



Australian Republican Movement

www.republic.org.au

ACT ARM Branch Meeting

5 May 2008

Talk by Professor John Molony

The Irish Presidency

I was delighted when Jenny Shapcott contacted me with an invitation to speak to the ACT Branch of the Australian Republican Movement. Thank you for so honouring me.

You may recall that, in the 1990's, those who favoured direct election of the president by the people put the Irish presidency forward as some kind of a model for our own republic. For that reason I propose to deal almost exclusively with that matter rather than repeat the material contained in my chapter in *Echoes of Irish Australia: Rebellion to Republic*, Galong, 2007 entitled 'Republicanism, in Ireland and Australia. Let me, however, start by recounting a happy episode, after which I will dwell briefly on another series of events that had an effect on our attempt to achieve an Australian republic in the 1990's.

I held the Clyde Cameron Chair in Australian History at University College Dublin (UCD) from September 1990 to July 1993. In late August I arrived at Shannon airport after a flight from Frankfurt because, before going to Dublin, I was to be the opening speaker at an Irish-Australia conference held in Ennis, a small and charming city near the airport.

I had been told in a previous telephone conversation by a relative that the president would attend the Conference and that he would be delighted to meet me there. In Ireland, the title president is given to the head of a university and I naturally assumed that he was the president in question although I wondered why he would bother coming from Dublin to do so. Accompanied by my wife and two of my children I went to the venue and entered a large room where about fifty people were milling around having a drink. My father's cousin, Johnny Moloney, then chairman of the Clare County Council, warmly welcomed me and said, 'Come along John and I will introduce you to Paddy.'

Paddy extended an even warmer welcome to the four of us, asked about our flight, our Irish relatives and such like matters, but made no mention of the university. While he was talking to my wife, Denise, and the children, I turned to a nearby military officer and said I was happy to see the army represented at the Conference. He laughed and said he had to be there because he was the president's aide de camp. That was my first meeting with the President of the Irish Republic, Dr Patrick Hillery, who was serving his second seven-year term in that office. He was a Clare man and he delighted in my lecture entitled 'The Clare diggers who

died at Eureka'. Like any decent Irishman to whom the truth is always open to enlargement, Paddy said publicly at the end that it was the best lecture he had ever heard!

I assure you that all such informality changed with President Robinson. I was not invited to call her Mary even when she asked Denise and me to afternoon tea at her home, Áras an Uachtaráin. The meeting was very formal and I sat uncomfortably on a large settee while trying to balance a cup of tea and bite a slice of cake. She was about to visit Australia and the purpose of the meeting was to get some information on the main contributions of the Irish to our history. She also seemed a little uneasy as to the degree of formality she might be expected to adopt during her visit. I admit that I was inwardly amused at her preoccupation, which obviously stemmed from her having heard that informality was more likely to be the order of the day among Australians. All this was a far cry from Paddy Hillery and Ennis and I suspect from the formality likely to prevail at Yarralumla when we eventually have our own president.

The other matter concerns an election for the Irish presidency, which was to be held in November 1990. The leading candidate was Brian Lenihan who held the office of Tánaiste, or deputy prime minister, in the Fianna Fáil (Soldiers of Destiny Party -founded in 1926) government led by Charlie Haughey. There were two other candidates, Mary Robinson representing the Labour Party of which she had not hitherto been a member and Austin Currie standing for the major opposition party, Fine Gael, (United Ireland Party, founded 1933). It needs to be understood that direct election by the people was rarely exercised in Ireland before 1990 because it had been customary for leading politicians from the major parties to agree among themselves who would become president. As a consequence no other candidates put themselves forward. Brian's election was generally taken for granted given that his party was in office and that no candidate with Fianna Fáil's support had ever lost an election for the presidency. Furthermore, he was well known, liked and, although it was widely accepted that he was an intellectual with high ability, he conducted himself in a light hearted, off handed manner to the degree that a wag dubbed him 'the clown prince' of Ireland. If I appear to speak of him with some affection it is partly because he was a charming host who insisted that we were related through my maternal grandfather, Michael McInerney, who incidentally was one of the Clare men at Eureka who escaped the British bayonets.

Back in 1982 a group of parliamentarians, including Lenihan, had made phone calls to the president's home in an attempt to dissuade their friend Paddy Hillery, a long time minister in previous Fianna Fáil governments, from granting a parliamentary dissolution to the then Taoiseach, Garret Fitzgerald, who led Fine Gael. I will not go into details except to say that none succeeded in speaking to Paddy who had instructed his military man (I assume he was not the one I met in Ennis) to take charge of the phone and refuse to make the connection through to him. Over the years, and on several occasions, Lenihan had confirmed the unsuccessful phone calls in 'off the record' briefings to journalists. When the matter was raised in the press in October 1990, Lenihan denied publicly that he had tried to contact Hillery. No journalist was in a position to claim otherwise.

However, Brian seemed to have forgotten that he had given an interview as recent as the previous April to a UCD student, Jim Duffy, who was writing an MA thesis in the Department of Political Science on the Irish presidency. Duffy released the taped interview, in which Brian admitted that he had tried to put pressure on President Hillery. Articles giving widespread publicity to the affair followed in the Irish Times and Brian now claimed that 'on

mature reflection' he was mistaken in his recollection of the event and that he had not attempted to phone Paddy.

The game was up nonetheless because all Ireland knew that Brian was lying. Despite the fact that Charlie Haughey had also been a phone caller, he gave way to mounting political pressure and sacked Lenihan as Tánaiste and Minister for Defence. Overnight Brian's campaign fell apart and Mary Robinson was duly elected with the immensely valuable support of the Irish Times, which had brought the Duffy revelations to the fore.

From the age of twenty-five Mary Robinson had been a member of the Irish Senate representing Trinity College Dublin, as well as professor of law at that university. She proved to be an admirable president who brought high esteem to herself, to her office and to Ireland. Brian Lenihan died in 1995 so that, perhaps, he would not have seen out his term. Before his death he admitted that Mary Robinson was a better president than he could ever have been. Two of his sons are in today's government-one is a minister.

Jim Duffy was duly awarded his MA although I often heard academics at UCD declare that his candidacy should have been terminated immediately it was known that, for political purposes, he had permitted information given to him in private to be disseminated publicly. Be that as it may, Duffy went on to become a journalist and a prolific writer of articles in various journals. He is now a policy advisor to the leader of the opposition party, Fine Gael, but in 1993 he appeared on the stage of Australian history.

I do not know how it came about that, through our Embassy in Dublin, Jim Duffy was commissioned in May 1993 by our Republic Advisory Committee chaired by Malcolm Turnbull to prepare and present a report on the Irish presidency by July that year. Jim certainly worked assiduously and his 74 page report was duly included in the second volume of the report of the Advisory Committee entitled An Australian Republic which came out in the same year. I understand that Prime Minister, Paul Keating, closely read his report.

It is not my intention to examine Duffy's Report in detail. Those who wish to do so can easily make their own judgement of it. It is well presented and thorough and it strongly objects to the model put forward for eventual adoption in that it would deprive the president of security in tenure of office because he or she could be summarily dismissed by the prime minister of the day. At the same time it strongly recommended that the Australian government would be well advised to reject a model based on direct election, which would, in Duffy's estimation, effectively politicize the presidential office. He did so aware that in the course of its history since 1938 all sides of Irish politics agreed that the presidency had never been politicized in its exercise, even though the political parties were involved in the choice of an incumbent. I have no doubt but that it was known here in Canberra that Duffy would be opposed to popular involvement which was, as we all know, the very thing powerful entities in Australia were determined to avoid at any cost- even to the loss of the republic. Their alternative to popular involvement was that the prime minister would effectively select and, in the chosen circumstances, dismiss the president. One could well ask what better way to ensure politicizing the office could be adopted.

The irony of all this is that, with the election of Mary Robinson, the role of the Irish presidency on both the national and international stage, rose to a level hitherto unknown in Ireland. That is not to say that the six men who had held the office before her were lacking in the qualities demanded by their position. Douglas Hyde, Sean O'Kelly and Eamon de Valera

would have graced the presidency in any country, Erskin Childers and Cearbhall O'Dalaigh only held the office for four years between them while our Dr Patrick Hillery, a former Clare general practitioner, never sullied his high title, but graced it with decency, dignity and human warmth while proving his immunity to political pressure in the incident mentioned above.

Apart from the fact of her gender, the difference with President Mary Robinson was that the people had a genuine say in her election even if they voted against her. She exercised her office impartially and responsibly and received widespread popular support, including that of successive Fianna Fáil Taoiseachs. Mary left the presidency towards the end of her term in 1997 to become the United Nation's High Commissioner for Human Rights.

A Belfast born Catholic, Mary McAleese, won Fianna Fáil nomination to stand for the presidency after Mary Robinson and the fact that she was the first northern born candidate was generally well accepted throughout the Republic. Like her predecessor, she had also held the Reid Chair of Criminal Law at Trinity College Dublin. She had also been a journalist and radio personage and at one stage she had been RTÉireann's, the national broadcaster, presenter of its 'Today Tonight' program. She nominated for the presidency again in 1984 without party support. No party was prepared to waste money on a candidate knowing that her reelection would have been a foregone conclusion.

It is not my purpose to dwell on the powers of the Irish president, which are in any case less than those that pertain to our office of governor general. While I was there the only one I ever heard argued about was whether Mary Robinson was obliged to obtain the permission of the government to take a holiday out of the Republic given that the Constitution rules that the president may not leave the state without the consent of the government. I do not know how that matter was resolved but Mary unquestionably did a great deal of traveling abroad. There is some confusion as to the use of the discretionary power of refusing a request to the President by the Taoiseach to dissolve the lower house in the parliament, Dáil Éireann, and, in the event, no president has used the power. That he or she could even contemplate removing the Taoiseach from office is unthinkable. To this day I find it a gross insult to my sense of nationality that nothing has been done in thirty-three years to remove any vestige of that power from the governor general.

The process of nomination for candidacy in Ireland is of some interest. The presidency is open to all Irish citizens aged at least thirty-five and all citizens aged eighteen and above may vote in the election. Nomination is either by at least twenty members of the Parliament or by at least four county or city councils and, finally, by the incumbent or a former president when he or she has served one term in office. Mary McAleese is an instance of this latter method.

It was, and remains, my conviction that there will not be an Australian Republic unless there is a form of direct involvement by the people at large in the choice of the head of state. That step demands that the Constitution be amended so as to delineate the powers of the head of state and thereby preserve the essence of the constitutional arrangements and safeguards under which Australia is governed.

An agreement by the major parties on the above must be reached before the matter is put to the people in a referendum.

Once that agreement is reached there will be no need to ask the question whether the people want a republic thus leaving those who reject it to vote No in the referendum. Nonetheless, if a plebiscite is needed to convince the hesitant and doubtful that Australians want a republic then let it be held.

If an agreement on the above matters is not reached in the foreseeable future it could conceivably come to pass that Australia will only become a republic when the British have discarded the monarchy. In that event we will either have to opt for our own monarchy, accept a dictatorship or become a republic based on the will of the people exercised through the vote.

Despite the recent statement by the Prime Minister that we would be unlikely to move to a republic until the Queen dies or retires, given the overwhelming impetus towards a republic expressed at the recent Summit it would now seem imperative to work towards a formulation of what kind of a republic we wish to become, to regularly acquaint the people at large with the progress made towards that end, as well as what is done to obstruct that progress. To engage in this necessary but daunting task we will all need to put aside our differences, to brook no form of intransigence and to compromise on a final formula that will be acceptable to the parliament and to the people. To act otherwise is to betray the republic we all yearn for.

I am sure you will devote much time and effort to achieving your objective and that, in so doing, you will serve Australia and its people well.

Long may the coming Australian Republic live in harmony and prosperity within its borders and in peace with all peoples on earth.

John Molony
Canberra 5 May 2008