Maurice Moynihan and the Irish State, 1902-1999

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Attendant Lord

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John-Paul McCarthy

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For Eoghan Harris, who taught me everything I know about *Taoisigh na hÉireann*, and much else besides.

In gratitude and solidarity.

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PREFACE

Before his detention by the Nazis, the great Dutch historian Johan Huizinga was apparently invited to offer a course in post-Versailles European history to the students at Leiden. He parried by suggesting something from the before the reign of Louis XVI instead, explaining: "Lecturing on the recent past, no, I have nothing to say about that that they [my students] cannot read in the papers. What they need is distance, perspective, well-defined historical forms, and the eighteenth century is actually much nicer and more important…"[1] How then can one justify a book on an Irish civil servant who only died in 1999?

In the first instance, it should be obvious that the eighteenth century is in safe hands and if anything, that century boasts an embarrassment of scholarly riches. Secondly, while watching the Brexit process play out in recent years, I've been repeatedly struck by a sense that I have seen aspects of the Irish political and bureaucratic performance before. Maurice Moynihan was wary if not outright hostile to the European project throughout his long career, and one wonders what he would have made of the recent Irish attempt to ingratiate themselves with the EU Commission and the Parliament at the expense of the UK. But that said, if it is hard for me to imagine him celebrating the EU's essentially tactical solidarity with Ireland, at another level, the whole Brexit strategy, or rather the anti-Brexit strategy since 2016, grew out of a series of bureaucratic impulses that Moynihan perfected during his three decades as cabinet secretary and the principal advisor to the first three men to hold the office of Taoiseach, or prime minister of Ireland. Understanding Moynihan may help us understand more recent events. Since 2016, diplomacy has become an arena for playacting rather than practical co-operation, and successive Irish ministers have behaved as if they are the last defence against a rejuvenated British or rather English imperialism. Policy has thus passed into the hands of Huizinga's own *homo ludens*. Brexit was said to threaten the Belfast Agreement, the treaty which brought the sectarian war in Northern Ireland to an end of sorts, even though this treaty had little if anything to do with Europe *per se*, and did not and does not depend on continued UK membership in the bloc.[2] It was also said that Brexit threatened to introduce a 'hard' border on the island of Ireland, even though Irish law recognises

such a border as a practical and legal reality, and even though "[n]o state from 1921 refused to recognize that the United Kingdom included, as an integral part, Northern Ireland. And no state from 1937 ever recognized Éire/Ireland as embracing all of Ireland."[3] These arguments combine self-pity with a weird sort of political escapism. The argument about the Belfast Agreement suggests that the Irish political and administrative elite cannot really analyse recent events outside of a series of defiantly local categories. And the bogus emphasis on an invisible border doesn't survive even a cursory look at the current constitutional arrangements on these islands. Irish policy in recent years is thus best seen as a kind of patriotic escapism, a posture with deep roots in Irish life since independence.[4] I suggest here that Moynihan was as culpable as any of his contemporaries in developing this particular style of politics and thought.

To mangle Carlyle, Moynihan was the "universal wonder hider"[5] of the native bureaucracy, a wordsmith who tried for syntheses, often in the teeth of the most obdurate polarities. He helped craft a constitution that nodded to Ireland's ancient immersion in the common law while simultaneously proclaiming the advent of a kind of legal year zero. He believed that there was no real difference between offering covert assistance in a continental war and actually declaring war on one of the combatants. And he acted as if the real problem with clerical hard-charging so far as policy was concerned was the risk that this would become public, and people would then want to talk about it. Otherwise, even incessant private clerical pressure was, in this analysis, compatible with secular government. In this idiom, it was the crassness of the clerical intervention that rankled, not the intervention itself, and this suggested a certain exaggerated fastidiousness at play. I am interested in this aspect of Moynihan's personality, as well as that odd stillness he projected, rather like a butler in a haunted house. This was a quality not widely shared at the apex of the new civil service in independent Ireland after 1922. As we shall see, several of Moynihan's colleagues were noisy and aggressive characters, many of whom might be said to have suffered from some temperamental imbalance, or even an "aggravation of self, a sort of tumor that ends by killing the victim's sympathies."[6] Some were fairly strange people even by the standards of the time. One of his more ambitious deputies fretted about an Eighteenth Brumaire-style fracas between the executive and the legislature, especially in the context of another European war. Another colleague feared domestic Bolshevism might have acquired a hold over one of the major parties, and his long-time collaborator with respect to the minutiae of legislation believed that Ireland had been specially singled out by the deity to defeat

secularism. This kind of talk made Moynihan wince, and he preferred to keep his own counsel until called in to the prime minister's room, where he was usually alone with the principal. Part of the attraction of a character like this is the need to decide if his stillness was instinctual or strategic. Was his essentially an open mind as has been suggested, old beyond its years, or simply an empty one which gladly took on the preoccupations of whichever prime minister the Dáil threw up at him? No, that won't do. He certainly had strong feelings, about the Irish language, about the Free State, about excessive public expenditure, about those who shot policemen, and about heady words like 'constitution' and 'self-determination'.

There's a certain satisfaction too in illuminating the career of such a secretive person who held one of the least understood big jobs in the new state. Unlike the heads of the more famous departments who appeared on bank notes or were regulars on the diplomatic social circle, the cabinet secretary, or secretary to the government to give him his formal title, was rarely glimpsed in action. Moynihan preferred it that way as did his successors whose influence has to be pieced together from occasional references in tribunal reports or the odd ministerial memoir where the spotlight falls on them momentarily, before drifting off elsewhere.[7] The figure who emerges reluctantly into the light here is ultimately a conservative one, not so much in the reactionary sense that applied to several of his peers, but a conservative in the sense of someone who instinctually came "to acknowledge the current shape of things, to feel the balance of things in one's hands, to tolerate what is abominable, to distinguish between crime and sin, to respect formality even when it appears to be leading to error..." In other words, we are dealing with a man who lived self-consciously much of the time in "…a solid world of things, each with its fixed shape, each with its own point of balance, each with its price; a world of fact, not poetic image, in which what we have spent on one thing we cannot spend on another..."[8] His career, significant though it was, is probably more important not so much in its own terms, but in the light of the rather startlingly broad claims that would be made about Moynihan's work and influence.

Many observers have found much to admire in Moynihan's semantic games. The assumption here is that words actually enable thought, and to some extent, this is true. But his career also shows that in some contexts, "words can also *substitute* for thought."[9] I make this argument at some length in the chapter on *Bunreacht na hÉireann*, Ireland's second written constitution to which he contributed much both as a sort of grand editor of

the evolving text, and as a mandarin who made it work after the fact in real time for the next twenty-five years. It follows a sense that euphemism has been a serious problem in Irish political and legal life, certainly since independence, if not before. As arguably the most influential civil servant in the country during deValera's long reign, and the only one allowed to attend cabinet meetings as of right, Moynihan bears his fair share of the blame for this style of government business. Half-baked ideas were presented as graven principles, and important problems were not even mentioned for fear of demoralising the polity. Stalin apparently took the view that where there was no man, there was no problem, and Moynihan's peers often acted in a similar though less pathological way, as if it was enough simply to *not* say something to make it go away. This approach lingered on long after Moynihan left the Department of the Taoiseach for a new career in banking in 1961.

All of this may seem rather a lot of freight for our subject to lumber. But Maurice Moynihan's shoulders were broad, and his professional life was sufficiently interesting and consequential to make it worth the risk. Just as a grain of sand can contain the universe, sometimes an individual life can overlap with the broader national experience, and the evocation of that single life can recast the whole. It's hard though to do this without succumbing to mere biography, with "[i]ts prurience, its pedantry, the wild swings between (or unknowing coexistence of) fawning adulation and false refusal-to-be-impressed, the idiot X-equals-Y biography...the pretend-moralism, the pretend intimacy..."[10] If I've waded into this kind of shambles in what follows, it'll be because this is my first book-length outing. Others will doubtless tell the tale better.

I've been much assisted in writing this book by the presence of two spirits who have kept me company in the British Library in recent times, the late J.W. Burrow of Balliol College, Oxford, and the late Jeremy Catto of Oriel College, down the road. Both men died much too young, and I think of them often. John was the most brilliant historical writer I have ever read, and he was the historian who taught me the most about the numbing effects of a purely *empirical* approach to historical analysis. He was also a warm and gracious man, with an extraordinary range of insights. In one of our last conversations, he stressed to me how essential it was to see past those who attack the so-called western canon as mere 'superstructure' or 'patriarchy'. The great works of modern intellectual history, he insisted, don't need to be 'deconstructed'. Together, they constituted what he called an 'iron icon', always visible on the horizon, no matter where we were standing.

Whilst a book about a bureaucrat would probably have given John a low pulse, like Huizinga above, Jeremy Catto would have enjoyed it, I think. A wonderful political gossip and networker in his day, Jeremy would have liked the bits about Irish neutrality during the Second World War, the war against Hitler being our main topic of conversation at the Friday lunches in Quod on Oxford's High Street. He was an old friend of Trevor-Roper, ('Hugh') and loved to recount the bit in *The Last Days of Hitler* about the aftermath of the near detonation of the Führer via briefcase bomb in 1944. The only thing for it after that, as Jeremy used to say, was to organise *a tea-party* with Mussolini, which is what happened of course. Quite what the Duce said to the deaf Führer is not clear. That routine never got old. Like John, he was vastly well read and a wonderful talker, and he blessed my call to the Bar by introducing me to some of his legion of legal friends at an important moment. John and Jeremy were superlative teachers and irreplaceable men, aldermen in that great city of thought that's supposed to lie at the end of the highways of exchange. I remain forever grateful that they took an interest in me when they did.

I am also very grateful to Professor Tom Dunne, for many years of encouragement and support. He had a fundamental influence on my thinking about our so-called 'liberal constitution', and taught me much about the way even the most obviously sectarian ideas can try to disguise themselves in the language of majoritarian rights and 'natural law'. His imperishable memoir, *Rebellions* (2004), remains a landmark in my life, as are his classes on *Ulysses*, art history and modern Irish history as gleaned from source material in the Irish language.

I was fortunate in 2001 being able to discuss some of the themes of this book with two remarkable and influential mandarins, the late Professor Patrick Lynch (1917-2001), Maurice Moynihan's deputy in 1950, and the late Dr Dermot Nally (1927-2009), Moynihan's successor but two as Secretary to the Irish Government and the Department of the Taoiseach.

I must also give special thanks to Ruth Dudley Edwards, still our greatest biographer of Patrick Pearse. She kindly gave me her notes from a long interview she conducted with Maurice Moynihan in 1981 when she was contemplating another full scale project on de Valera. She knew Moynihan well, and generously shared her memories of him. I hope she recognises something of her father's close friend in these pages. I am also very grateful to some others as well. Anne Harris was tireless in attempting to find a decent photograph of my subject. That image is courtesy of the National Library of Ireland. Dr. Lucy McCarthy very kindly unearthed some of

Moynihan's furious letters to *The Daily Telegraph* in the 1970s, a time when he seemed to be keeping a sort of one-man vigil against fellow Irishmen who washed our dirty laundry in British newspapers. Seán McDade converted Dr Noël Browne's departmental budget in 1948 into contemporary money for me in a matter of *minutes* via WhatsApp. (This seemed like an important task at the time). And even though it took Dan Holohan longer to do the same job, they both came to the same answer. I expect their invoices are in the post. Friends in need, as always. My uncle Len helped me describe Kerry for people who don't live there, which actually takes some quite serious thought, as Moynihan's home county has never made much sense to me, despite many summers there as a child. My late mother loved the place, and spoke about Kerry in terms not actually dissimilar to those of the periodically unhinged Victorian writer, James Anthony Froude. For her, Glenbeigh was also a magical place, full of ancient ceremony, dramatic vistas, and *fabulous* people, the latter adjective here being the highest accolade that was hers to bestow, and then only rarely. Even though she disliked historical books almost as much as the people who wrote them, she summoned the energy during her last days to ask me once about 'Maurice', a household familiar for many years by that stage. A psychiatric nurse by profession, she would have taken Dr Browne's side wholeheartedly against Moynihan in the great cabinet drama of 1951. Assuming of course that she cared enough about Irish politics to consider the matter, which, to her credit, she did not. Her sudden death from cancer in 2020 remains a disaster to navigate as best one can.

I give another kind of thanks as well to my wife, Juliet, for all her encouragement and hardnosed proof-reading, especially over last Christmas when she would much preferred to have been clambering through the countryside. *Cor ad cor loquitur*.

This book is dedicated to former Senator Eoghan Harris with whom I have lived in my mind now for almost twenty years. My debts to him are incalculable, and his comradeship has enriched my life.

John-Paul McCarthy
Middle Temple
February 2022

Notes

[1] Quoted in J. Den Hollander, H. Paul, R. Peters, 'Introduction: The Metaphor of Historical Distance' in *History and Theory*, Theme Issue 50 (December, 2011), 1-2.
[2] *R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5 per Lord Neuberger, Lady Hale, Lord Mance, Lord Kerr, Lord Clarke, Lord Wilson, Lord Sumption, Lord Hodge at par. 129: "When enacting the EU constraints in the NI Act, Parliament proceeded on the assumption that the United Kingdom would be a member of the European Union. That assumption is consistent with the view that Parliament would determine whether the United Kingdom would remain a member of the European Union. But, in imposing the EU constraints and empowering the devolved institutions to observe and implement EU law, the devolution legislation did not go further and *require* the United Kingdom to remain a member of the European Union."
[3] Austen Morgan, *The Belfast Agreement: A Practical Legal Analysis* (London: The Belfast Press, 2000), 17 at par. 2.15.
[4] Clare O'Halloran, *Partition and the Limits of Irish Nationalism: An Ideology under Stress* (Dublin: Gill and Macmillan, 1987).
[5] Thomas Carlyle, *Sartor Resartus: The Life and Opinions of Herr Teufelsdröckh in Three Books* in *The Works of Thomas Carlyle in Thirty Volumes: Centenary Edition* vol. i (London: Chapman and Hall, 1901, orig. 1831), 209.
[6] Henry Adams, *The Education of Henry Adams: An Autobiography* (Boston and New York: First Mariner Books, 1918 and 2000 ed.), 147.
[7] Moynihan's most important successor, Dr Dermot Nally (1927-2009), can be glimpsed at work in the dense conclusion of the report of a tribunal of inquiry which examined corruption in the Irish beef export trade. *Report of the Tribunal of Inquiry into the Beef Processing Industry* (Dublin: The Stationary Office, 1994). Pn. 1007, 302.
[8] Michael Oakeshott, 'On being conservative' in idem, *Rationalism in Politics and Other Essays* (London: Methuen and Co., 1962), 195-6.
[9] Richard A. Posner, 'Judges' Writing Styles (And Do They Matter?)', 62 *University of Chicago Law Review*, 1447 (1995).
[10] T.J. Clark*, Picasso and Truth: From Cubism to Guernica. The A.W. Mellon Lectures in the Fine Arts* (Princeton, NJ and Oxford: Princeton University Press, 2013), 4.

CHAPTER ONE

GENTLEMAN OF THE SHADE: AN IRISH LIFE, 1902-1999

Let us be Diana's foresters, gentlemen of the shade, minions of the moon, and let men say we be men of good government, being governed, as the sea is, by our noble and chaste mistress the moon, under whose countenance we steal.

Henry IV, i., II.2

Young Maurice was born in Kerry at the beginning of the new century in 1902. This was at the southwestern extremity of Ireland at a point where the sea met the sky. This was also the year of Picasso's *Blue Nude*, and the premiership of Arthur James Balfour. Poignant though such prejudices are as they play out on such a small landmass, the fact remains that the products of this area are still said to be secretive, cunning and ambitious. During the Victorian era, the historian James Anthony Froude would portray the natives, who were also his own neighbours on occasion, as being either at one's feet or one's throat. In his telling, and for all the local colour, the chances of confronting a *Jacquerie* were always just about even there. He kept coming back though for almost thirty years, prompting one contemporary to observe that he did not really hate the natives, "except in a metaphorical way."[1] English visitors to one side, popular folklore centred around ancient sectarian tensions, accusations of land grabbing and dispossessions, and the terrible famine of the 1840s. It was not surprising that one of the most disturbing plays to come out of independent Ireland, *The Field*, was set here.

Perhaps these qualities that were ascribed to the place help explain something of Maurice Moynihan's rapid ascent through the new bureaucracy after 1922, but all that aside, Kerry was unusual in several respects. It was relatively isolated from other major urban centres, almost hidden by mountains and poor or unpassable roads. (Even today, driving in some parts of the county can be a hair-raising experience). It could boast no university of its own, no major hospital and no cities or industries to speak

of, save subsistence farming and fishing, which somehow sustained all the classes, whether strong farmer, farm labourer and townspeople. Some said though that the natural beauty of the place was compensation of sorts for these absences. The most famous product of Kerry in the previous century was Daniel O'Connell, "that remarkable man"[2] as Gladstone had it, and who was perhaps the most celebrated Catholic statesman of the nineteenth century. It was said of O'Connell that the landscape of his home county had a profound effect on his political and personal equilibrium. His biographer's description of the countryside cannot be improved upon: "Apart from the dreamlike succession of dramatic terrain and ocean vista, it is hauntingly beautiful in light and sound. Cloud, massive, shredded or scattered puffball; skies, low and leaden, washed blue, patching cobalt or milky pale; land, grey, green, dun and chocolate, broken by heather and yellow furze- the shades deepening and lightening almost momentarily-paint the mind. Seas breaking riotously or metronomically, streams in tumult or steady glide, rain stealthy or imperative, and wind and the calls of gulls or solitary curlews provide accompaniment."[3]

Kerry was also unusual in encompassing several areas where the Irish language was still the local vernacular at the start of the twentieth century. Moynihan grew up in the largest county town, Tralee, which was described by a later revolutionary as "the most nationalist, the most republican town in Ireland."[4] Despite this reputation, Tralee was actually an English-speaking town, but Moynihan's lifelong devotion to the Irish language doubtless had its roots in his childhood in a county where the language still survived in pockets outside the larger villages. He would go on to study Irish as an undergraduate under the austere Gaelic scholar Tadhg Ó Donnchadha who translated several canonical English and French texts into modern Irish,[5] but whose outlook was fundamentally shaped by his grief for the collapse of the Gaelic world two hundred years earlier.[6] To the immediate west of the county town, one entered an Irish speaking area on the Dingle peninsula. (Anthony Burgess would later make this area briefly famous in his fantasy novel, *The Wanting Seed,* which imagined a future government staging mock trench battles here in order to combat a catastrophic rise in the population). A short boat ride from the western coast brought one then to the Blasket Islands. This tiny archipelago would entrance several English linguists and prompt some to claim that they had rediscovered Homer's Ithaca.[7] In Moynihan's childhood years, these islands were still inhabited by monoglot fishermen who lived in something approaching aboriginal poverty, and who looked more to Newfoundland than they did to Dublin or Belfast or London. A later colleague of Moynihan's in the diplomatic corps

had occasion to think of these fishermen as she surveyed the aftermath of a political fracas in, of all places, the Belgian Congo in 1961. Writing after the funeral of one tribal chief who was killed in a riot during the attempted secession of the Katanga province, she heard the local leaders call for calm and found that "I am reminded of political meetings in Dunquin and Dingle after the civil war, with the Blasket Islanders in for the day: same poverty, same strong sense of tradition, same class angle, same language difficulty; someone like Daddy or Ernest Blythe in a city suit explaining that the war is over, no more enmity etc etc, and the local party bosses and clan chieftains constituting an uneasy liaison between two worlds..."[8]

The jagged Kerry coastline had been a boon for smugglers since the Napoleonic wars when local traders did a brisk trade in brandy and silk for generations. In Moynihan's time, that coast would attract the attention of other adventurers as well. The opening note for a mass uprising against British rule was supposed to have come on one of the beaches of west Kerry just before the Battle of the Somme, not far from "the long sands of Ballyhige."[9] The flamboyant former diplomat Roger Casement was swiftly captured however in April 1916 when he surfaced on these same sands, having sailed from Germany in one of Kaiser Wilhelm's submarines. He had returned to Ireland empty-handed after failing to convince Chancellor Bethmann-Hollweg to arm an Irish insurrection against British rule. Moynihan's father was a senior member of the local separatist secret society, the Fenians, and he apparently had advanced knowledge of Casement's plan.[10] Maurice junior would recall decades later seeing the shackled Casement being escorted by a group of local policemen onto a train in Tralee.[11] Casement was quickly tried and executed for treason- the judgments from his case are still cited today in legal arguments about the duties the crown owes to its subjects[12] - and his remains lay undisturbed in HMP Pentonville for another half century. As we shall see, Moynihan would have something to say about the repatriation of his bones in 1965. He would have nothing at all though to say about Casement's reinvention by posterity as a gay icon. Kerry would see more than its fair share of atrocities during the early years of the new state after 1922. In one notorious incident during the Civil War, the new Free State Army tied several republican prisoners together in the middle of a road and blew them up. Kerry was rather unrepresented at the cabinet table for decades, though it did better amongst the mandarinate. Moynihan got his first big break in 1932 courtesy of a reference from his cousin J.J. McElligott, another Kerryman who was head of the new finance ministry and would go on after the war to become governor of the central bank until 1961.

In the event, Moynihan's childhood country was a place that could fairly be described as secretive, aloof and Irish-speaking, adjectives that will do nicely for the man himself as he worked his passage through the bureaucracy, first as an apprentice administrative officer, then as private secretary to the new prime minister after 1932, then as secretary to the cabinet from 1936 to 1960. Having decided to ignore Marx's admonition, *Frère, il faux mourir!*,[13] Moynihan lived for nearly the entire twentieth century. He lived through the nationalist revolution, the subsequent civil war, neutrality in World War Two, and the vicious sectarian conflict in the contiguous polity, Northern Ireland, from 1969 until 1998. For most of it, Ireland was a poor, if also relatively stable polity on the margins of world events. That said, the independent state might have collapsed on several occasions during these decades, and it was a source of considerable pride to Moynihan that all enemies, both foreign and domestic, were just about held at bay.

Maurice was a studious and rather guarded boy, who remained close to his three brothers, Michael, John and Denis. He revered the memory of his older brother Michael, who joined the British Army at the outbreak of the Great War, and who died of wounds in France in 1918. A voracious reader, and rather fine prose stylist, Michael's death merited special attention in the local papers. One chronicle noted that "[t]he people of Tralee have learned with feelings of poignant regret of the death from wounds received in action of Lieutenant Moynihan, eldest son of the late Mr Maurice Moynihan, Tralee. The deceased young officer held a lucrative position in the Civil Service in London when the war broke out, and, with other civil servants in England, joined the colours. We tender our sympathy to his mother and family."[14] Many Irish Catholic ex-soldiers had a thin time of it back home after 1918 as they were considered legitimate targets by the teenagers who joined the IRA.[15] Loose talk after the fact about Belgian neutrality or the Kaiser's megalomania risked a riot or worse,[16] and as such, despite his love, Maurice rarely spoke about his older brother. As was said in another context, perhaps "...silence seemed the most appropriate expression of his deepest feelings."[17] And besides, silence had long been a coping strategy in those years, for the reasons best expressed by one of Michael's English contemporaries who described his approach when faced with a new conscript: "I see to it that he is dumb and stands to attention before his accusers. With a piece of silver I buy him every day, and with maps I make him familiar with the topography of Golgotha."[18] The one exception to his silence here was when Moynihan was in the company of his close friend and neighbour, the historian Robin Dudley Edwards who, like James Joyce

before him, had no trouble accepting the fact that "[t]he Irish Catholic peasant. He's the backbone of our empire."[19]

Unlike his father and his brother John who was arrested a couple of times, Maurice preferred school to separatist politics. His university degree in Irish and Commerce marked him out in the bureaucracy later, if only because just a quarter of departmental secretaries of that era had university qualifications.[20] This gave him something of an advantage in terms of promotion, even if University College Cork- "*l'université pour rire*",[21] as one former student remembered it- lacked the dazzle of J.P. Walsh's Jesuit Province of Toulouse at Gemert, or the Cambridge of Joseph Brennan and Patrick Lynch. Moynihan began his studies in Cork City in 1920, a dangerous time in the life of the second largest city in the independent state.[22] In that single year, the separatist lord mayor who advocated the shooting of native-born Irish policemen in the Royal Irish Constabulary was himself shot dead in his home by order of the government, while his pregnant wife looked on. His successor committed suicide in Brixton jail. The British military then burnt the city's main business district in time for the Christmas rush. Local patriots thought there was nothing for it but to abduct wounded ex-soldiers from their hospital beds, and shoot them in the streets.[23] As one future prime minister would observe, there were in fact so many funerals in the city that year that "even grief was structured."[24] Young Maurice had no involvement with either the Fenians or the IRA. But even he was unwittingly caught up in the mayhem, and was lucky not to have been killed along with the almost three thousand others who died violently at this time.[25] He was shot in the leg by a random Black and Tan escort as he was walking into town one day to buy pencils in 1920. Once patched up though, he returned to the library, and his subsequent First surprised no one. Despite his family's intransigence on the matter, Maurice greeted the terms of the Anglo-Irish Treaty with relief, and joined the new Free State civil service in 1925. He was on his way.

Within a decade or so, he was made secretary to the cabinet while still in his mid-thirties, and would become the irreplaceable packhorse in the de Valera operation until his last day as Taoiseach in 1959. He occupied the chair immediately to the left of three prime ministers at meetings of the Irish Government from 1936 until 1948, again from 1951 until the end of 1960. As the only civil servant allowed to attend meetings of the cabinet, he had an enviable influence across the whole range of government business for twenty five years. Situated as it was at the intersection of the political and the bureaucratic, being appointed cabinet secretary was a bit like finding

oneself in a coliseum and being faced with several doors, each of which could open without warning. Behind one door was the presidency, behind the others the Supreme Court, the Dáil, the Catholic bishops, and the various sectors of the economy. All bore down with their various demands on the cabinet room, or Council Room as it is still called, with its polished table, and high windows which look out onto a courtyard in what was once the Royal College of Science. In theory, the cabinet took the long view, and was beholden to no special interest, save for the majority that sustained it in parliament. Those doors had to be bolted fast lest one self-interested group run the table. Hence Moynihan's preoccupation with secrecy at almost all costs. This followed his belief that if any one interest gained access to the cabinet before they formulated policy, there was no hope for truly national legislation. This, of course, was the concept of faction from *The Federalist Papers* as applied in the new Irish state. Moynihan seemed to really believe all this, even though at another level, he also knew how important improvisation or even accident was in the making of policy, and just how prosaic the process could be in real time.

The job also allowed him privileged access to dozens of cabinet ministers, several of whom proved to be all too human in their limitations. Moynihan had died before the installation of the so-called 'drinks cabinet' which reigned during the collapse of the modern Irish banking system, this at a time when "the Irish decided to buy their country-*from one another*."[26] But he had had his own fun in his day. For eight years straight from 1932 to 1940, Moynihan sat across from the one-eyed education minister who tried to force the country's teachers to teach the entire curriculum, including English literature, through the medium of the Irish language. (Tomás Ó Deirig had lost his left eye during a difference of emphasis with Free State police when he was arrested during the civil war). There were the alcoholic ministers like the otherwise able Donagh O'Malley and Mícheál Ó Móráin to contend with as well, the latter of which was said to be too drunk as justice minister to thwart an attempt by elements within the army to illegally buy arms for the Provisional IRA in 1970. Then came the self-professed radicals like Dr Noël Browne, who could not read official documents in Irish, which was the state's first official language, and his colleague Seán MacBride, he of "the remarkable eyes, prominent yet recessed, like those of some mad monk of romance"[27] who believed that the bureaucracy had been infiltrated by MI6. Some other ministers like Frank Aiken said little, though even decades later, Moynihan could scarcely recall his curiously expressionless face without a shudder.[28] Aiken had a fearsome war record, which included the murder of six unarmed Protestants in south Armagh in 1922.[29] And

there were more sinister characters again like Neil Blaney who was promoted to the cabinet in the fifties on the back of a huge personal vote in his home county of Donegal. A square shaped figure with an abnormally large head, he pushed hard for a formal military invasion of Northern Ireland in 1969 before being fired for buying off-the-books weaponry in Austria, with tax-payers' money. If the majority of Irish cabinet ministers since independence were forgettable, there were still some stars amidst the dross. Moynihan rated the elfin Seán MacEntee highly, a long-serving Fianna Fáil minister since 1932, who was one of the few not to defer to Seán Lemass' ideas about economic management. Moynihan always admired his "sharp and independent mind."[30] A onetime electrical engineer from Belfast who only escaped execution in the revolutionary era because of a successful petition organised by liberal Protestant neighbours,[31] MacEntee was acutely conscious of the country's lack of development, particularly when compared to other small states like Denmark. Lemass himself is generally considered the most effective Taoiseach since independence, the man who opened the country up to Europe and who dramatically liberalised the country's protected economy. By the time Lemass took over from de Valera as Taoiseach in 1959, it was obvious to Moynihan that he would not have the same degree of heft over policy as he had for the previous twenty years when he had probably been the most powerful civil servant in the country. Naturally rather brash and sensing that he had limited energy left to make major changes, Lemass had little in common with a man like Moynihan who kept a daily record of the times at which the sun set and the moon rose,[32] "*High and preposterous and separate- Lozenge of love! Medallion of art!*"[33] Moynihan lingered for a year and a half though on the margins of the Lemass operation until the end of 1960, when he opted rather surprisingly for Mr Eliot's "peaceful but very interesting pursuit",[34] and became the third governor of the Irish Central Bank.

Though he had been one of the directors of the bank since 1953, this was objectively speaking a demotion, given the statutory constraints on the bank's powers since 1942. That said, Moynihan always had strong feelings about deficit spending, foreign loans and general profligacy. He was still open-mouthed in 1969 at the repayment schedule attached to the Marshall Aid monies that had been accepted by the Irish Government twenty odd years earlier. If the decision was his alone, he probably would not have accepted any of the loans that were offered after the war as they just raised expectations amongst the population that, in his estimation, could never be sated.[35] Lemass decided that he could live without this kind of paralysed and paralysing advice, as did his most important economic advisor, Dr

Whitaker, who found Governor Moynihan to be a scold and ultimately a bore.[36] By the time he went to the bank though, Moynihan had become an establishment figure, even a founding father of sorts. By that stage, few of his contemporaries could boast of having once been the subject of a debate between opposing factions in the Supreme Court about the limits or otherwise of the cabinet's executive powers.[37] Later Taoisigh like Charles Haughey, Lemass' son in law, who took a uniquely generous view of the powers conferred on the Irish prime minister also invoked Moynihan's name in parliamentary debates in the nineties.[38] (Large parts of Haughey's bent premiership would have to be thrashed out subsequently before a High Court judge sitting as a tribunal of inquiry).[39] Moynihan took such honours as were offered in an unhurried way over the years, including a papal knighthood, and an honorary doctorate in economics from the National University of Ireland, the latter a parting gift from deValera who was chancellor of the university. As we shall see in chapter 4, in later life Moynihan also became a court historian of sorts with respect to the de Valera years. This would involve rather hushed and reverent interviews on radio and television as well as letters to the newspapers about this and that. Moynihan's main form of relaxation in old age remained the libraries of Dublin, especially the National Library and the Royal Dublin Society where he wrote his banking books, and some political science papers. One effort was a somewhat numbing account of his old empire, the Department of the Taoiseach, whose dominion, he was anxious to point out, extended to the arts council, the Local Appointments' Commission, the State Paper Office, the Emergency Scientific Research Bureau, *and* the Atomic Energy Committee.[40] The power of the sun never lay in gentler hands than his though. Moynihan's writing showed a weakness for grand and somewhat vigorous verbs, which he enjoyed setting down on the page: *represent*, *present*, *certify*, *dismiss*, *authenticate*, *enrol*, *execute*, *authorise*. This, of course, is the vocabulary of pure power, one which gives the impression of "slow movements, the flow of scarlet silk, the proffering of a ring to kiss."[41] When in a less sombre frame of mind, he liked to take his family back to Kerry for summer holidays. At one with President Clinton in later years, Ballybunion was his favourite spot in the county, if only because of the view atop the spectacular cliff upon which the village perches to this day. Moynihan was once described by a family friend as charming and even boyish when in company,[42] and with his high forehead and bright eyes, he did look rather like Stan Laurel, especially in middle age. But for all that, Moynihan remained fundamentally a rather introverted figure, softly spoken, almost inaudible in fact at times, and happiest with his books, and his memories.

Scholars were kind to Dr Moynihan in his old age, amazingly so in several respects. The most influential critique of the Irish civil service published in his lifetime largely spared him on the grounds that, for all his limitations, Moynihan was "indubitably a truly great public servant."[43] That critique turned its guns elsewhere, on the legacy of the Great Famine of the 1840s, on the deep imprint left by Gladstonian finance on the native bureaucracy, and above all, on the British record in Irish affairs: "a record of sustained incompetence which has few parallels in the annals of history, an incompetence in which an almost infinite succession of blunders, despite occasional goodwill and sometimes because of it, was cloaked by an infinitely superior command of violence in the last resort and an invincible capacity for sanctimonious self-righteousness."[44] Those who knew something about the comparable legacy of Russian, or German or even Belgian imperialism might gag somewhat on this critique, but it worked in deValera's favour, and in Moynihan's by extension.

Moynihan also received consistently admiring notices from administrative historians who looked on his long bureaucratic tenure much the way a jogger looks at a marathon runner. Here was Ireland's version of England's Hankey, Canada's O.D. Skelton and independent India's P.N. Haksar.[45] Patriotic Irish lawyers still see much to commend in Moynihan's work on the new constitution which was ratified in 1937, and are still at pains to insist that the finished product contains no race laws, no three-fifths clause, no church-by-law-established clause, and nothing from which anyone could easily rig up an Enabling Act.[46] Much was also to be made of the way Moynihan and deValera's other constitutional advisors set their face against some of the secret submissions made by the fanatically anti-Protestant archbishop of Dublin, whose private advice deValera had sought, and who wanted to use the occasion of the new constitution to restage the arguments of the sixteenth century about Protestant schismatics.[47] The argument here is that since Moynihan could not stomach the worst kind of Counter-Reformation polemic, this made him a far-seeing pluralist who transcended the limitations of his own era.[48] That account was markedly lenient, even fawning, not least because it screens out the fact that the same archbishop was successful in achieving his most fundamental goal of all during the so-called 'constitutional revolution', namely securing clerical control of the state-funded school system. This, of course, had been in the ether for nearly a century before de Valera's constitution. (One important faction within the Irish Catholic Church during the Victorian era found they could live with the public funding of sectarian teaching, something English Tories like Robert Peel ultimately conceded for his own reasons, if only because it was

thought that Protestant money might help inoculate Irish students against more aggressively revolutionary strains within European Catholicism.[49]) For all that though, Moynihan continued to be lauded. One recent book on the constitution was actually dedicated *to* Moynihan.[50] James Madison himself did not get such a consistently good press.

Moynihan hovers dutifully in all the major histories which recount the early decades of the independent state. The Longford and O'Neill biography of de Valera pointed out that he was, in fact, deValera's first hire in 1932 after appointing his ministers.[51] One influential account of Irish neutrality during the Second World War expressed admiration for Moynihan's ability to hold his nerve while working out ways to prevent the disintegration of the police in the event of an invasion by the British or the Nazis in 1940.[52] And the most popular hatchet job on de Valera in the nineties ended with Moynihan's observation that the old chief probably "never read a serious novel in his life",[53] this being the last count in a no-two-ways-about-it indictment that included megalomania, financial chicanery and treason of a sort.

One of the advantages of Moynihan's long life was the fact that he was still around to savour the publication in 1986 of Dr Noël Browne's account of the Inter-Party Government which was in power forty years earlier. Moynihan had been barred from attending most cabinet meetings of this coalition government between 1948 and 1951 at the insistence of the new foreign minister, Seán MacBride, who mocked Moynihan as "the establishment *in excelsis*."[54] Dr Browne, a medical doctor himself before going into politics, had been health minister in this coalition before he was forced out after a row about the provision of health care for pregnant women. He never forgave his cabinet colleagues for failing to support him when the Catholic bishops made their play against his plan for what they called socialised medicine. In his embittered exile, Dr Browne became the literary version of an avenging flame, which left a blast pattern several miles wider than that caused by the Crossman diaries in Britain. None of his ministerial colleagues were spared in his memoir which depicted that government as a conclave akin to Bosch's *Das Narrenschiff*, his ship of fools. Dr. Browne wrote about being made to speak in Irish in a parliamentary debate with a script made up entirely of phonetics because he could not understand written Irish, having been educated in Britain. He recounted the use of Special Branch by one minister against another, and detailed a prime ministerial invitation at one stage in his tenure to falsify budget estimates. This was before he settled up with the Catholic archbishop

of Dublin who, in Dr Browne's telling, devoted one meeting with him as health minister to a discussion about how much child prostitutes actually charge.[55] Moynihan had had a rough time himself with Dr Browne as we shall see, but he must have enjoyed the book all the same, not just for what it revealed about MacBride's ostentatious piety, but about the author as well.

The tense and terse Moynihan of old relaxed demonstrably during his long retirement, and such evidence as there exists as to his inner life comes from several revealing interviews he granted to a select number of journalists and scholars. In 1987, he explained that there was no grand plan for an American-style constitutional convention when Fianna Fáil was elected in 1932. As he recalled it, they rather backed into the whole thing as the amendments to the old constitution piled up around them.[56] Moynihan was always touchy about the more squalid elements of Ireland's neutrality during the Second World War. He could never accept the charge that "[n]eutrality is essentially a conservative policy, a policy of defeat, of announcing to the world that we have nothing to say to which the world will listen",[57] and insisted that deValera always hoped for and expected the British to prevail after 1940. As he told his deputy in one of the rare wartime notes that he failed to destroy afterwards, "we could not do more if we were in the war."[58] Except of course offer the Allies the use of Irish military bases, as even the neutral Portuguese did in 1943. Moynihan spoke here as if the logic of de Valera's decision to fight the Nazis *in secret* was self-evident to all. When pressed, Moynihan could even recall the precise date he had the Nazi spy Otto Reinhard fired from his job in the department of lands. Despite his strained tone on these matters, there was a winning modesty about Moynihan though right to the end, something which probably died with him in 1999. One of his successors as secretary of the Taoiseach's office eagerly embraced the private sector after leaving the civil service and ended up with an art gallery named after him,[59] while many Irish diplomats today purport to lecture the world on everything from peace-keeping to what they routinely refer to as 'conflict resolution'.[60]

For certain influential voices in Northern Ireland, MacBride was right and Moynihan typified all that was wrong with the establishment in the Free State and the subsequent republic. Here was the son of a poor Fenian who took all too easily to the view from inside the bullet-proof limousine, and who came to preside over an even more authoritarian version of the Victorian administrative state, which was held together by sound money, emergency powers and one of the most austere versions of Catholicism

outside Latin America. Moynihan had limited patience though with the northern critique. Like many mandarins of that era, Moynihan feared the corrupting influence of Ulster, and blocked several attempts to involve the Catholic minority there in the political life of the Republic. He thought that some form of partition was inevitable by 1910 when "already the opponents of Home Rule were mustering their forces, although the Nationalists then and later seem to have been strangely unaware of the depth and strength of the opposition."[61] He took the view that even if the mass mobilisation of unionism after 1912 never actually derailed the Home Rule project in a formal sense, "the proposal to grant Home Rule to a united Ireland had already been virtually defeated in 1913 in the opinion of all who realised that the Unionist threat of opposition by force was not mere bluff but expressed the serious intention of resolute people."[62] In this regard, it was not surprising that his book on deValera was shaped by those historians who saw partition not as an imperial scuttle, or a Protestant mutiny against the crown, but as an unavoidable product of "an anarchy in the mind and in the heart, an anarchy which forbade not just unity of territories, but also 'unity of being', an anarchy that sprang from the collision within a small and intimate island of seemingly irreconcilable cultures…"[63] There would be numerous plans advanced over the course of Moynihan's long life which purported to point the way towards the political unification of the island. Some urged a military confrontation with the Stormont regime, others suggested federal unification, or some new confederal arrangement. Despite a few vague references in his submissions to the three Taoisigh about what he called the 'natural' unity of Ireland, none of these schemes really appealed to Moynihan. His aversion can partly be explained by the fact that he developed a somewhat exaggerated, even paranoid sense of the frailty of the *southern* polity itself since the twenties. This was consistent with his experiences however. He had seen the attempt by the anti-Treaty paramilitaries, Irishmen one and all, to destroy the Free State from the inside during the civil war between 1922 and 1923. He would never forget that emergency meeting of the cabinet that was convened on New Year's Day in 1940 after the IRA successfully raided the army's ammunition store, and made off with the entire stock.[64] And he knew better than many contemporaries that Irish neutrality during the Second World War might easily have ended in either a British invasion or a Nazi one, neither of which could have been stopped. After all this, he was not minded to experiment any further, and certainly not with the planters of Ulster. In his view, unification risked importing an aggrieved minority into whatever new polity would be created after the so-called abolition of the border. Even the most formally generous constitutional concessions that could be subsequently

imagined would be vitiated by the fact that despite everything, the citizens of that new polity would lack the most important thing of all, namely "the desire to live together."[65]

Notes

[1] Ciarán Brady, *James Anthony Froude: An Intellectual Biography of a Victorian Prophet* (Oxford: Oxford University Press, 2013), 25.
[2] *Hansard*, 3rd ser [cclxxviii] cols. 1190-2 (26 Apr. 1883).
[3] Oliver MacDonagh, *O'Connell: The Life of Daniel O'Connell, 1775-1847* (London: Weidenfeld and Nicolson, 1991), 3.
[4] Breandán Ó hÉithir, 'Máirtín Ó Cadhain: An Pholaitíocht agus an Ghaeilge', in Liam MacAmhlaigh, Caoimhín MacGiolla Léith (eag.)*, Léachtaí Uí Chadhain: Mórchnuasach in Ómós do Mháirtín Ó Cadhain (1906-1970)* (Baile Átha Cliath: Cló Léann na Gaeilge, 2020), 9.
[5] Admirers of Jules Verne's classic could read about the adventures of '*Philéas Fogg*' in his translation of *Around the World in 80 Days* which was published in 1937 as *Cuaird an Domhain i gCeithre Fichid Lá* (Baile Átha Cliath: Oifig an tSoláthair, 1937). Ó Donnchadha also translated de Molière's love songs from *Le Bourgeois Gentilhomme* (1670) which were published in Máire Ní Shíthe, *An Geocach Duine Uasail: Dráma Cúig nGníomh* (Baile Átha Cliath: Ar na fhoillsiú do Mhuinntir Ó Fallamhain i gcomhar le hOifig an tSoláthair, 1930).
[6] Tadhg Ó Donnchadha, (aka 'Tórna'), (eag.), *Dánta Sheáin Uí Mhurchadha na Ráithíneach* (Baile Átha Cliath: Conradh na Gaeilge, 1907), xv. Younger poets felt oppressed by this mentality. See the criticism in Máirtín Ó Direáin, *Mórna agus Dánta Eile* (Baile Átha Cliath: Cló Morainn, 1957), 12.
[7] Seoirse Mac Tomáis (aka George Derwent Thomson), *An Blascaod a Bhí* (Má Nuad: An Sagart, 1977).
[8] Máire Mhac an tSaoi quoted in Conor Cruise O'Brien, *To Katanga and Back: A U.N. Case History* (London: Hutchinson, 1962), 309.
[9] James Anthony Froude, 'A Fortnight in Kerry' in idem, *Short Studies on Great Subjects* (London: Longmans, Green & Co, 1871), vol. ii, 378.
[10] Maurice senior once tried to recruit a police informer in the 1890s, promising "that he could make a man of him." Tom Garvin, *The Evolution of Irish Nationalist Politics* (Dublin: Gill and Macmillan, 1981), 75.
[11] Deirdre McMahon, 'Maurice Moynihan (1902-1999). Irish Civil Servant: An Appreciation' in *Studies* (Spring, 2000).
[12] *Re M (Children)* [2015] EWHC 1422 (Fam) per Munby P at par. [29]: "The Crown…has a protective responsibility for its subjects wherever they may be, whether in this country or abroad. The correlative of this, as…Casement…ultimately discovered to [his] cost, is the subject's duty of allegiance to the Crown wherever he may be, whether in this country or abroad: see *The King v Casement* [1917] 1 KB 98."
[13] Karl Marx, 'The Eighteenth Brumaire of Louis Bonaparte' in D. Fernbach (ed.), *Karl Marx: The Political Writings* (London and New York: Verso, 2019), 495.

[14] *Killarney Echo* and *South Kerry Chronicle*, 8th June 1918. Michael's lively correspondence with his brother John was later published. D. MacMahon (ed.), *Their New Ireland: The Moynihan Brothers in Peace and War* (Dublin: Irish Academic Press, 2003).
[15] Popular patriotic fiction of that era traded on unflattering portraits of ex-soldiers, an important theme in the work of Daniel Corkery especially. See, for example, his collection, *The Stormy Hills* (London: Catholic Book Club, 1929) which described one veteran as "brazen-eyed, straight-lipped, withered-skinned, impudent, and with a reckless way of striding along." At 129.
[16] Kevin Myers, *Ireland's Great War* (Dublin: Lilliput Press, 2015).
[17] Tony Judt, *The Burden of Responsibility: Blum, Camus, Aaron and the French Twentieth Century* (Chicago & London: Chicago University Press, 1998), 121.
[18] Wilfred Owen writing to Osbert Sitwell in July 1918, quoted in Paul Fussell, *The Great War and Modern Memory* (Oxford: Oxford University Press, 1975), 119.
[19] James Joyce, *Ulysses* (New York: Dover Publications Edition, 2009), 569. Dudley Edwards' father-in-law had also been a soldier in the Great War.
[20] Mary E. Daly, 'The State in Independent Ireland', in Charles Townshend *et al* (eds.), *The State: Historical and Political Dimensions* (London and New York: Routledge, 1999), 77.
[21] Seán O'Faoláin, *Vive Moi!* (London: Sinclair-Stevenson, 1993), 124.
[22] Gerard Murphy, *The Year of Disappearances: Political Killings in Cork, 1921-1922* (Dublin: Gill and Macmillan, 2010).
[23] *The Evening Echo*, 19th Feb. 1921. "At about 7.30pm last night, a gate porter at the Union Hospital, South Douglas Road, answered a knock and was confronted by about a half-dozen armed men with their caps pulled low over their eyes. They told a wardman to show them to St Francis's Ward and so began a strange procession through the hospital. When they reached the ward, they ordered Michael Walsh to get out of bed and get dressed. Walsh, a builder's labourer of 8, Arch's Lane, off Blarney Street, aged about 40, was ex-army and had fought in the Boer War. Once through the back gate and off the premises, he was shot six times, in the head, neck, chest and abdomen. A card hung around his neck bore the words 'Caught at last. Spies and Informers- Beware. I.R.A.'" This anticipated the subsequent attitude of the Japanese towards hospitals during the Second World War. "The Alexandra Hospital at Singapore, Malaya, was captured by the Japanese forces on 13th February 1942. The Japanese troops went through the first floor of the hospital and bayoneted everyone on that floor." See *International Military Tribunal for the Far East, Judgment of 12th November 1948*, in John Pritchard and Sonia M. Zaide (eds.), *The Tokyo War Crimes Trial*, Vol. 22 (New York: Garland Publications, 1981) at §49,639.
[24] Micheál Martin, *The Freedom to Choose: Cork and Party Politics in Ireland, 1918-1932* (Cork: Collins Press, 2009), 23.
[25] Eunan O'Halpin and Daithí Ó Corráin, *The Dead of the Irish Revolution* (London and New Haven, CT: Yale University Press, 2020).
[26] Michael Lewis, 'When Irish Eyes Are Crying', *Vanity Fair*, 1st Mar. 2011. "The former Anglo-Irish executives I interviewed (off the record, as they are all in hiding) speak of their older, more respectable imitators with a kind of amazement. 'Yes, we