

## 'Ireland and Immigration: Explaining the Absence of the Far Right'

This article seeks to explain the absence of far-right political formations in the relatively short political history of the Republic of Ireland, especially in relation to immigration, and how the 'mainstream' nationalist parties have implemented a racialized governance of Ireland via the issue of citizenship. This question is raised by the observation that while dominant ideas on the racial purity of indigenous populations and the highly ambivalent attitudes and policies on immigration pursued over the last decade are characteristic of a broader European trend, in the Republic it has not been accompanied by meaningful far-right political mobilisation. Indeed, Ireland presents itself as something of a counter case, in that increasing hostility toward Others has been identified in the midst of rapid economic growth and political stability, and that the parties manifestly opposed to immigration have accumulated less than 1 percent of votes whenever they have stood for election. The State has however amended the constitution in order to qualify *ius soli* citizenship entitlement in the case of particular categories of people: those whose *parents* are not Irish nationals. Whilst this might seem a relatively minor alteration in the context of the EU, where children born in a member-state of foreign parents may have to wait until their 18<sup>th</sup> birthday to qualify as nationals, it should be placed in the Irish context of *State* responses to Ireland's transition to a country of immigration, and the role of nationalist-populism in the country's political culture.

The development of political parties in the Republic of Ireland has followed an idiosyncratic path. A particular combination of specific factors has led to a centre-right populist mainstream developing at the expense of both the Far-right and the Left. Relative to the Far-right and immigration, the salient points in the history of Irish politics are;

- i) The impact of the crucible of independence struggle and civil war;
- ii) The subsequent dominance of the national question over class politics;
- iii) The dominance of Fianna Fáil;
- iv) Centre-right populist mobilisation; and,
- v) The neo-liberal turn of the post-1997 administrations and its impact on discourses surrounding immigration.

i) The origins of the party system (independence struggle followed by civil war) are *sui generis*. The two largest parties, Fianna Fáil (FF) and Fine Gael (FG) reflect a split in the forces that fought the British in the war of independence (1919-21), then each other in the subsequent civil war (1922-23). Fine Gael was created in 1933 out of the original pro-Treaty party, Cumann na nGaedheal (1923-33). The anti-Treaty side had refused to acknowledge the 1921 Dáil over the continued symbolic links of subservience to Britain. Having rethought this position, De Valera founded FF and successfully contested the 1927 elections. Patterns of party support have relied for generations on loyalties to the pro- or anti-treaty side.

ii) The key contemporary nationalist parties; FF, FG and Sinn Féin (SF), as well as their previous embodiments, have won over 70% of the vote at every election since 1926. This should alert us to an Irish anomaly, in that the focus of debate has not been the traditional left/right dichotomy (or class politics), but the 'national question', i.e. the policy to be adopted to overturn partition and reunify Ireland. In fact, the under-development of the Left goes hand-in-hand with that of the Far-right. Factors favouring the growth of Left and far-right parties have been absent due to the particular context of the Irish economy and

political organisation. The first is a lack of urban areas and industrial development. Apart from Dublin and Belfast, there was relatively little urban development in Ireland in the 19<sup>th</sup> century, and while Cork and Galway were strategic ports, there was little else to sustain the kind of industrialized and later unionized proletariat seen elsewhere in Europe. Moreover, at partition the most industrialized area, Belfast and the North-West, was lost by the Republic. Additionally, mass unemployment and under-employment, both rural and urban, has been reduced *de facto* by mass emigration, particularly since the Famine. This means the continual export of the disenfranchised, and thus of potential supporters of both Left and Far-right parties. In the event, the post-1926 settlement was a church-dominated nationalist hegemony marginalising the questions of women's rights and class politics (1). Despite the allure of reading this as a tragedy, it was not an inevitable outcome. The Labour Party *chose* not to contest the 1918 or 1921 elections, in order to allow clarity to be achieved over the national question. This proved to be a serious tactical error. Partition in 1921 led, in James Connolly's prophetic words, to a 'carnival of reaction' (from a left-wing perspective), with the political agenda dominated by nationalism, and set by the unfettered emerging indigenous middle-classes. Electoral support for the Left has hovered at around 10% since the 1920s. Despite reaching peaks of 15% in 1943 and 1965, Labour has always been the third party in a 'two-and-a-half party system' (2). Indeed, in terms of left-wing voting, Ireland lay at the foot of the European table from the 1950s to the 1980s, and only rose to second from bottom (ahead of Switzerland) in 1992 (3). Mair states that the 'one key aspect in which Irish politics does continue to stand out as a deviant case among the European democracies', is 'in *the striking electoral debility of class-based left-wing parties*' (4).

The closest to a Far-left success in Ireland was the communist Worker's Party, which achieved 4% of the vote in the 1987 elections (and 4 Dáil seats). The Workers' Party became Democratic Left in 1994. Five of its six deputies then joined Labour in 1999. The high water mark of the contemporary Labour Party was the 1992 election, when its 32 seats (and 20% of the vote) enabled it to govern in coalition with Fine Gael until 1997. Since then, FF has held power with the Progressive Democrats (PD) (a small pro-market liberal party). This coalition achieved an outright majority of 13 (out of 165 seats) at the 2002 general election, and no longer relies on the votes of the Independent deputies.

iii) Fianna Fáil has held power for 56 of the 81 years since its formation in 1926. It has obtained an average of 45% of the vote, even in 'crisis' periods. Since 1948, the competition in Irish politics has been between FF on one side, and the rest in coalition on the other. Moreover, the party's cross-class success has encouraged it to represent itself as the guardian of the national interest. As early as 1933, De Valera stressed that the party was a national one, representing all classes. By 1969, *Taoiseach* Jack Lynch addressed the FF Ard Fheis stating that the party: "... representative as it is of all the people - and I mean all sections of the people - farmers, workers, businessmen and employers... Fianna Fáil is in a unique position to produce and put into effect the policies best suited to the needs of the Irish people" (5).

FF did not have to enter into coalition prior to 1989. Its position as the single most popular party means that its embrace of coalition may well keep it permanently in office.

iv) The ideological complexion of mainstream Irish politics has been conservative, centre-right and populist. Indeed, '...Fianna Fáil has sought to define the alternatives in such a way as to bias politics against the politicisation of internal social conflict in general, and class

conflict in particular' (6). O'Carroll has posited a 'culture of community' -wherein community is constructed as closed and homogenous- as being distinctive of Irish politics. The only enemy is outside, reflecting a long tradition of country being invaded, a Catholic nationalist framing of the country being polluted by outside immoral values (7). Although Fine Gael moved toward a social democratic agenda in the early 1970s (8), it returned to the centre ground in the 1980s, and has never recovered its peak 1927 vote of 39% since FF became a competitor. So in the 1980s, around 80% of Irish voters supported centre-right parties, vis-à-vis the European average of 40% (9).

The other distinctive feature about the context of Irish immigration is its timing: contemporaneous with the economic boom and its polarised effects (10). Neo-liberalism has been embraced by FF under the aegis of the Progressive Democrats, fuelling the growth of the 'Celtic Tiger' economy in the second half of the 1990s. Even Murphy, who uses a set of technical criteria to argue that Ireland cannot be categorically labelled 'neo-liberal', agrees that it is heading for that designation, and that the crucial element has the economic ideology of the PDs dragging the more social-spending oriented FF supporters towards ever freer markets (11).

Indeed, Steven Loyal maintains that the post-1996 experience is framed by two key factors; the logic of capital accumulation pointing to free movement of capital and labour (under an increasingly neo-liberal regime), and an ethnic and racial national identity forged in pre-independence and early state experience (12). In this context, immigration has been dealt with by reference to short-term economic criteria which constructs immigrants primarily as agents for increasing productivity. Control has thus been based on labour market requirements, short-term work permits (see below for figures), and a small work visa scheme for highly-skilled migrants, with slightly more entitlements. Tighter control of permits has been one tool for responding to the slowdown in economic growth in the early 2000s. It is significant that the Minister for Enterprise, Trade and Employment, responsible for migrant workers, is the PD leader and *Tánaiste* (Deputy Prime Minister), Mary Harney. When the Gateway computer company plant closed in the summer of 2001, Harney suggested that the number of work permits would be reviewed (13). She then raised the price of work permits twice before subjecting them to reform in April 2003. From then on, those unskilled and semi-skilled posts open to the work permit scheme are reviewed on a regular basis. This approach has provoked criticism from employers' organisations which categorise Ireland's economy as suffering from a skills shortage rather than immigrant-fuelled over supply of labour. At the same time, some Irish employers had originally sought to source labour from countries seen as culturally and racially similar; primarily Eastern and Central Europe, but also Newfoundland (14).

So, by the time relatively large-scale immigration occurs, rapidly, from 1996 onwards, a particular set of norms in Irish politics had been well-established. This is not to argue that Irish politics are static, merely that its norms are not those of the European mainstream. They are populist and nationalist (defined as much by position regarding partition as by social and economic policies) rather than social democracy vs. conservatism, and there is a heavy Catholic influence stemming from the period up until the 1990s, when the church exerted more power than it now does, particularly in the field of social policy (15). Additionally, since the 1997 electoral victory of the FF/PD coalition, the latter's ideological influence, plus the personal interventions of two key PD cabinet ministers (Mary Harney as *Tánaiste*, and Minister for Enterprise, Trade and Employment, since 1997, and Michael Mc Dowell as Minister of Justice, Equality and Law Reform, since 2002) have been critical.

## *The Far-right*

While the Irish Left has been very weak, there has been equally scant political space for the type of far-right parties seen elsewhere. Far-right political activity has never been more than a tiny minority interest in Ireland. The 'Blueshirts' of the early 1930s, modelled partly on the Italian Fascists, was a short-lived exercise in extra-parliamentary organisation linked to the Cumann na nGaele party, and various members expressed Fascist and anti-Semitic leanings. However, argues Cronin (16), most Blueshirts were not really fascists, but nationalists opposed to the specific republican path advocated by FF. The majority of its followers were interested in domestic issues; the economic war, freedom of speech and agricultural reforms. Fascism was for a minority, and there is no proof of links even with the neighbouring British Union of Fascists. It was thus a populist party and most members were happy to amalgamate into FG in 1935. In any case, anti-semitic ideas were expressed by mainstream politicians of both main parties throughout the 20<sup>th</sup> century (17). Indeed, as I have argued elsewhere, the Irish nationalist movement has always contained a stream of racial and racist ideology, whether it assumes the form of anti-Semitism, the belief that Irishness is an innate genetic substance, or the claim to be seen as equals in the white man's colonial domination of the rest of the world (18).

The attempt by the American National Socialist Party to organise in Ireland over the 2000-03 period, through a dedicated website ('No to a Black Ireland'), and locally-based activism, ended in failure (19). One of the reasons for this is that such an organisation is virtually superfluous: the key tenets of racist nationalism are already operationalized by the mainstream Irish parties (20). The concept of Irishness has been so intimately racialized (21) that it forms part of the assumptions of mainstream populist politics. Irish far-right thought is stronger on the internet than on the ground (although there is an under-current of racist letter-writing and graffiti spraying): conversation threads in the fora of websites like 'Stormfront.org', 'Irishnationalism.net' and 'Irishnationalist1921' are filled with race-based arguments ranging across the themes of invasion, the failure of politicians to defend Irish culture, Holocaust denial, etc. (22)

Yet it is one thing to note the miniscule formal support for the Far-right, and another to say that it is without influence. The Immigration Control Platform (ICP), founded in 1998 amidst much outcry (23) has consistently argued for stricter immigration controls. While general anti-immigrant statements *preceded* the ICP, its calls for AIDS-testing and fingerprinting have not gone unheeded. In the 1997 election campaign in Dublin, various candidates had expressed anti-immigrant sentiment in a vote-catching effort, notably Ivor Callely and Liam Lawlor (FF), and Helen Keogh (PD) (24). However, such ideas are not the monopoly of the governing parties. Former Mayor of Cork, Joe O'Callaghan (Labour) was expelled from the party in 2002 for his attacks on 'illegal immigrants' in the city in 2001, a baton picked up by sitting Deputy Noel O'Flynn (FF, Cork North Central) in speeches in January 2002. O'Flynn increased his majority at the May 2002 general election despite local and national criticism. What these politicians share with the ICP is collapsing of all non-white individuals (migrants or not) into one catch-all status of 'illegal'. From the State's responses to post-1996 immigration, it is clear that the thrust has been defensive and restrictive, albeit in a relatively flexible manner. This process has constructed asylum and immigration as a single problematic area, involving increased State expenditure. Moreover, the barrage of negative media coverage of immigration and asylum (25) is clearly a factor in

establishing perceptions of asylum and immigration as forms of invasion and absorption of taxes.

The call for AIDS-testing for all foreigners, made by the ICP in the late 1990s was included in Fine Gael's 2002 manifesto, and the call for fingerprinting all foreigners was echoed by the head of the Garda National Immigration Bureau in January 2003 (26). Still unwilling to make public its membership numbers or stand more than two candidates at elections, the ICP occupies a curious position. Lentin and McVeigh (27) argue that the ICP actually demonstrates how the distinctions made between immigration from different places, and the language of immigration as invasion (promulgated by the ICP in its leafleting, press releases and on its website), structure mainstream discourse on immigration. Having achieved one of its targets -a change in citizenship laws- constitutes a vastly disproportionate success. Yet its equally durable contribution may well have been to assist in forging a language in which Irishness can be politically racialised without succumbing to what is popularly considered as racist language, i.e. the defence of heritage, citizenship and resources from unassimilable Others. The paradoxes of 'Common sense citizenship' (28) thus enables voters to hold such views without considering them racist.

Finally, the elimination of political space in which Far-right political parties flourish has occurred through the hegemony of populist nationalist mainstream, in which emphasis on corporatist structures has suppressed class conflict and few appeals have been made to such allegiance. Moreover, as immigration has only been on the political agenda in Ireland since 1996, it has not proved a feasible platform for single party mobilization.

### **Immigration into Ireland**

The problematic posed in this paper necessitates an analysis of how the Irish State has adjusted political borders in response to pressures generated by a combination of processes; the transition to a country of net immigration, the expanding economy and the peace process in the North of Ireland, all played out against the political and ideological backdrop specified in the first section of this article. Now, a sketch of the salient points regarding immigration into Ireland will be provided in order that the analysis can be grounded in the empirical.

In 1996, the Republic became a net importer of people. The 2002 census identified 5.8% of the population as being foreign-born (29). It is not merely the number of immigrants that has caused the country's population to rise to an estimated 4.23 million, its highest figure since the Famine. Emigration has been steadily falling, while the excess of births over deaths has grown rapidly (30). Indeed overall immigration, as well as asylum applications, peaked in 2002 (as elsewhere in Europe) (31). A substantial proportion of the immigrant population is comprised of 'returning emigrants', i.e. Irish nationals who have returned after living abroad. This group made up more than half of all immigrants in the 1990s, and in 2004 comprised 34%, while another 36% were either EU nationals or US nationals. Only 30% of the total, as of 2004, were from outside the EU. In terms of labour migrants, the trend can be measured imperfectly by reference to the numbers of work permits issued (only non-EU nationals require one). Until the late 1990s, US nationals were the largest group, but this changed in the first years of the 21<sup>st</sup> century so that just prior to the accession of the 10 new states to the EU in May 2004, the majority of Irish work-permit holders came from Central and Eastern Europe. The number of permits issued reached a peak in 2002, when 47,000 were

granted (see Fig. 1). However, although the numbers of permits issued has dropped since then, to 27,136 (2005), a significant proportion of this reduction must be attributed to the accession to the EU of those countries that provided the majority of workers prior to 2004. As EU nationals, those workers no longer require work permits. In 2005, nationals of the Philippines, the UAE, Romania, India and South Africa were those receiving the highest number of permits (32).

The number of work permits issued has largely exceeded that of asylum applications, except in 1999. Yet much of the focus of government and media has been on the latter. Rising rapidly from a very low base of less than 50 p.a. in the early 90s, the number of asylum applications peaked at 11,634 in 2002, before falling to less than 4,500. The largest single group within these figures are Nigerians, followed by Romanians, yet the proportion of applicants from 'Other sources' has always been higher than that from particular countries. The war-stricken areas of Central and Eastern Africa, and the Middle East are represented in the Irish figures as elsewhere. Asylum applications are now outnumbered by work permits issued at a ratio of around 6.5:1, although this ratio was much lower in the 1990s. Moreover, EU nationals still constitute as large a proportion of immigrants as those forced to obtain work permits, and the largest 'ethnic minority' in the Republic today, strictly speaking, are UK nationals. This has been the case at least since 1996. So when we examine the debates on immigration in 2003-04, three elements should be borne in mind;

- i) The waves of immigration peaked in 2002.
- ii) In absolute numbers, returning Irish emigrants outnumber EU migrants, who outnumber non-EU migrants, who in turn, outnumber asylum-seekers. When we say 'immigration' in Ireland, only some of these groups are really being problematised.
- iii) The aspect of cultural novelty involved in Ireland becoming a rich country of immigration, in a context of seeing itself as a country of emigration, colonized by the British and fighting as an underdog since independence.

INSERT FIGURE 1 NEAR HERE

The received opinion about hostility to minorities is that it increases as economic conditions degenerate (33). Yet Ireland provides a counter-case. All the attitudinal surveys (of both Irish public and minorities) in the 1990s indicate ever-increasing levels of antipathy, and its targeting on Roma, Black people and Muslims (as well as the strain of underlying anti-semitism and anti-Traveller racism)(34). Clearly, attitudinal surveys provide only a broad indicator of what people think (rather than what they do), and just as much about the researchers' assumptions. Yet the surveys correlate with the experiences of minorities as expressed in their testimonies to journalists, other researchers and the National Consultative Committee on Racism and Interculturalism (a semi-state body).

### **The Racializing Irish State**

The 'Racial State'

The movement from 'racial' to 'racist state', as outlined below, should not be seen as inevitable, rather made more probable by the context outlined above. Moreover, the 'racial

project' of altering nationality laws is only the final stage, in which the ideological input of the minority coalition party, the Progressive Democrats has been arguably more significant than that of Fianna Fáil.

The explanation of the absence of a Far-right in Ireland is linked to the role of the State in racializing its population. Omi and Winant, and Goldberg (35) emphasise that the state is simultaneously a racializing agent and a site for racialization. Goldberg's historical overview of Western state development suggests that the state is produced as an arbitrator of logic, rationality and ongoing civilisation, juxtaposed against the superstition, irrationality and barbarism of both its internal and colonial Others. Omi and Winant interpret the USA as a model of 'racial formation' in which political meanings become attached to 'race' through actions of the state and counter-actions of civil society. There is a distinction made by Goldberg between the 'racial state', whose default setting is as described above, and the 'racist state', which transforms governance into a race-centred process, e.g. apartheid South Africa, post-abolition USA, etc.. Lentin (36) maintains that the 2004 Citizenship Referendum constitutes the point at which the Irish state crosses the threshold from 'racial' to 'racist'. In this section, I will set out what this actually means. I will begin by referring to the impact of the peace process on the racialization of Irish citizenship. This may appear an odd starting point: bear with me.

### The Impact of the Peace process

It needs reiterating that there is a relationship between the closure of formal Irish citizenship (access to the rights and resources accruing from formal membership of the Irish nation) on a racialized basis, and the partial resolution of the tension over territory and borders. The conditions for the provisional resolution of border tensions on the island of Ireland actually enabled the Republic to redraw the boundaries of Irishness in a way that would not otherwise have been possible.

The Good Friday/Belfast Agreement (GFA) of April 1998 triggered a series of constitutional *quid pro quos* that for the first time since 1921 recognized the island of Ireland *de facto* as a single political territory in particular ways. These included cross-border co-operation on a number of issues institutionalised in embryonic all-Ireland structures (37). Another key area was that of citizenship. Here a brief explanation of the intricacies of nationality in Ireland is required. Prior to the GFA, Irish nationality was accessed under the 1986 Citizenship Act (based largely on the 1956 Act), through several routes; naturalisation, post-nuptial naturalisation, proof of at least one grandparent born in the Republic, or birth in the Republic itself. The citizenship law thus covered the two principal traditional streams of nationality; rights acquired through birthplace (*ius soli*), and through bloodlines (*ius sanguinis*), as well as the more contemporary pathway via continuous residence.

Partition has been the principal bone of contention in the relationship between Britain and Ireland had been the status of Northern Ireland since 1922. One effect of this on Northern nationalists was that they had no *direct* route to Irish nationality if they were born after Partition. Although the 1956 Irish Citizenship and Nationality Act provided for Irish citizenship through birth in Ireland (apart from the children of diplomats), those born in Northern Ireland could only obtain Irish citizenship if they could prove that at least one grandparent was born in Ireland, on or prior to December 6, 1922 (Northern Ireland technically withdrew from the Irish Free State on December 7). This was an unsatisfactory position for nationalists: although they could access Irish citizenship relatively easily, they could not do so *in their own right*. This small but symbolic requirement was relaxed as one of

the trade-offs conceded by Unionists in 1998. The deal was as follows; the Irish government would amend the Constitution to exclude the section (Article 2) that claimed the North as part of 'the territory' of the Republic. In return, anyone born on the island of Ireland would henceforth be 'part of the nation', and people born in Northern Ireland after December 6, 1922 could claim Irish citizenship *themselves*. This amendment (among other changes) was approved by referendum in the Republic in 1999, and the strand on citizenship and 'membership of the nation' was incorporated into the 2001 Citizenship Act. One consequence of the peace process had therefore been, intentionally or not, to open Irish citizenship to anyone, regardless of their forebears' origins. We have already noted that the GFA and its ensuing changes took place in the late 1990s, after the Republic had become a net importer of people (some of whom were non-EU nationals).

This co-incidence of immigration and initial resolution to the Northern Ireland conflict thus generated a situation in which at a stroke, the Irish nation was implicitly conceptualized as a demos rather than an ethnos: a people constituted as much on the basis of residence and birth within a territory as of lineage.

### 'Irish-Born Children'

So far, the immigration and the peace process strands of Irish contemporary history had hardly touched, except in the person of the Minister of Justice, who was involved in negotiations and decision-making on both issues. The importance of that individual's input turned out to be crucial. The incumbent Minister, John O'Donoghue (1997-2002), had not explicitly connected Irish citizenship and immigration, although he had been less than positive about immigration, stating in 1999 that Ireland was becoming a 'target' for immigrants (38). In 2002, this ambivalence was dissipated by the incoming Minister, Michael Mc Dowell. The situation he inherited can be briefly summarized. The citizenship laws accorded Irish nationality to children born in Ireland, including those of immigrants and asylum-seekers. The only *parents* to whom this was valuable were nationals of non-EU member-states, since it extended residence to parents of 'Irish-born children' (IBCs).

The Ministry of Justice acronym 'IBC' became significant from the late 1990s, as people awaiting asylum decisions (in the late 90s this wait lasted up to 2 and a half years) had children, and were advised either by immigration lawyers or Ministry officials, to apply for residence through an 'IBC'. The administrative normalisation of this term indicates the way in which clearly racialised distinctions enter into Irish mainstream politics. Separating Irish children into two groups for administrative purposes, the 'IBC' classification made the most salient point about one group of Irish children the fact that their *parents* were not Irish nationals, hence implicitly emphasising the prioritization of bloodlines over residency. Because of a 1989 case law ruling (see below), it was a Ministerial privilege to grant residence to parents of 'IBC's, and by the end of 2002, residence had been extended to between 7,000 and 10,000 people (39), with a further 10,000 pending.

It is at this point that the new Minister for Justice's agenda becomes apparent: his statement of intent having been given on assuming office when he argued:

'Eighty percent of foreigners in Ireland have nothing to do with asylum. We have to

approach it on a rational basis. We have an immigration policy which is fair and free from

wrongful discrimination against any particular group ... The asylum-seeking process costs



about €200 million annually and between 80 and 90 per cent are found not to be eligible, by a system the UN upholds' (40).

Mc Dowell's linking of the various immigration statuses and construction of the problem as one of fairness, administration and good housekeeping, is key to the presentation of the subsequent referendum on citizenship as a neutral, rational non-racist process. This depiction of rationality seeks to conceal the more populist appeal of the Minister's objective, i.e. to make it more difficult for particular groups of people to stay in Ireland and access resources.

### **Racing Irish nationality**

The change from the reactive, *ad hoc* approach favoured by Minister O'Donoghue, which had attracted wide-ranging criticism (41), to a stridently proactive clampdown was heralded by 'Operation Hyphen' in July 2002, which involved *gardai* and immigration officers raiding a number of addresses in order to remove visa and asylum-process over-stayers. This cost over €100,000 and was criticized within and outside the Dáil as a waste of money (42). The operation constituted a message to the electorate that the new Minister was determined to expel those with no right to be in Ireland. His two subsequent and connected policy manoeuvres: a challenge to a Supreme Court ruling in 2003, and the holding of a referendum in 2004, provide the crux of my argument, and are explained below.

#### *The Challenge to Fajujonu*

As noted above, under Citizenship Acts prior to that of 2004 (the one resulting from the referendum analysed below), children born in Ireland acquired Irish nationality through *ius soli*. The status of non-national parents of Irish children was dealt with on the basis of a case law precedent set in December 1989. The Supreme Court judges' 'Fajujonu' Ruling had established a precedent for non-nationals to obtain the right of residence through having children born in Ireland (43). They had agreed that Irish children were entitled to the 'company and protection' of their family (as stated in Articles 41 and 42 of the 1937 Constitution). Thus, the justification for Fajujonu (who had overstayed his visa) to remain in Ireland derived from the specificity of the Constitution, steeped in the non-secular values of the Catholic church, while the absence of immigration allowed the luxury of compassion. By 2003, things had changed: Ireland was a country of immigration, and Mc Dowell was Minister for Justice. In January, three asylum-seekers (a Nigerian national and a Czech couple) who had Irish children, challenged their deportation on the grounds of 'Fajujonu'. By a 5-2 decision, the Supreme Court ruled in favour of the Minister, and the Fajujonu precedent had thus been nullified. Among the reasons provided in support of the ruling were political context: the 1989 decision had been made against a background of net emigration and tiny numbers of asylum-seekers. The two dissenting judges however, argued that the 2003 ruling appeared to address the rights of the *parents*, whereas Fajujonu had been focused on those of the *child*. The rights of the parents should only be secondary (44). The outcome was that from January 2003, asylum-seekers' and Third Country Nationals' access to residence rights through the so-called 'IBC route' was no longer automatic. *De facto*, not all 'Irish children' had the same rights: access to citizenship was henceforth contingent on the

parents' nationality. Applications for residence through 'IBC's would now have to be dealt with on a case-by-case basis.

### *The Citizenship referendum*

The Minister was not satisfied with this outstanding ambiguity. Thousands of cases remained in the pipeline. In March 2004, he announced that a referendum would be held on the issue of amending the 2001 Citizenship Act. Mc Dowell proposed the introduction of a 3-year residence qualification for non-Irish national parents, before their *child born in Ireland* could be entitled to citizenship. The referendum took place on June 11, 2004, the Minister's amendment received an almost 80% backing of the voters on a 62% turnout, and was enshrined in the Citizenship Act 2004 (which came into force on January 1, 2005). The right to Irish nationality is no longer automatic for *some* children born in the Republic. Moreover, the 3-year period does not include time spent as an asylum-seeker or student, as the residence period visa must be 'without restriction'.

Here we see the logical, or to use a Mc Dowellesque argument, 'rational', extension of the 2003 Supreme Court ruling. Starting with a situation in which all children born in Ireland have Irish citizenship (prior to January 2003), the State has enacted a two-part transition to the point where children are now administratively, and *de facto* racially (through bloodlines) divided between Irish and 'Irish-born' children. Each group enjoys differential access to citizenship. So who are the children not Irish enough to benefit from the same entitlements as others? And why does this become a burning issue in 2004? The pros and cons of the referendum are covered in greater depth elsewhere (45). However, a very brief summary follows.

There were three principal interlocking arguments for amending the constitution to 'protect the integrity' of the Irish immigration system;

- i) The concept of *ius soli* was posited as anomalous within the EU. Ireland should therefore comply with existing norms, an administrative reasoning not necessarily consistent with Ireland's relationship with EU directives in other areas (some of which have long been ignored or resisted). This initiative did not even stem from a directive or policy guideline issued by the EU.
- ii) A strong theme in the discourse of the 'Yes' campaign (in favour of the amendment) was that in the new conditions of immigration, Ireland's *ius soli* law enabled people without 'social' or 'cultural' links to the country to access membership of the nation. The content of the social and cultural links was not made explicit: the implication being that birth within national territory alone was too tenuous a bond to allow citizenship.
- iii) The phenomenon of 'citizenship tourism' was identified as a threat to the immigration system. The campaign began with the Minister's statement that 60,000 children had been born to foreign women in Ireland during the previous year. He also claimed to have been approached by the Masters (Senior Executives) of the Dublin Hospitals to prevent foreign women arriving in the latter stages of pregnancy, absorbing resources and endangering lives. He had collapsed all non-Irish women into one group, and the Masters later challenged Mc Dowell's interpretation of their correspondence with him. However, the focus of this element of the argument extended to cover an example of a case which had been with the ECJ Advocate General since February 2004 (46). A UK-resident Chinese woman, Man Levette Chen, had gone to Belfast to have her second child in order to strengthen her case to remain in the UK (as the child would have an EU nationality). Although Chen never set

foot in the Republic or cost Irish taxpayers a penny, her case was brandished as a cautionary tale of ‘citizenship tourism’. While no official figures were produced to enumerate the size of the problem, its impact was clearly felt by pregnant non-Irish women in Ireland who suffered physical and verbal abuse in public spaces (47). Thus the predominance of the administrative argument; the need to assume responsibilities in regard to EU neighbours; and the chance to weed out the bogus from the genuine applicants for Irish nationality emerge as the key criteria for constitutional reform of the border separating Irish from non-Irish.

It might be argued that the Irish citizenship laws, even after the referendum, are still relatively liberal. After all, in some countries, the children of non-national parents have to decide at 18 whether to assume European nationalities. In Ireland, the child still gains citizenship if the parents have been ‘legally resident’ for three years. Yet if the amendment was so minor, why bother holding a referendum? The topics for other referenda in recent Irish history have been abortion; divorce; the peace process; and adherence to the Treaty of Nice. The potency of the referendum and amendment cannot be understood solely in relation to dry official regulations: they carry a political and cultural charge in their own context.

What I mean by this is that the resulting citizenship law restored primacy (not exclusivity) to the *ius sanguinis* route to Irishness and, in practice, excludes people from particular parts of the world. The ‘one grandparent’ avenue to Irish citizenship still applies. This means that someone whose grandparent emigrated, and who may never have set foot in Ireland is unproblematically granted citizenship, whereas a child whose parents may live, work and pay taxes in Ireland has citizenship withheld. Even if the parent(s) do not work, as is the case with asylum-seekers (legally prevented from taking paid work), the same principle applies: the amendment reduces the rights of some Irish children and does not affect others. Moreover, the demonization of pregnant foreign women, seen as threatening the national maternity provision and absorbing resources under false pretences, suggests a rich and complex vein of analysis to be explored through scholarship on abortion in Ireland (48).

One example of how this sheds light on matters is the issue of the status of the foetus as future Irish citizen. Oaks (49) contends that a principal line of argument in pro-life discourse of the 1980s and 90s is that abortion is politically unacceptable because it eliminates the rights of a future Irish citizen. This is a significant proposition *per se*, posing as it does questions about the link between rights and personhood. Yet it assumes more significance in the citizenship discourse later, in 2002, when the same logic used as defence against deportation in the Supreme Court by a pregnant asylum-seeker (50) is dismissed. Moreover, as a result of the 2004 referendum, children rather than foetuses are deprived of their right to Irish citizenship. The future Irish citizen logic then, appears to hold only when the womb in which the foetus is carried is a ‘national’ one. We are moving toward consensus: in order to become Irish, it’s best to be Irish already.

I began by putting forward the theory that the Far-right’s underdevelopment was partly explained by the ideological content of the mainstream parties. I introduced the discourse on citizenship and posited that the role of the State here was to racialize Irish nationality. So how can this manoeuvre be interpreted?

Firstly, as a defensive response. Territory and resources are viewed as defensible entities by the State, and in a period when autonomy may well be shrinking due to the activities of transnational corporations and the growth of supranational trading blocs, sovereignty can still be expressed by controlling borders. The timing of this particular action is explained

paradoxically by the *de facto* collapsing of one dimension of the border between the Republic and the UK constituted by the border with Northern Ireland, and the concomitant trend toward increased immigration into the Republic, primarily as a result of its booming economy. However, there is an interesting issue in that the peak of migration (and of asylum applications) came in 2002, and has been dropping ever since. This timing discrepancy echoes the pattern witnessed in the UK in the 1960s, where the political phenomenon of Powellism emerged well after the peak of Commonwealth immigration into the country, and at the moment when the majority of migrants were joining family already established. So, the timing can also be seen from the diaspora angle: while the Irish constitution allows for the fact that Ireland is a diasporic nation (Article 9) and in its continued framing of *ius sanguinis* as one criterion for access to citizenship, other people's diasporas are not validated. The Irish family portrayed in the Constitution and debated around the referendum happily includes nationalists born North of the border, but views others as problematic. The children of the nation whom Pearse (51) maintained should be cherished equally in 1916, emerge from the discourse of 2004 split into nationals and non-nationals: Irish children and 'Irish-born children'. A system of racialized preference for access to citizenship had thus been institutionalised.

Secondly, the reference to bureaucratic rationality has a predominant role in justifying such changes. The necessity to comply with EU rules, and to be vigilant neighbours patrolling an exposed flank of the EU were put forward as important reasons for changing the constitution. Somehow, compliance with supranational imperatives appeared as salient as defence of strictly national ones; protecting access to resources and membership. The Irish state's activation of liberal democratic free-market norms to justify the constitutional amendment indicates that the contemporary State deploys instruments and strategies so removed from traditional views of what racism meant in policy circles in the 1970s (the formative moment in European race equality legislation) that they require a different scientific language to distinguish them.

Thirdly, the construction of immigration and asylum as a *single* bureaucratic and political problem is assisted by the focus on foreign women's bodies, which became a site for hostility and loathing in which fears of over-reproduction, absorption of resources and infiltration of the Irish nation crystallized. Anxieties over access to welfare and 'losing one's culture', the elimination of one's social and cultural moorings, are attached to a particular group: people who don't 'look Irish', and especially pregnant women fitting that description.

## Conclusion

The Irish political mainstream covers key areas that the Far-right considers its own domain elsewhere in Europe, such as the construction of nations as racial families, and the application of different rules to non-nationals on principle (the French Front national's famous '*préférence nationale*'). Whilst undoubtedly multi-causal, the Irish case, where national-populist political parties dominate democratic politics is primarily due to the postcolonial context of the birth of the Republic: partition, the ensuing civil war and the saturation of the ideological space of Irish politics by a hegemonic populist Catholic nationalism and the failure of a Left politics to develop.

The peak of migration and asylum applications was in 2002. Since then, as everywhere else in Europe, the latter has been in decline. The peak of work permits issued was also in 2002, but the new Accession country-nationals e.g. Latvians and Lithuanians, who comprised sizeable chunks of pre-2003 figures, no longer require visas, so this particular decrease is less

revealing. The object of the discourse might well be the redefinition of the nation, i.e. what happens after immigration, yet it is being conducted through the language of immigration. This enables the children of immigrants to be constructed as unbelonging, deviant, bringers of disorder, resisted by Goldberg's hyper-rational defending State.

Balibar contends that nationalism does not automatically generate racism, but that they derive from a similar space and can feed off one another depending on the context, in an 'historical reciprocity' (52). By drawing a line around 'us', the process of raising nationalist awareness necessarily creates a 'them', suspending other divisions such as class, gender, and sometimes religion. The 'nation-as-a-family' type of argument present in popular representations of nationhood obscures class, while the populist parties use it as a proxy of class. This ideological fluidity of the Far-right enables it to present itself as both inhabiting and transcending class, yet this particular configuration does not require a far-right *party* to translate it into political reality. Far-right parties in Ireland have had virtually no electoral support. They are merely the exceptions that prove the rule that in Ireland, the nationalist-populist mainstream is more than equipped to perform the ideological labour elsewhere undertaken by the Far-right. Already marinated in a backs-to-the-wall, blood-and-soil narrative in which invaders are repeatedly repelled, the intensely *racialized* Irish nationalist meta-narrative lends itself easily to the racist *dérive* constituted in the current administration's border-adjusting manoeuvres.

Yet it is clear that voters carry contradictory principles in their heads on issues relating to who has the right to be in Ireland. In April 2005, a Nigerian final-year secondary school student Olukunle Elukanlo, deported after exhausting the asylum process, was brought back to the country on the orders of the same Minister for Justice, after a nationwide campaign initiated by the boy's classmates (53). The support for the boy expressed in the grassroots campaign contrasts starkly with the blanket rejection of asylum seekers-refugees-immigrants manifested during the previous spring's referendum campaign. Individuals can be taken to heart in a way that anonymous, demonized masses cannot. Even the experience of campaigns for the return of deported families alters attitudes. After Elukanlo's return, poll findings showed that 45% felt the referendum result should be reconsidered (cf. 46% against) less than twelve months after that referendum (54).

Indeed, any conclusion about racism in Ireland must also take into account the counter-hegemonic discourse and activities of the minority who are challenging racism in a variety of ways on a daily basis. An intrinsic part of this is the double-edged sword of the media, which can generate or at least amplify political agendas, either creating panics about asylum or asking the nation to look within itself and provide shelter to a schoolboy who had been accepted into the national family, in just the way that the new legislation on Citizenship specifically prohibits.

## Endnotes

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