid, Éithne

2002 Globalization and Sexuality: Redrawing Racial and National Boundaries through Discourses of Childbearing.

Lynch, Kathleen, and Bernie Grummell

2018 New Managerialism as an Organisational Form of Neoliberalism. *In* The Transformation of Work in Welfare State Organizations. Pp. 203-222: Routledge.

MacCarthaigh, Muiris

2017 Public Sector Reform in Ireland: Countering Crisis: Springer.

MacSharry, Ray, and Padraic White

2000 The Making of the Celtic Tiger: The inside Story of Ireland's Boom Economy. Cork: Mercier Press.

Magee, A.

1997 'Foreigners out' Says Irish Teacher. *Irish Times*.

Mahon, Evelyn

1987 Women's Rights and Catholicism in Ireland. *New Left Review* 0(166):53.

—

1994 Feminist Research: A Reply to Lentin (*Ijs*, Vol. 3). *Irish Journal of Sociology* 4:165-169.

Malkki, Liisa

2007 The Politics of Trauma and Asylum: Universals and Their Effects. *Ethos* 35(3):336-343.

Mancini, Joanne M, and Graham Finlay

2008 "Citizenship Matters": Lessons from the Irish Citizenship Referendum. *American Quarterly* 60(3):575-599.

Manning, Maurice

2003 Foreword *In Sanctuary in Ireland: Perspectives on Asylum Law and Policy*. U. Fraser and B. Harvey, eds. Dublin: Institute of Public Administration.

Marrus, M.R.

1985 *The Unwanted: European Refugees in the Twentieth Century*. Oxford: Oxford University Press.

Martin, David A., et al.

2007 *Forced Migration: Law and Policy*. St. Paul/Minnesota.

Masco, Joseph

2002 Lie Detectors: On Secrets and Hypersecurity in Los Alamos. *Public Culture* 14(3):441-467.

—

2006 *The Nuclear Borderlands : The Manhattan Project in Post-Cold War New Mexico*. Princeton, N.J.: Princeton University Press.

—

2017 The Crisis in Crisis. *Current Anthropology* 58(S15):S65-S76.

Mathiesen, Thomas

2004 *Silently Silenced: Essays on the Creation of Acquiescence in Modern Society*. Winchester: Waterside Press.

Mbembe, Achille

2001 *On the Postcolony*. Berkeley: University of Berkeley Press.

McAuliffe, Mary , et al.

2016 Forgetting and Remembering - Uncovering Women's Histories at Richmond Barracks: A Public History Project. *Studies in Arts and Humanities* 02(01):17-32.

McCabe, Conor

2011 *Sins of the Father: Tracing the Decisions That Shaped the Irish Economy*: History Press.

McCarthy, Joan, Sharon Murphy, and Mark Loughrey

2008 Gender and Power: The Irish Hysterectomy Scandal. *Nursing Ethics* 15(5):643-655.

McCarthy-Brown, Karen

2003 Making Wanga: Reality Constructions and the Magical Manipulation of Power. *In Transparency and Conspiracy: Ethnographies of Suspicion in the New World Order*. H.G. West and T. Sanders, eds. Pp. 233-257. Durham: Duke University Press.

McDonagh, Joe

2004 Know Racism: The National Anti-Racism Awareness Programme - Final Report on Activities 2001-2003. DJELR, ed. Dublin: Government of Ireland.

McDowell, Michael

2002a Speech by Michael McDowell T.D., Minister for Justice, Equality and Law Reform, at the Annual Conference of the Irish Social Policy Association. *In Annual Conference of the Irish Social Policy Association*.

—

2002b Speech by Mr. Michael McDowell, T.D. At the Publication of the First Annual Report of the Office of the Refugee Applications Commissioner.
<http://www.inis.gov.ie/en/INIS/Pages/SP07000127>.
<http://www.inis.gov.ie/en/INIS/Pages/SP07000127>.

—

2005 Statement by the Minister Regarding the Real Facts About the Asylum and Deportation Systems. DOJ, .

McGarry, Patsy

2004 McDowell Says Inequality an Incentive in the Economy,. *Irish Times*, May 28, 2004.

McGee, Harry

2000 Media Response to Asylum. *In* Sanctuary in Ireland, Perspectives on Asylum Law and Policy. U. Fraser and B. Harvey, eds. Dublin: Institute of Public Administration

McGuinness, Mrs. Justice Catherine

2013 Reception Marking the Twenty-First Anniversary of the Irish

McIntosh, Peggy

1989 White Privilege: Unpacking the Invisible Knapsack: ERIC.

McKenna, Gene

2004 Ahern's 'I'm a Socialist' Claim Insulting, Says Rabbitte. Irish Independent, November 22, 2004.

McKinley, Michell

1997 Life Stories, Disclosure and the Law. Political and Legal Anthropology Review 20:70-82.

McLoone, Martin

1999 Caliban and Other Primitives: British Images of the Irish (a Catalog Essay for Dark Stains Exhibition). *In* Dark Stains: An Exhibition by Willie Doherty. San Sebastián: Koldo Mitxelena Kulturunea, Donostia-.

Migrant_Rights_Center_Ireland

2017 Left High and Dry: The Exploitation of Migrant Workers in the Irish Fishing Industry. Migrant Rights Center Ireland.

Millbank, A., Australia. Dept. of the Parliamentary Library. Information, and Research Services

2000 The Problem with the 1951 Refugee Convention: Department of the Parliamentary Library.

Minister McDowell

2004 Proposed Citizenship Referendum. Sunday Independent, March 14, 2004.

Mongkol, Kulachet

2011 The Critical Review of New Public Management Model and Its Criticisms. Research Journal of Business Management 5(1):35-43.

Moore, Aoife, and Paul Hosford

2020 Special Report: How Accommodating Asylum Seekers Turned into a Billion-Euro Industry. Irish Examiner, April 27, 2020.

Moore, Henrietta L, and Todd Sanders, eds.

2003 *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa*: Routledge.

Moran, Gerard P

2004 *Sending out Ireland's Poor: Assisted Emigration to North America in the Nineteenth Century*: Four Courts Press.

Mountz, Alison

2010 *Seeking Asylum: Human Smuggling and Bureaucracy at the Border*: University of Minnesota Press.

Muehlebach, Andrea

2017 *The Irish Water Insurgency: No More Blood from These Stones*. ROAR Magazine.

Mullally, Siobhán

2001 *Manifestly Unjust: A Report on the Fairness and Sustainability of Accelerated Procedures for Asylum Determinations*. Commissioned by the Irish Refugee Council, University College Cork.

Mullally, Síobhan

2003 *Too Fast to Be Safe?: Regular/Irregular Asylum Determination Procedures in Sanctuary in Ireland: Perspectives on Asylum Law and Policy*, *In Sanctuary in Ireland: Perspectives on Asylum Law and Policy*. U.F.a.C. Harvey, ed. Dublin: Institute of Public Administration.

Mullally, Una

2018 *Ireland's Cervical Cancer Scandal Is Nothing Less Than a National Calamity*. The Guardian, May 3, 2018.

Murphy, Antoin

1998 *The Celtic Tiger—the Great Misnomer*. Dublin: Money Markets International.

Murphy, Clíodhna , David M. Doyle, and Stephanie Thompson

- 2021 Experiences of Non-Eea Workers in the Irish Fishing Industry. Maynooth University.
- Murphy, Colin
- 2006 Refugee Tribunal Member Boycotted for Being 'Biased'. *In* Village.ie, Vol. 2008. Dublin: Village.ie.
- Murray, J
- 2001 Reflections on the Smi. TCD School of Business Working Paper.
- Nash, Catherine
- 1999 Irish Placenames: Post-Colonial Locations. *Transactions of the Institute of British Geographers* 24(4):457-480.
- Nationals, Interdepartmental Committee on Non-Irish
- 1994 Interim Report on Applications for Refugee Status. Stationery Office.
- Nelson, Bruce
- 2012 Irish Nationalists and the Making of the Irish Race: Princeton University Press.
- NESC, A
- 1986 Strategy for Development 1986-1990: Dublin: National Economic and Social Council.
- Neumayer, Eric
- 2005 Asylum Recognition Rates in Western Europe: Their Determinants, Variation, and Lack of Convergence. *Journal of conflict resolution* 49(1):43-66.
- Newman, Christine
- 1999 Refugee Center Closed after Call for More Staff. *The Irish Times*, Nov 9, 1999.
- News, RTÉ
- 2000 Protests at Decision to Accommodate Refugees Adjacent to Halting Site: RTÉ.ie.
- Ní Shúinéar, S.
- 1994 Irish Travellers, Ethnicity and the Origins Question. *In* Irish Travellers: Culture and Ethnicity. M. McCann, S. O'Síocháin, and J. Ruane, eds. Pp. 54-77. Belfast: Institute of Irish Studies.

Niehaus, Isak

2003 Witchcraft in the New South Africa: From Colonial Superstition to Postcolonial Reality? *In* Moore and Sanders, *Magical Interpretations: Modernity, Witchcraft and the Occult in Postcolonial Africa*. H.L. Moore and T. Sanders, eds. Pp. 184-205. London and New York: Routledge.

Nolan, Brian, Philip J. O'Connell, and Christopher T Whelan

2000 Bust to Boom? The Irish Experience of Growth and Inequality. Dublin: IPA.

Noll, Gregor

2000 Negotiating Asylum: The Eu Acquis, Extraterritorial Protection and the Common Market of Deflection. Volume 6: Martinus Nijhoff Publishers.

—

2003 Risky Games? A Theoretical Approach to Burden-Sharing in the Asylum Field. *Journal of Refugee Studies* 16(3):236-252.

—, ed. 2005 Proof, Evidentiary Assessment and Credibility in Asylum Procedures`. Leiden/Boston: Martinus Nijhoff Publishers.

Nugent, Neill

1999a The Government and Politics of the European Union. Durham, NC: Duke University Press.

—

1999b The Government and Politics of the European Union: Macmillan Press Ltd.

—

2006 The Government and Politics of the European Union. Durham: Duke University Press.

Nyers, Peter

2003 Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement. *Third World Quarterly* 24(6):1069-1093.

O'Brien, Carl

2005 Date for Residency Applications Extended. *The Irish Times*, March 18, 2005: Page 4.

O'Connell, Donncha

2002 The Politics of Immigration in Ireland: Justice Delayed or Injustice Expedited? *In* Merriman Summer School. Ennistymon, Co. Clare.

O'Connell, Donncha, and Ciara Smyth

2004 The Case for Urgent Constitutional Reform Has Simply Not Been Made. *Irish Times*, April 1, 2004.

O'Halloran, Marie

2002 Abuse by Young Irish 'Not Infrequent'. *The Irish times*.

O'Hearn, Denis

1998 *Inside the Celtic Tiger: The Irish Economy and the Asian Model*. London: Pluto Press.

O'Mahony, Peter

2004 Wanted: A Reasoned Look at Citizenship Issue. *Irish Times*, May 21, 2004: 18.

O'Riain, Seán, and Philip J. O'Connell

2000 The Role of the State in Growth and Welfare. *In* *Bust to Boom? The Irish Experience of Growth and Inequality*. B. Nolan, P.J. O'Connell, and C.T. Whelan, eds. Dublin: IPA.

O'Toole, Fintan

1994 *Black Hole, Green Card: The Disappearance of Ireland*. Dublin: New Island Books.

O'Brien, Carl

2007 Improved Care and More Social Housing, Key Planks of Plan. *The Irish Times*.

O'Farrell, Orlagh

2013 Report on Measures to Combat Discrimination Directives 2000/43/Ec and 2000/78/Ec (Country Report 2012, Ireland). European Community Programme for Employment and Social Solidarity – PROGRESS (2007-2013).

O'Flynn, Micheal, Lee Monaghan, and Martin Power

2014 Scapegoating During a Time of Crisis: A Critique of Post-Celtic Tiger Ireland. *Sociology* 48(5):921-937.

O'Gráda, Cormac

1992 (1989) The Great Irish Famine. Houndmills: Macmillan Education Ltd.

2007 Famine's Villains. The New York Times, Dec 09, 2007.

O'Gráda, Cormac

2019 The Next World and the New World: Relief, Migration, and the Great Irish Famine. The Journal of Economic History 79(2):319-355.

O'Mahoney, Peter

2007 Ireland's Asylum System - Still a Shambles? *In Working Notes: Facts and Analysis of Social and Economic Issues*. Ireland: Jesuit Center for Faith & Justice.

O'Malley, Joseph

2004 Use of Guillotine Chops the Head Off Democracy. Irish Independent.

O'Rourke, Maeve, and James M Smith

2016 Ireland's Magdalene Laundries: Confronting a History Not yet in the Past. A Century Of Progress? Irish Women Reflect:107-34.

Oelgemöller, Christina

2012 Migration Management: The Radical Violence of International Migration, Sussex.

Office_for_Social_Inclusion

2005 Office for Social Inclusion First Annual Report Implementation of Plan 2003-2004. Dublin Stationery Office.

ORAC

2002 Annual Report 2001. Office of the Refugee Applications Commissioner.

2004 Annual Report 2003. Office of the Refugee Applications Commissioner.

2007a Annual Report 2006. Office of the Refugee Applications Commissioner, ORAC.

2007b Annual Report 2007.

PA_Consulting_Group

2002 Evaluation of the Progress of the Strategic Management Initiative / Delivering Better Government Modernisation Programme. PA Knowledge Limited.

Palmié, Stephan

2007 Genomics, Divination, "Racecraft". *American Ethnologist* 34(2):205-222.

Phiri, Pia Prütz

2003 Unhcr, International Refugee Protection and Ireland. *In Sanctuary in Ireland: Perspectives on Asylum Law and Policy*. U. Frazer and C. Harvey, eds. Pp. 115-127. Dublin: Institute of Public Administration (IPA).

Pollak, Andy

1998a "Masterly Inertia Andy Pollak Looks at How the Government Is Dealing with Ireland's Most Pressing Domestic Human Rights Issue, the Treatment of Asylum Seekers.". *Irish Times*, November 4, 1998.

—

1998b Masterly Inertia: Andy Pollak Looks at How the Government Is Dealing with Ireland's Most Pressing Domestic Human Rights Issue, the Treatment of Asylum Seekers. *Irish Times*, Nov 4, 1998: 57.

Power, Michael

1994 The Audit Explosion: Demos.

Puggioni, Raffaella

2006 Resisting Sovereign Power: Camps in-between Exception and Dissent. *In The Politics of Protection: Sites of Insecurity and Political Agency*. J. Huysman, A. Dobson, and R. Prokhovni, eds. Pp. 68-84. London and New York: Routledge.

Puwar, Nirmal

2004 Space Invaders: Race, Gender and Bodies out of Place. Oxford/New York: Berg.

Quinn, Emma

2009 The Organisation of Asylum and Migration Policies in Ireland. Economic and Social Research Institute (ESRI) Research Series.

Quinn, Emma, John Stanley, and Corona Joyce, O'Connell, Philip J.

2008 Handbook on Immigration and Asylum in Ireland 2007. Volume 5. Dublin: ESRI, The Economic and Social Research Institute (Research Series).

Radio_Teilifis_Éireann

2004 Hospital Masters Deny Citizenship Law Call. *In* RTÉ News,. Pp. <https://www.rte.ie/news/2004/0313/46939-citizenship/>. Dublin: RTÉ.

Ray, Christopher

2000 Editorial. The Eu Leader Programme: Rural Development Laboratory. *Sociologia Ruralis* 40(2):163-171.

Redmond, Declan, and Rory Hearne

2013 Starting Afresh: Housing Associations, Stock Transfer and Regeneration.

Reed, Adolph

2013 Marx, Race, and Neoliberalism. *New Labor Forum*, 2013. Vol. 22, pp. 49-57. SAGE Publications Sage CA: Los Angeles, CA.

Rees, Nicholas

1997 Ireland's Foreign Relations in 1996. *Irish Studies in International Affairs* 8:163-189.

Regan, Aidan

2010 The End of the Partnership. *LookLeft* (June 7, 2010).

Reilly, Catherine

2004 Ff 'Advised' to Play Race Card. *Metro Eireann*, April 2004, Vol 5, Issue 5: 1.

Rigney, Stephen

2005 Bringing Kunle Back: How a Class of Leaving Cert Students Made Sure Their Friend Was Not Forgotten. *Focus: Action for Global Justice* 72(Summer):6.

Roitman, Janet

2013 *Anti-Crisis*: Duke University Press.

Rose, Nikolas

1996 The Death of the Social? Re-Figuring the Territory of Government. *Economy and Society* 25(3):327-356.

Rousseau, Cécile, et al.

2002 The Complexity of Determining Refugeehood: A Multidisciplinary Analysis of the Decision-Making Process of the Canadian Immigration and Refugee Board. *Journal of Refugee Studies* 15(1):43-70.

Rozakou, Katerina

2017 Nonrecording the “European Refugee Crisis” in Greece: Navigating through Irregular Bureaucracy. *Focaal* 2017(77):36-49.

Ruane, Medb

1998 Vision of Refugee Act Is Undermined: John O’donoghue’s Regulations Have Worsened Refugee’s Situations and Ensured That Ireland Is Still Not Implementing the Geneva Convention in Full. *Irish Times*, January 17, 1998.

Ryan, Bernard

2005 The Celtic Cubs: The Controversy over Birthright Citizenship in Ireland. *European Journal of Migration and Law* 6:173-193.

Ryan, Louise

1999 “Furies” and “Die-Hards”: Women and Irish Republicanism in the Early Twentieth Century. *Gender & History* 11(July 1999):256-275.

Sanders, Todd

2003 Save Our Skins: Structural Adjustment, Morality and the Occult in Tanzania *In* *Magical Interpretations, Material Realities: Modernity, Witchcraft and the Occult in Postcolonial Africa*. H.L. Moore and T. Sanders, eds. Pp. 160-183. London and New York: Routledge.

Saris, A Jamie, and Brendan Bartley

2002 The Arts of Memory Icon and Structural Violence in a Dublin ‘Underclass’ Housing Estate. *Anthropology Today* 18:14-19.

Saris, A. Jamie, and Brendan Bartley

2000 The Culture of Protest in West Dublin. *In* *Memories of the Present: Irish Sociological Chronicles*. M. Peillon and E. Slater, eds. Pp. 117-130. Dublin: Institute For Public Administration.

Saris, A.J., et al.

2002 Culture and the State: Institutionalizing 'the Underclass' in the New Ireland. *City* 6(2):173-191.

Sassen, S.

1988 *The Mobility of Labor and Capital: A Study in International Investment and Labor Flow*. Cambridge [England] ; New York: Cambridge University Press.

Sassen, Saskia

1999 *Guests and Aliens*. New York: The New Press.

Schuster, Liza

1998 Why Do States Grant Asylum? *Politics* 18(1):11-16.

—

2004a *The Exclusion of Asylum Seekers in Europe: Centre on Migration, Policy & Society*, University of Oxford.

—

2004b *The Use and Abuse of Political Asylum in Britain and Germany*: Routledge.

Scott, James C

1998 *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*: Yale University Press.

Scott, W Richard, Walter W Powell, and Paul J DiMaggio

1991 The New Institutionalism in Organizational Analysis. The organization of societal sectors: Propositions and early evidence:108-140.

Sheehan, Aideen

1999 Weapons Seized as Tensions Rise over Refugees. *Irish Independent*, November 13, 1999.

Shore, Cris

2005 Culture and Corruption in the Eu: Reflections on Fraud, Nepotism, and Cronyism in the European Commission. *Corruption: Anthropological Perspectives*:131-155.

2008 Audit Culture and Illiberal Governance: Universities and the Politics of Accountability. *Anthropological Theory* 8(3):278-298.

2018 How Corrupt Are Universities? Audit Culture, Fraud Prevention, and the Big Four Accountancy Firms. *Current Anthropology* 59(S18):S92-S104.

Shore, Cris, and Susan Wright

2015a Audit Culture Revisited: Rankings, Ratings, and the Reassembling of Society. *Current Anthropology* 56(3):421-444.

2015b Governing by Numbers: Audit Culture, Rankings and the New World Order. *Social Anthropology* 23(1):22-28.

Shore, Cris, Susan Wright, and Davide Pero, eds.

2011 Policy Worlds: Anthropology and the Analysis of Contemporary Power. Volume 14. New York: Bergahn Books.

Siegel, Matt

2013 Australia Adopts Tough Measures to Curb Asylum Seekers. *The New York Times*, July 19, 2013.

Sinha, Shalini

2002 Generating Awareness for the Experiences of Women of Colour in Ireland. *In Racism and Anti-Racism in Ireland*. R. McVeigh and R. Lentin, eds. Pp. 116-129. Belfast: Beyond the Pale Publications Ltd.

Slater, Eamonn, and Michel Peillon, eds.

2000 Memories of the Present. Volume 2. Dublin: Institute of Public Administration.

Smith, James M.

2007 Ireland's Magdalen Laundries and the Nation's Architecture of Containment: University of Notre Dame Press.

Smyth, Ciara M

2016 Chronicle of a Reform Process: The Irish Working Group on Protection. *Journal of Refugee Studies* 29(3):388-410.

Smyth, Gerry

2001 *Space and the Irish Cultural Imagination*. London: Palgrave.

Somers, Margaret

2008 *Genealogies of Citizen: Markets, Statelessness and the Right to Have Rights*. Cambridge: Cambridge University Press.

Spivak, Gayatri Chakravorty

1988 *Can the Subaltern Speak? Marxism and the Interpretation of Culture*. C. Nelson and L. Grossberg. Urbana, University of Illinois Press:271-313.

Staunton, Denis

2004 80% of Irish Say State Needs Immigrants. *Irish Times*, March 9, 2004.

Stolcke, V.

1995 *Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe*. *Current Anthropology* 36(1):1-13.

Stoler, Ann

1991 *Carnal Knowledge and Imperial Power: Gender, Race and Morality in Colonial Asia*. *In Gender at the Crossroads of Knowledge*. M. diLeonardo, ed. Pp. 51-101. Berkeley: University of California Press.

Stoler, Anne

2005 *Racist Visions for the Twenty-First Century: On the Banal Force of the French Radical Right* *In Situating "Race" and Racisms in Space, Time, and Theory: Critical Essays for Activists and Scholars*. J.-A. Lee and J. Lutz, eds. Pp. 114-137. Montreal & Kingston, London, Ithaca: McGill-Queen's University Press.

Strathern, Marilyn

2000 *Audit Cultures: Anthropological Studies in Accountability, Ethics, and the Academy*: Psychology Press.

Sunday_Independent_Editorial

2004 *Vote Democracy, Not Hypocrisy*. *Sunday Independent*: 20.

Sweeney, James A.

2009 Credibility, Proof and Refugee Law. *International Journal of Refugee Law* 21(4):700-726.

Szreter, Simon, and Keith Breckenridge

2012 Recognition and Registration: The Infrastructure of Personhood in World History. *Proceedings of the British Academy*, 2012. Vol. 182, pp. 1-36.

Taft, Michael

2013 A Really Really Special Case Requires a Really Really Special Solution. *In* *Notes on the Front*, Vol. 2022.

Tansey, Paul

1998 Ireland at Work: Economic Growth and the Labour Market, 1987-1997: Oak Tree Press (Ireland).

Taoiseach, Department of the

1996 Delivering Better Government: Second Report to Government of the Co-Ordinating Group of Secretaries - a Programme of Change for the Irish Civil Service. D.o.t. Taoiseach, ed. Dublin.

Thielemann, Eiko R

2001 The "Soft" Europeanisation of Migration Policy: European Integration and Domestic Policy Change. *ECSA Seventh Bienal Internacional Conference*, 2001. Vol. 31.

Thompson, Jessica

2021 Cathaoirleach Role Is 'Beyond Anything I Ever Thought of' Says Longford's Female African Mayor. *The Longford Leader*, July 21, 2021.

Thornton, Liam

2011 Human Rights Law in the Republic of Ireland-2008. *Irish Yearbook of International Law* 3:159-179.

Ticktin, Miriam

2005 Policing and Humanitarianism in France: Immigration and the Turn to Law as State of Exception. *interventions* 7(3):347-368.

—

2006 Where Ethics and Politics Meet. *American Ethnologist* 33(1):33-49.

Ticktin, Miriam I

2011 *Casualties of Care: Immigration and the Politics of Humanitarianism in France*. University of California Press.

Toland, (Chair) Kevin

2014 Report of the Independent Review Group on the Department of Justice and Equality. DJELR, ed. Dublin.

Toomey, Deirdre

2015 Employment Rights for Migrant Workers in Ireland: Towards a Human Rights Framework. *International Migration & Integration*:15.

Tormey, Anwen

2007 “Everyone with Eyes Can See the Problem”: Moral Citizens and the Space of Irish Nationhood. *International Migration* 45(3).

Trouillot, Michel-Rolph

2001 The Anthropology of the State in the Age of Globalization. *Current Anthropology* 42(1):125- 138.

Turner, Victor

1966 Ritual Aspects of Conflict Control in African Micropolitics. *Political Anthropology*:239-246.

—

1969 *The Ritual Process: Structure and Anti. Structure* 1966.

Tyler, Imogen

2013 The Riots of the Underclass?: Stigmatisation, Mediation and the Government of Poverty and Disadvantage in Neoliberal Britain. *Sociological Research Online* 18(4):25-35.

—

2018 Resituating Erving Goffman: From Stigma Power to Black Power. *The Sociological Review Monographs* 66(4):744-765.

—

2020 Stigma: The Machinery of Inequality: Bloomsbury Publishing.

UNHCR

1998 Note on Burden and Standard of Proof in Refugee Claims.

Valverde, Mariana

1996 'Despotism' and Ethical Liberal Governance. *Economy and Society* 25(3):357-372.

Veitch, Scott

2007 *Law and Irresponsibility: On the Legitimation of Human Suffering*: Routledge-Cavendish.

Wacquant, Loïc

2008 *Urban Outcasts: A Comparative Sociology of Advanced Marginality*. Cambridge, Malden: Polity Press.

—

2009 *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham and London: Duke University Press.

—

2010a *Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity*. *Sociological Forum* 25(2):197-220.

—

2010b *Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity* 1. *Sociological forum*, 2010b. Vol. 25, pp. 197-220. Wiley Online Library.

Wacquant, Loïc JD

1993 *Urban Outcasts: Stigma and Division in the Black American Ghetto and the French Urban Periphery*. *International journal of urban and regional research* 17(3):366-383.

Walsh, Brian

1963 *Report of the Commission on Itinerancy*: Stationery Office.

Ward, Eilis

1998 Ireland and Refugees and Asylum-Seekers: A Critical Overview of State Policy. *The Expanding Nation: Towards a Multi-Ethnic Ireland*, Dublin, 1998. Trinity College Dublin.

Ward, Margaret

1996/7 Irish Women and Nationalism. *Irish Studies Review* 5(17):8-14.

Waters, John

1997 Racism an Expression of a Deep Sense of Inferiority. *Irish Times*, March 18, 1997.

Wedel, Janine R, et al.

2005 Toward an Anthropology of Public Policy. *The Annals of the American Academy of Political and Social Science* 600(1):30-51.

Williams, Raymond

1960 *Culture and Society, 1780-1950*: Columbia University Press.

Wilson, Monica Hunter

1951 Witch Beliefs and Social Structure. *American Journal of Sociology* 56(4):307-313.

Wood, Patricia

2017 Travellers, Land Management, and the Political Ecology of Marginalisation in Celtic-Tiger Ireland. *Irish Geography* 50(1):59-80.

Yeates, Nicola

2008 Here to Stay? Migrant Health Workers in Ireland. *In* *The International Migration of Health Workers*. J. Connell, ed. Pp. 62-76. New York, London: Routledge.