

Living Within the Margins: The Constitutional Culture of Irish Life, Law, and Literature

By

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Abstract

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Serving as a stepping stone to asserting independence from British authority and oppression, the Bunreacht Na hÉireann, Ireland's modern constitution, allowed the nation and its people finally to shape themselves by their own legal standards, customs, and norms. Yet, after years of oppression from forced British standards, Ireland began the search for its own distinct voice as a newly liberated, competitive country. This thesis explores how the Irish Constitution contributes to shaping a homogenous society that promotes normative views and behaviors that damagingly marginalize minority groups—who differ from such social standards. By examining the specific language, diction, order and structure of the redrafted 1937 version of the Irish Constitution, this project conducts a comparative study of law and literature that illustrates exactly how the words and structures (or lack-thereof) within the Bunreacht Na hÉireann juxtapose the major marginalized communities they govern, which include Irish Travellers, women, immigrants, emigrants, and the disabled. By taking this constitutional analysis and setting it in dialogue with the social and legal themes explored within the imaginative literature of Donal Ryan—particularly within his novels *The Spinning Heart* (2012), *The Thing About December* (2013), *A Slanting of the Sun* (2015), and *All We Shall Know* (2016)—as well as the legal theories of Robert Cover, Ireland's case law, and the country's current journalism, I unveil the significant degree to which the language of certain provisions under the Irish Constitution—mainly those concerning fundamental and personal rights—anthropologically and sociologically

shape the way in which contemporary Irish society functions. Explicitly or tacitly, the Bunreacht Na hÉireann, through its interpretations by the government, courts, and modern Irish society, promotes a dated sense of “Irishness,” one mainly dominated by the early values of the 1900s placed upon white, Irish-born, Catholic males and families, that in turn isolate people of heterogeneous cultures regardless of whether they are Irish or non-Irish, citizens or foreigners. By constitutional default, those that fail to fit the idealized Irish mold are stigmatized as liminal others or as outsiders at the margins of Irish society. Centered around the constitutional themes of citizenship, education, and religion, the project at hand discusses and questions the social and legal permissibility, as well as the consequences, of stifling the voices and rights of minority groups who have now taken on the role of the once colonized Irish. This thesis not only acknowledges Ireland’s marginalized populations but also creates a better understanding of the residual effects of colonization that the Bunreacht Na hÉireann aims to eschew but, paradoxically, promotes in the present because of its current linguistic construction.

Introduction

Although never having met in person, both Oscar Wilde and Albert Einstein ironically share similar sentiments concerning the platforms of nationalism and patriotism that habitually drive the progress of a country; accordingly, Einstein notes that “Nationalism . . . is the measles of mankind,” which is an idea Wilde reiterates when proclaiming that “Patriotism is the virtue of the vicious” (*Patriotism* 16, Wilde 144). What both writers point out is that both nationalism and patriotism are all too often revolutionary words within our vocabulary that mask the damaging acts of oppression, marginalization, and discrimination that destroy the deeper integrity and productivity of a society and even a country. This disease of nationalism, of a blind devotion one has for his or her nation’s social norms and state-implemented standards and values—drive a personal pride—a patriotism—that has the potential to urge a country to ruthlessly seek community and unity through a homogenous image of its national social body rather than a heterogeneous one. In Ireland, Wilde’s home nation, nationalism and patriotism have grown¹ to dangerous degrees as the race for an ideal Irish society, one fully supported by the 1937 Irish Constitution—entitled the *Bunreacht Na hÉireann*—only perpetuates the minority groups of the modern State to be further driven toward the margins of society and law. By exploring the historical context of Ireland’s normative image, this interdisciplinary thesis better reveals the psychological, social, anthropological, and legal manners in which fundamental inequalities, paralleling those of the nation’s colonial past, continue to linguistically and thus physically structure contemporary Irish life. Thus, as will be stressed by Donal Ryan’s literature, the words of imaginary communities

¹ Here, the need for a nationalist Irish image arose after the nation declared its independence from Britain authority in 1922. To combat colonial oppression, Ireland took on the task of exalting its own, self-instituted image that made itself distinct from the past image they held (Pre-1922) that was associated with British implemented standards, norms, and customs.

become the key components that allow a nation to reconsider, reshape and recreate both its legal standards and communal values to thwart the current acts of oppression and marginalization.

Historically, what first generated the need to establish a national and cohesive 'Irish' identity was Ireland's liberation from the domineering colonial powers of the British Empire. Oppression, loss, brutality, death: these are only a few of the hardships that the colonized people of Ireland faced by the forceful hands of Britain pre-1922. During these colonial times less than a century ago, the Celtic roots of an Irish identity and voice were silenced by the enforced British reign that utilized physical force to implement non-native ideals.² By the turn of the 16th century, the once predominately spoken Gaelic language was largely replaced by English, while other British customs of dress, law, religion, politics, and behavior replaced those of the Celtic culture and decreed these original norms as inferior to the enforceable British ones. Fueling the nostalgic desire to reclaim its lost past, Ireland was eventually provoked by "the need for a revolution" to break its sullen silence, as "colonial exploitation [and] poverty drive the native more and more to open, organized revolt" (Bennet & Royale 248; Fanon 1441). Irish history attests to such retaliatory violence as the colonized Celts, labeled as inferior by the larger global power of the British Empire, eventually won the fight against British subjugation and accordingly attempted to regain their original rights, identities, cultures, and lives that were stifled when Ireland became bombarded by British oppressors.

Nevertheless, in both overt and clandestine ways, the aftermath of colonial oppression problematically continues to linger in Ireland politically, psychologically, and socially as the country continues the crusade to fight off the past and the inevitable effects and memories that

² Ireland was one of the first regions to be colonized by the British Empire but it certainly was not its last. Additional countries, such as Africa, North America, India, and the Philippines also encountered British control and colonization.

stem from colonization. The task of fully reclaiming a country's initial culture and way of life post colonization is one that Ireland proves as not only difficult, but nearly impossible. Thus, the people of Ireland who had survived the war for independence established first the goal of "reclaim[ing] their own past" and regaining the Irish voice that the British Empire had muted (Barry 186). Free of British reign, Ireland charged full force towards progress and aimed to "erode the colonist ideology" that once quelled and devalued the original Celtic culture and life styles that persisted before the invasion (186). After driving off the imperialist Empire's intrusive influences, Ireland aimed its progress towards "the re-establishment of the nation" (Fanon 1445). However, Frantz Fanon, a colonial survivor and theorist³ himself, makes the grim realization that "the struggle for freedom does not give back to the national culture its former values and shapes; this struggle which aims at a fundamentally different set of relations between men cannot leave intact either the form or the content of the people's culture" (1445). Although the Irish people fought back and thwarted the oppressive presence of colonialism, these once colonized people can never and will never be able to fully rid themselves of the influences implemented and left behind by the British colonizer.

To a certain degree, Ireland will always remain colonized psychologically and socially, as elements of its colonizer's own ideology, such as the English language or the idea of contriving binary roles of inferiority and superiority based upon race, continue to linger. These remnants of British-based culture are subconsciously ingrained within the mindsets and accustomed norms that Ireland furnishes today via the social and legal discriminations/racisms towards immigrants

³ Having grown up under the French dominated colony of Martinique (a Caribbean island), Frantz Fanon understood the psychological plague of hostility and fear that colonization created. In solidarity with marginalized minorities, Fanon was part of the Algerian National Liberation Front (NLF) that advocated for Algerian independence from colonizer France. For additional information on Frantz Fanon and his theories that focus on the necessity of violence to rid one's self from colonial oppression, a strong suggestion would be to read and ponder over his book *The Wretched of the Earth* (1961). Here, his views on revolutionaries and rebels and the effects of colonization on a society are explained more in depth.

of various ethnicities, women of all origins, Irish Travellers ironically, and even emigrants who leave or rather choose to ‘abandon’ Ireland.⁴ No longer the minority, the majority of Ireland—white, Catholic, married, heterosexual, property-owning and proud Irish males—took charge in 1922 and again in 1937 to establish a national constitution. Today, the Bunreacht Na hÉireann continues to reflect this image of “Irish-ness,” attempting to reclaim the Irish power once lost, even if it means consequentially taking away power—marginalizing—minority groups in the process analogous to the ways in which the British had once done onto the Irish themselves.

Arising from the aftermath of colonialism, Ireland struggled to completely cast off the ideologies established by the British. Attempting to beat back the harsh reality that part of its national image thus far ascended from centuries of colonialist influences, Ireland’s first step after independence was to contrive a nineteenth-century nationalistic image of “Irish-ness” in which to combat any ties to a “British” image/identity. As critical race theorist Bryan Fanning points out, the upsurge of an Irish cultural nationalism was in part driven by the reclamation of the ideal image of the ‘Irish Celt’ put forth by the *Gaelic Annual*⁵ (1907-8), which entailed the “ideal type [was one] who was pure of race [a family completely born within Ireland pre-colonialism], loved his or her religion and country and was, above all, Catholic” (Fanning, *Racism*, 9). Yet, with the emergence of new generations over time, this Irish image became less stringently adhered to, especially after economic prosperity during the Celtic Tiger period (1995 - 2008) globalized

⁴ This is not to say that colonialism is allotted the full blame for Ireland’s current inequalities, as structures of inequality within Ireland are likely to have existed pre-colonization. Yet, these pre-existing inequalities among various groups of people within Irish society were certainly augmented post-colonization, as Ireland’s quest to demarcate a distinct difference between British people/norms and Irish people/norms inherently generated the problematic issue of defining and differentiating people based upon race and ethnicity—which is a critical issue that targets marginalized minority groups among Ireland today.

⁵ According to the *Gaelic Annual*, the following constructed the ideal Irish image: “The Irish Celt is distinguished among the races for height and strength, manly vigour and womanly grace: despite wars in domestic disabilities, the stamina of the race has survived in almost pristine perfection. The ideal Gael is a matchless athlete, sober, pure-in-mind, speech and deed, self-possessed, self-reliant, self-respecting, loving his religion and his country with a deep and restless love, earnest in thought and effective in action” (Fanning, *Racism*, 9).

Ireland as a world player. Thus, by expanding from its local borders, Ireland and the generations stemming from the Celtic Tiger era and beyond began to open themselves to the multiculturalism of the interactive world surrounding them. The younger generations grew up “more open to influences emanating from without, such as from global sport, music, and culture” (Tovey and Share 281). However, as this thesis will reveal, Ireland could not and has not thus far fully given up on its nationalistic image of Irish-ness, even with the cultural shifts among the nation’s younger generations.

Rather, than embracing the full history of famine, emigration, and colonialism that attested to the endurance of the nation and built upon the image, Ireland aimed to reject these portions of the past and quickly began to commoditize and stereotype its own Irish image and identity; thus, the nation began to target global consumerism by esteeming the picturesque scenery of lush green fields and thatch work cottages that rest along countryside roads, the upbeat choruses of traditional Gaelic music that flow out of pub windows, and the collective images of Irish flags and dazzling green shamrocks that line store window displays. Although the strength of personal adherence to the Celtic image was waning, Ireland was certainly not ready to drop this exterior Irish identity that remained a communally connective and lucrative image all together. Thus, this “national pride,” this ongoing Irish patriotism that has not easily been shed, both inadvertently and inescapably continues to “[emphasize] the superiority of the Irish and the inferiority of the non-Irish (Fanning, *Racism*, 9). Conducted in 2011, a survey carried out in the city of Dublin depicted that younger generations of Irish citizens had increased levels of respect toward multiculturalism; yet, over a third of respondents who valued multiculturalism discredited the notion of Irish school systems teaching any other cultures aside from those originally of

Ireland (Tovey and Share 281). Although mindsets are slowly starting to change throughout Irish society, practices embodying these new acceptances prove significantly slower.

Overall, the formation of an inherently Irish identity and nationalism that is by nature seen as different than those of people from other cultures, especially the British, is a dangerous mindset for a country as it in theory promotes identity and race akin to the ways in which the idea of Social Darwinism promotes innate superiorities deriving mainly from birth. Therefore, the damaging idea arises that the pure-Irish are only those lucky enough to be born into such a 'race,' as nature is deemed to have granted them this upper-leg on superiority over those who are not born into the idealized Irish family/social structure. Therefore, the idea of 'race' in itself is a problematic social construct in general, as it denotes specific categories of people who either have or do not have the biologically transmitted and shared traits that society considers to be socially significant (Macionis & Plumber 330). Limited in its inclusiveness, the Irish identity, one driven by the damaging characteristic of nationalism and patriotism that both Wilde and Einstein warned us about, is the premise that continues to bolster the foundations, structures, and instructions of Irish society and law.

Serving as one of the first major steps that globally asserted Ireland's independence from Great Britain's tyrannical authority, the Bunreacht Na hÉireann, Ireland's Constitution and paramount set of legal codes, allowed Ireland and its people to solidify some permanency to the Irish image in which they used to shape themselves and their own legal standards, customs, and norms. Yet, as thus far determined, the fact that a Catholic Irish, patriarchal-powered race is what the Constitution is founded upon and promotes has become one of the most damaging factors that hinder unity among Ireland's society and has in turn led to the marginalization of many minority groups –such as Travellers, immigrants, emigrants, non-Catholics, the disabled,

and women. Excluded and oppressed for being outside the normative scope of the desired Irish image, each of these marginal groups are further pushed towards poverty, suppression, and inhumane treatments by the majoritarian of Irish laws and government. Today, the Irish Constitution is unable to keep up with a progressive Irish identity, as the written law principally still holds onto the socially designed values of the 1930s, which in turn create a conflicting image of outdated values and present desires. As a result, those who value the movement towards more inclusion and a more heterogeneous society, one away from the archaic and destructive standards of Irish homogeneity, are both suppressed and casted to live on the outskirts of mainstream, urban society.

The following project explores how the Irish Constitution currently shapes a society of normative views and behaviors that are rigid enough to marginalize minority groups unable to attain or fit into the ascribed characteristics of Irishness. By analyzing the specific language, diction, word order and ideological structure within the redrafted, 1937 version of Ireland's most recent constitution, this thesis conducts a comparative study that illustrates exactly how outdated norms/ideals correspond to overly specific and overly vague (or even the overall lack of) constitutional terminology utilized that promotes the continuous suppression of various marginalized groups among Ireland. By nature of the Catholic, native-Irish, property-owning, male-driven clauses that line the Bunreacht Na hÉireann, old discriminations and prejudices favoring a homogenous Irish society only hinder the true progression of a culturally, legally, and socially budding and expanding State. With this constitutional analysis, I reflect upon social and legal themes that are pervasive within the fictional literature of Donal Ryan, which include his novels *The Spinning Heart* (2012), *The Thing About December* (2013), *A Slanting of the Sun* (2015), and *All We Shall Know* (2016). Overall, each of Ryan's novels aid in pinpointing the

shared dialogue between imaginary Irish communities and modern Irish society which together generate a recognition toward the silenced voices of minorities and call into action the need of a constitutional, and in turn social, reformation for Ireland. Although Ryan's literary works are fictional, they touch upon the truths behind very current social issues and movements concerning immigration, the institutions of education, and the rights of women.

Additionally, the legal theories originating out of Robert Cover's piece, "Nomos and Narrative," exemplify how communities create overarching narratives through the laws and legal texts they interpret. As per Cover, all people live within a "normative universe" where common and long-held behaviors and beliefs—norms—influence a community's construction and interpretation of law; thus, "law becomes not merely a system of rules to be observed, but a world in which we live" (5). In this case, Ireland's supreme laws centered upon the norms of "Irishness" perpetuate not a passive identity, but rather an active one that praises and promotes a specific image that endorses rights for those who are Irish-born, Catholic citizens over those who stray from these Irish ideals. By refusing to adhere to the *nomos*, or normative communal standards, that are set forth by law and driven by the majoritarian who deem these laws as "obvious at once and to all," minority groups sequentially become more marginalized as society deems them to be destructors of the "community commitment(s)" (Cover 14, 28). As is the case for Ireland, these constitutional and communal commitments to Irish homogeneity lead the nation down a path of exclusivity, ethnocentrism, and jurispathy⁶—where law damages populations of people rather than protects them. I shed light on the current jurispathic tendencies of Irish law and society by sectioning them into three categories/chapters—Citizenship, Education, and

⁶ Jurispathy is a term used throughout Cover's article that is used to express law when it is in a destructive form that causes oppression and the loss of legal rights. Jurispathic types of law can also signify the enactment of a new law that negates and replaces a prior law

Religion. Here, Ryan's literature and the sufferings of minority groups prevailing in Ireland today express the need for an Irish *nomos* reconstructed that prompts social change through jurisgenative⁷ laws—new laws which instill positive legal changes that cease the minority suppressions that are presently commanded by the ongoing, normative-centered narrative between the Bunreacht Na hÉireann and Irish society.

Although the permanent words of the Bunreacht Na hÉireann serve as the foundation of everyday life in Ireland, there is much more to these black-lettered words that line the pristine pages of the Irish Constitution. A social analysis of this document reveals the power of words, the force of language. Indeed, we are accosted by words each day on a habitual basis. Although words may occur in different dialects, fonts, tones, decibels, and forms not a day goes by without their presence; thus, words—whether written, spoken, read, heard, or interpreted—are ubiquitous and, in many cases, defining in nature. Either rigid in their permanent presence, restrictive in their absolute absence, or malleable in their overall ambiguity, the ubiquity of words or lack thereof within the Constitution all aid in constructing and governing Ireland's normative communities. Likewise, these three classifications/states of words – either ambiguous, present, or absent—all signify the various degrees of power and oppression as to who is allotted and who is deprived of rights and constitutional protections.

As will thoroughly be revealed throughout the ensuing chapters, the position of words under the Bunreacht Na hÉireann juxtapose the position of those they cover or fail to cover. Thus, the vagueness of certain constitutional terms generates an uncertainty towards the position of rights and legal identities of people, such as Travellers or those who have a disability, who at

⁷ Likewise, jurisgenesis is another term of Cover's that highlights law in its constructive form, where legal rights and protections are created for a society or group. A law may also be both jurispactic and jurisgenative if it creates rights for one group while oppressing those of another—much like the current constitutional laws and provisions that will be visited and discussed throughout this thesis.

times fall under such terms in the sentiment and spirit of them, but who overall do not fall conventionally under the normative ideal/common definition that sets the limiting parameters of such terms. Hence, many find themselves marginalized in society and consequentially overlooked, caught as they are between various definitions of a single constitutional term that does not wholeheartedly define them. Therefore, the ambiguity of words such as “child” and “family,” words that may have multiple meanings dependent upon the perspective from which they stem, create a great amount of contention when society tries to define these constitutional terms under a single definition rather than allowing them to be fluid. Additionally, those who are never specifically mentioned within the constitution, such as Travellers, emigrants, and immigrants, find themselves indirectly marginalized to the outskirts of a society protected by unequivocal words and clauses within the Bunreacht Na hÉireann. The absence of words within the Constitution thus juxtaposes their desired invisibility by mainstream society. However, oppression can also take on a direct attack for those who are directly mentioned within constitutional provisions. Here, women are frequently mentioned within the plain language of Article 41; yet, the explicit words that designate what a woman is and should be—solely a home-bound mother—directly lead to the exploitation and suppression of what a woman is capable of being. Hence, these physical words take ownership over her physical being without any say of her own.

Evidently, this project underscores and elaborates upon the intricate relationship that arises between the sociological and cultural themes of Irish life and the roots they find among the language and themes of the nation’s Constitution. This relationship between words and the world possess a dual role, one that is either a negatively destructive dynamic that spurs conflict and oppression among social groups or one that is a positively constructive connection that generates

harmony and justice among people of all backgrounds. Throughout this body of work, the words that construct the imaginary communities and people stemming from the contemporary fictions of Donal Ryan not only represent, reflect, and question the standards set forth by the Bunreacht Na hÉireann, but also these fictional experiences establish an active dialogue that parallel the experiences of real marginalized groups living within Irish society. With paramount importance, the words of Ryan fire up the initial spark that ignites a conversation among the general public of Ireland and paves the way for a greater awareness of minority sufferings and the vast need for their social and legal reformation. Moreover, this project takes the next step forward for minority advocacy among Ireland by interweaving the constitutional, fictional, and actual narratives that currently circulate among the State. In turn, these narratives come together to reveal the ensuing argument: that words of any nature hold a momentous impact upon not only those they are directed towards, but also upon those that they exclude or obscure, which in turn determine the statuses and degrees of oppression when in reference to minority groups. Therefore, it is up to society and for humanity overall to invoke positive changes by daring to reword or redraft controversial terms that embody problematic standards and ideas.

Under this scheme, the first chapter contains an in-depth analysis that explores how vague constitutional terms disregard and oppress Irish Travellers and people with learning disabilities when it comes to the establishment of educational institutions under the powers of the Bunreacht Na hÉireann. Here, the vagueness behind the hermeneutics surrounding words such as “child” and “The Family” under Article 42 of the Irish Constitution consequentially contribute to the uncertain roles and statuses these two marginalized groups find themselves in not only among Irish educational institutions but also among Irish society overall. Set in pace with current events and trends towards discrimination within schools and the educational disadvantages

within rural communities, the words of Donal Ryan contribute to the dialogue on marginalization and the social factors and individual effects that ultimately are established via legal syntax and semantics. Drawing upon pathos and empathy towards those whom society and law overlook and exclude, the excerpts from Ryan's *A Slanting of the Sun* illustrate how individuals of the Traveller community are physically pushed towards living on the edges of urban society by government-established settlement sites backed by societal support. Stigmatized for their Traveller, minority roots and unable to fit the urban societal standards set by long-settled Irish (non-Traveller) families, Traveller families, especially children akin to Ryan's narrator, have continuously struggled to receive equal educational opportunities at qualities that match those of the predominantly urban-residing, white, Irish-Catholic families and their offspring. Similar to the ways in which Travellers are excluded from constitutional provisions and societal interpretations, *The Thing About December* highlights how people with learning disabilities are also surrounded by an atmosphere of oppression due to the vague terminology under educational provisions within Article 42 of the Bunreacht Na hÉireann. Here, the problematic hermeneutics behind the term "child," cause contention amid legal, societal, and individual interpretations of the word when defining the conditions of who does and who does not qualify for free primary education. Henceforth from their early 20th century origins, the constitutional words that comprise a multitude of meanings are fluid enough to stir interpretive issues that link to Ireland's societal disparities.

Additionally, the connections between linguistics and marginalization in Ireland are captured within the second chapter of this thesis, where the Bunreacht Na hÉireann and its strong affiliations with religion hinder the lives of women and suppress their individual rights to bodily integrity and self-determination. Under Article 41 of the Irish Constitution, the paramount

influence of the Catholic ethos sets forth direct, dated, and damaging words that both rigidly define the role of a woman and relegate her to a specific, and limited place within Irish society. Terms such as “home” “duties” and “mothers” constrain women to domestic roles both legally and socially that stem from ideals of the 1930s when the Constitution was redrafted. Directly defined within the Bunreacht Na hÉireann, women are in turn directly marginalized by legal terms that solidify past Catholic ideals that embody the potential of women as merely that of mothers, housewives, or nuns. Currently within Ireland, many women have taken up a progressive mindset, aiming to surpass these restrictive stereotypes to take on new, competitive roles that include earning an income, remaining unmarried, striving for independence, and/or mixing the gender norms tied to family obligations while shattering the domestic image dependent on traditional motherhood.

In the wake of movements favoring the advocacy for the equal rights and opportunities of women in Irish society and the repeal of the 8th Amendment on abortion, Donal Ryan’s novel *All We Shall Know* hones in on the daily struggles that occur internally and externally for Irish women who desire progression and self-choice within a society governed by laws that do not provide such liberties to their full capacity. Epitomizing the woman suppressed by Catholicism and its influences upon law and society, Melody Shee, a teacher who finds herself pregnant out of wedlock, is forced to endure societal judgments towards her out-of-the-norm pregnancy. Melody’s situation not only breaks the Catholic standards of a conventional marriage and the value on the nuclear family structure, but also her personal pregnancy legally binds her to a fate of motherhood decided by that of the constitution rather than a decision of her own. Juxtaposing Melody’s fictional predicament to the real dilemmas confronted by Irish women who currently carry an unwanted pregnancy or have been shamefully forced to travel abroad for an abortion,

this chapter intertwines the two narratives to emphasize the problematic narrative of the Bunreacht Na hÉireann and its Catholic ethos that promotes debasing diction towards women.

Likewise, the issues of Irish ideology and the values set forth by social translations springing de facto of troublesome legal terms and judicial interpretations of the Bunreacht Na hÉireann arises in the third and final chapter, where marginalization is coupled with controversial standards of citizenship. Opening its borders as a globalized economic player during the Celtic Tiger era, Ireland remains resistant to fully expanding its borders and mindset towards a globalized society. A key factor contributing to such opposition is largely due to the overall Irish image that the Constitution aims to preserve—one that drives the values of customary Irish families and a standardized urban, Irish-centered education illuminated within the first chapter along with the continuing Catholic ethos discussed throughout the second chapter. Therefore, this third chapter depicts how the building tensions within Ireland that create an “us-versus-them” dichotomy—a division between the members of the majority and the multitude of minorities within Irish society—eventually manifest to a degree in which words and acts of marginalization are projected upon those who are physically outsiders at one point or another to the Irish community. The final chapter begins by recapitulating the burdens of the Irish Travellers; yet, a new stress is formed on their inability to fit the overall Irish image set in stone by the Irish Constitution, which in turn drives their absence of acknowledgment among Irish history and therefore society. Focusing on the short story “Trouble” from *A Slanting of the Sun*, Ryan’s depiction of Travellers and the lack of definitive recognition towards their rights as citizens builds upon the reality of Travellers who are forcedly pushed—physically, mentally, and legally—towards the margins of Irish society to the eventual point where their presence and consideration become cloaked by a veil of invisibility.

Instrumental in building the initial tensions that brew internally within Ireland, the animosity towards Travellers quickly expands and is projected upon other people, primarily those associated as outsiders to Ireland, who do not adhere to the constitutional culture of Irish norms simply due to origin of birth or residential location. Thus, the characters Ryan gives voice to within *The Spinning Heart*, such as Vasya an undocumented Khakassian refugee who immigrated to Ireland, as well as within *A Slanting of the Sun* to the Irish parents who recount the recent loss of a son who emigrated and died in Australia, each reveal in one form or another a degree of silence forced upon those who are physically born outside of Ireland or who opt to live outside the nation for an extended time despite citizenship. Moreover, the constitutional parameters and interpretations of citizenship equate to the ideal Irish image that begins and ends within the interior of Ireland. Conceptually, then, non-citizens immigrating to Ireland and citizens emigrating from Ireland are defiant to the nationalistic norm of permanent Irish roots/identity and therefore serve as two additional minority groups that are absent within the words of the Bunreacht Na hÉireann and that both consequently become absent of a recognized voice within Irish society.

To a substantial extent, the circulating words and ideologies among Irish law, society, and literature significantly impact, either beneficially or harmfully, the furthering of legal, social, and cultural changes and progressions for Ireland. Thus, I draw upon the ways in which Ireland continues to struggle with both promoting and fighting against a society that normatively and legally finds acceptable ways to suppress the voices and rights of people that draw upon the nation's greatest fear of losing the Irish identity—a fear that is detrimentally connected to the liberation of colonialism and the free State. Unlike most comparative pieces on law, society, and literature, this project brings in a multitude of perspectives that are anthropologically,

sociologically, historically, literarily, theoretically, and legally based. Only by exploring a variety of perspectives can we ultimately learn to value and understand the variety of people and their diverse views, ideals, and cultures that intertwine with one another to construct a well-functioning, harmonious society—a society where we are all one biological species, one human race that refrains from the current trend towards socially constructed hierarchies of racialization. Evidently, this societal and literary study of the Bunreacht Na hÉireann establishes the intricate relationships formed between language and life—words and the world.

Chapter I:

Constitutional Conundrums Centered on Education

A well-rounded education is one of the most essential components that allow for social mobility within Irish society. Entering the twenty-first century, secondary schools across the globe witnessed an increase in enrollment by 180 per cent, while enrollment levels quadrupled internationally for tertiary-level education (Clancy 101). There are many different forms of education, from formal educational institutions of schooling (public, private, or home schooling) to the informal educational lessons they bolster in terms of learned social-behaviors, such as simple etiquette practices and the expectations of normalized human interactions. Notably, education opens the doors to global, social, and individual understandings, communications, and advancements as people are invigorated to appreciate and question the immense world around them. Thus, the topic of education holds paramount importance and is indeed safeguarded by the Bunreacht Na hÉireann.

However, what happens when people, especially among minority groups such as Irish Travellers and individuals with disabilities, are left behind and excluded by educational statutes and institutions because of vague constitutional linguistics and overly broad terminology? The voices of these individuals altogether are suppressed and the social groups that they belong to are further marginalized; thus, lacking an education is one of the most intellectually, socially, and financially limiting factors for an Irish citizen. The denial of a formal education at the primary level is in itself egregiously unconstitutional under Article 42. Yet, even with the Constitutional mandate that ensures such free primary education is available and received by each child under the State, the reality is that such a clause still excludes select people based upon arbitrary age restrictions. In addition, Article 42 does not ensure that the primary education provided for every

child of the State is of equal quality, which in turn leads to variances in educational resources and values due to location. On average, the quality of education is better for those residing in communities with a secure socioeconomic demographic than it is for those with familial roots and residency among areas that are rural and socioeconomically depressed.

In this chapter, I explore the various, significantly problematic ways in which the vague constitutional linguistics centered around education in Ireland exclude, limit, and hinder people from social/career mobility and deny marginalized people of critical rights. Paralleling the ambiguity of constitutional terms, the marginalized groups not included under their definitions in turn come find themselves living under the ambiguous conditions of uncertain social statuses/places among society. Specifically, the focus is geared towards Article 18 (the election process of the Seanad and its implications/powers) and Article 41 (the right to free primary education for a child) of the Constitution. The structure of this chapter is to highlight the indirect and direct issues, respectively, that encompass the overall topic of education—who receives it and who doesn't, and how the access to education can benefit a population, whereas the absence of it can harm/limit the specified population that is excluded. Overall, the utilization of actual legal case studies within this chapter, as well as the various societal perspectives of those with disabilities and from impoverished, rural areas based on Donal Ryan's novels *A Slanting of the Sun* and *The Thing About December*, create a dialogue with both the Constitution and Irish society. Thus, the promotion of such a dynamic dialogue that pinpoints the challenges and uncertainties created by unclear constitutional wordings further promote society to acknowledge and discuss ways in which to clarify and resolve both minority and linguistic issues in Ireland.

Indirect Effects from Lacking Third-Level Education

Over the recent years, Seanad Éireann, the Senate portion of the Oireachtas, or legislative branch of the Republic of Ireland, has become a topic of public and political debate⁸ (Bunreacht na hÉireann 1937). There is a lingering sentiment within Ireland that the election process for the Seanad is one that is largely undemocratic and quite limited in an elitist fashion. Questioning the current role and value of the Seanad as a division of Ireland's government, a national referendum was conducted to allow citizens to cast their vote as whether or not to abolish the Seanad altogether. On 5 October 2013, with a national turnout of 39.2%, the people of Ireland submitted a total of 1.23 million valid votes (McGee & Carroll 2013). The final results: 51.7% of voters were against abolishing the Seanad, while the remaining 48.3% of voters voted in favor of its abolition. Thus, the Seanad still stands today, but only by a margin of 3.4% votes from the 2013 Referendum (RTE 2013). Even Ireland's Prime Minister, Taoiseach Enda Kenny stated to be "disappointed" over the failed referendum to scrap the Seanad but that he ultimately "respected and accepted" the desires of the people (McGee & Carroll 2013).

Overall, the results of the referendum depicted not only that a large percentage of the Irish population find the Seanad to be futile and unneeded, but also that a slightly larger portion of the population that still hold value in the Seanad. Since the vote, many organizations and individuals, such as the reformist Working Group, have purposed ways in which to restore and reform the Seanad in a way that will once again reinstate it as a legislative division with a purpose and a legitimate source of value among the entire State rather than just a small, less than

⁸ Habitual claims of the Seanad's (the Irish Senate's) inefficiency as a governmental branch also stem from the idea that they are over-powered by the House of Representatives, the Dáil Éireann, which is quite the reverse of power-structures in comparison to the legislative branch of the United States government, where the House is the less powerful of the two divisions. Thus, many believe the voices of the Seanad themselves are somewhat suppressed by the Dáil.

democratic entity of the State. Many desire for the presently weak and aimless nature of the Seanad⁹ to be reinvented and strengthened via a reformation of its electoral system and its current use of vocational representation, in which a broader range of people of various socioeconomic backgrounds are granted a greater say within their government. By allowing the Senate to gain adequate powers and functions in favor of expanding the voices of minority groups a more democratic voting method must be established. By avoiding voting rights that are based off the current constitutional conditions of having completed a third-level of education (college or above), a better representational foundation would form for minorities who struggle as it is to afford and receive third level degrees and who continuously struggle to have a voice heard among governmental powers. Typically, the most common group of Irish citizens to lack third-level, and even second-level education for that matter is that of the Irish Travellers (Gmelch 77). In 2006, a shocking 63.2 per cent of Traveller children under the age of fifteen left before completing primary school, and only eight percent of the entire Traveller population this year went on to participate in institutions of higher education (secondary or tertiary schools) (Pavee Point 2010). Later in this chapter, Ryan's work underscores the educational struggles the Traveller community faces, which in turn sets it up for almost automatically for inadequate representation among the education-dependent democracy set forth by the Irish Constitution's voting procedures for seats of the Seanad.

Historically, the creation of such a "democratic" governmental branch that held the power to aid in establishing Irish laws gave a sense of comfort and power to the Irish people who prior were suppressed, powerless, and voiceless under the imperial reign of the British

⁹ A historically debated part of the Oireachtas from its original origins in 1922, to de Valera's re-established version under the 1937 Constitution, the Seanad remains a branch of government that is often questioned in terms of its true value for the Irish people.

monarchy. The original Senate of 1922¹⁰ aimed to provide sufficient representation for the minority group of the Southern Unionist during the negotiations of the Anglo-Irish Treaty. Overall, the Free State Senate was an initial step of upholding governmental goals that promoted both democracy and minority interests—goals that would do well to be reinstated for the current Seanad among other Irish institutions as well, such as education and law.

At this stage¹¹, the Senate was mainly free of political parties and the homogenous influences they tend to promote; thus, the Seanad was also free of party whips—political party officials who set Senate agendas and maintained parliamentary discipline among party members to ensure attendance and votes (Quinn et. al 2012). Yet, as political parties began to rise the existing Senate began to divide in vehement discordance as each party competed for dominance. Soon the Seanad began to lose sight of their original goals of democratically representing the people of Ireland as a whole; in turn the voices of minority groups were stifled as these political parties turned their focus towards the support of the majorities among Irish Society (Quinn et. al 2012). In 1932, the political party Fianna Fail stepped into the government realm and advocated for either down-grading or abolishing the Senate altogether¹² (Working Group 2015). Thus, what

¹⁰ The first version of the Seanad, at the time deemed the Irish Free State Senate, was created in 1922 along with the founding of the Irish Free State. The views towards government during the 1920s frequently focused on a need for a second chamber within the legislative branch; one with the power to draft, evaluate, and delay legislation. During this time, the Senate held the important role of being the “democratic check against over-hasty or autocratic government legislation” and would also “give parliamentary expression” to a greater range of views and expertise through a lower house of government (Working Group 2015). The Free State Senate was comprised of sixty members, some nominated by the President of the Executive Council while others were elected by various manners, such as directly by the Dáil or later by universal suffrage of citizens of thirty years of age or older (Quinn et. al 2012). Senate elections were not coterminous with those of the Dáil, as one fourth of the Senators were elected annually during three different intervals (Working Group 2015).

¹¹ Although legislation during the 1920s and into the early ‘30s rarely sprang from the Senate, the Seanad did have the role of amending and delaying statutes for up to a time span of nine months (later increased to 18 months). Thus, the Senate of this time took its role seriously and amended almost 40% of government issued legislation and rejected eight bills (Working Group 2015).

¹² After rejecting two major Bills by the Dáil, the government of 1934 proposed a Bill to annul the Senate, which was supported by the vote of the Dáil but was rejected by the Senate itself who delayed the annulment until it was enacted May of 1936 (Quinlivan 2015).

became evident was that one of the most active and diverse voices of government representing minorities was falling into severe decline and potentially even faced an inevitable end.

However, de Valera fought and won the battle of keeping the Seanad as part of the Irish government¹³. From its redesign under de Valera to today, the Seanad contains fewer members than the Dáil, which detracts from its legislative power. Additionally, the Dáil consists of 100 Teachtaí Dála (TDs)¹⁴ whereas the Seanad is composed of only 60 part-time Senators, an egregious indication of power imbalance in disfavor of the Seanad which typically consists of more minority party members than that of the Dáil (Ryan, 2008).

Additionally, vocational representation was a critical process introduced as a new method for the election of Senators to the Seanad. According to the Report of the Working Group on Seanad Reform (2015), “there were few if any examples of functioning vocational parliaments in democratic systems.” Even today, the reliance on a vocational panel is not a typical feature to a democratically based government due to its inherently undemocratic features when it comes to seats given outside a popular election. Members of the Seanad stem from three groups: 43/60 Senators are elected as representors for five defined vocational panels; 6/60 Senators elected by and to represent Irish universities; 11/60 Senators nominated by the Taoiseach as set out by Articles 18.1 & 18.3¹⁵ (Russell 1999; Bunreacht Na hÉireann 1937). Such panels include, the National Language and Culture, Literature, Art, and Education (5 members); Agriculture and

¹³ Despite his reluctance to retain the bi-cameral model during the drafting of Ireland’s new constitution of 1937 (Bunreacht Na hÉireann), de Valera along with Ireland’s government at the time decided to fully reinstate a new Second House, Seanad Éireann. Within Article 15 of Bunreacht na hÉireann (1937), the Oieachtas, which includes the Seanad, is a division of government that is explicitly outlined to hold its vital role of creating, annulling, and amending legislation. Here, de Valera redesigned the Seanad to be a subordinate branch to the Dáil and to moreover live in its shadow; if the Dáil were to fail inevitably so would the Seanad (Working Group 2015).

¹⁴ Governmental representatives that work for the legislative branch of the Irish Government; TDs are analogous to Senators and Congressmen that work for the legislative system of the United States Government.

¹⁵ Hence, the majority of Seanad members represent vocational panels that relate to distinct vocational groups whose number of elected member is defined by law.

Fisheries (11 members); Labour, Organized or Unorganized (11 members); Industry and Commerce (9 members); and Public Administration and Social Services (7 members)—all of which seem diverse, but are typically led by upper-class officials (Laver 2010).

The undemocratic nature stems from the fact that the electorate for these panels of the Seanad is not one of the general public, and neither is it vocationally based; rather, it encompasses members of the incoming Dáil, the outgoing Seanad, and county councillors—a basic form of ‘indirect election’ (Ryan 2008). Likewise, the modern introduction of a University Panel to the Seanad also fills six Senator seats, mainly without minority representation or participation. Three seats are elected by graduates only of Trinity College, and the other three by the National University of Ireland (Russell 1999). Thus, any of the “democratically” elected Seanad members are only really elected by a small portion of society who can economically afford the investment in pursuing college, which marginalizes those who cannot afford such higher education based upon socioeconomic status. Thus, those who do not go to college are denied a say in the electoral process of their own government in which they live under. Article 5 and Article 6 of the Bunreacht na hÉireann (1937) thus seem to be contradictory. According to Article 5, “Ireland is a sovereign, independent, democratic state” which would seem to imply that such a “democratic” state would be self-ruled, but by whom? Sequentially, Article 6.1 clarifies whom by stating that: “All powers of the government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate the rulers of the State and, in final appeal, to decide all questions of national policy...” (Bunreacht na hÉireann 1937). Hence, the power of democracy and over the government of Ireland is a power constitutionally stated to be derived from “the people.” These people are those who comprise the State of Ireland, whether

they be rich or poor, young or old, rural or urban, male or female, educated or not, Irish ancestry or other.

Yet, there are contentions within the Bunreacht Na hÉireann itself, as in the case of giving power to the Seanad/legislative branch via the right to vote, “the people” do not get a full say, and even for the small fraction of Senator seats they have a say for, only those who are relatively well-off socioeconomically and who can receive a college/university education have a say in government. Therefore, these voter discriminations and limitations under the requirements/restrictions listed under Article 18 point out that in fact, “the people” do not have a say in governmental powers and policies; rather, only ‘some people’ do. The idea of some people, not even a full majority are denied a right to vote for the Seanad alludes to the opposite of the idea of democracy and the “democratic State” designated under Article 5. Where is the equality, the fairness for every citizen/individual within Ireland to have a say as to how his or her country functions if only those graduated from specified, third-level educational institutions can have their voices heard? Thus, reforms can and should stretch the term “democracy” further to reach people that are currently underrepresented.

Breaking down exactly how the election process of the Seanad is problematic and undemocratic must be explored further. The first is that 54/60 Senators are either elected or appointed not by the general public. That in term means 90% of Seanad and its representation of the people is ironically not decided by the Irish people. The six remaining seats for the University Panel are undemocratically designated to a vote by only what the government has deemed as the elitist of society, or those who have graduated from a third level institution; not just any third level institution, but only from the two specifically mentioned—if not already a limiting factor for Travellers, the extra specification in regards to the type of third level school

seems to further marginalize their opportunity of representation to nothing but a fraction of a percentage. Why not allow graduates from any third-level institution to vote? What stands apart Trinity and NUI Colleges from the others? Overall, a large majority of the population and especially marginalized groups such as Travellers or people with disabilities who attend colleges with specialized programs that are not of the two constitutionally accredited, are excluded from voting during elections for Seanad members¹⁶ and are robbed of a voice among the government that governs them.

Within “Trouble,” a short story from Donal Ryan’s collection *A Slanting of the Sun* (2015), education is pointed out as being one of the most important, normative factors that grant social mobility and indicate a sense of societal significance among the Irish population. However, from the perspective of a Traveller, Ryan points out that education, especially to a third tier, is not always attainable for people of lower socio-economic status, which in turn becomes a factor that excludes groups such as Travellers from general society as their voices and needs are overpowered and curbed by the more powerful/influential voices of the elite. This suppression by the masses, especially the elite (well-off, educated, Irish citizens), occurs directly through one-on-one interactions between people of different backgrounds that are muddled by stereotypes and prejudices. Minority suppression also takes shape indirectly when rights, like voting for the Seanad, are granted to some and denied to others because they are unable to attain the required credentials established by well-off government members who at times fail to understand educational hardships and socioeconomic barriers when they themselves have never or rarely faced them. What is truly troubling, as insinuated by Ryan, is the power of society’s majority to use “words that [take one’s] sameness away” (39), not only by that hands of societal

¹⁶ Despite the undemocratic manner in which the University Panel is voted in, it is ironically the most democratic method out of all the panels and elected/appointed Senator positions.

prejudice but even more so by the legal/constitutional “words” and language of the Bunreacht na hÉireann that possess the problematic power of normalizing and essentially permitting prejudices to prevail in society. Intentionally and unintentionally, both spoken and written words overpower those who they are set against, which can be gleaned from Ryan’s fictional Ireland and reality.

The dichotomy between who is able to easily attain an education and who is unable to due to social, economic, and legal barriers takes precedent in the situation presented in “Trouble.” While waiting for her father in an office of a junk yard/car parts center, the narrator, an adolescent girl that is part of a local Traveller community, witnesses the desk worker mocking her father, who was denied a refund for a faulty part. Mocking his growing anger, the shop worker points to a sign and rhetorically asks “What says that?” (Ryan, *Slanting*, 35). Slowly, the narrator reads it out for her father, “Guarda...Traffic...Cropse” but is quickly corrected by a woman, Janey Mac, who is courteously seated by a worker as she waits in the office for her new car, which indicates that she hails from a well-off socioeconomic status. Here, the young Traveller struggles to understand why her reading was a mispronunciation of the word, and thus she questions, “What about the *p* and the *s*[?]” (35). Unintentionally displaying her educational background, Mac not only explains the grammatical reasoning that the *p* and *s* are silent, but also points out that historically, the word *corps* stems from a French origin and proceeds to define the term’s root meaning. The only response that the narrator has is “Oh” in combination with a blank set stare, an indication that although she is trying to process all the reasonings as to why the *p* and *s* are silent, she cannot comprehend the accepted rule that phonetically does not seem to make sense (35). Such evidence from the novel and the above discussion illuminate the fact that lacking a basic education at the primary level not only equates to lacking the ability to further one’s education at a secondary or third-level school (and thus limits voting rights) but also it

stints one's ability for social mobility as the educated have the upper-hand in society as knowledge is paired with wealth and respect.

Little tacit rules such as these are lessons that are ingrained in the minds of children early on from educational institutions. It is apparent that the narrator does not attend a State-led school, if she attends any primary school at all. This again is confirmed when the narrator notes her father listening in on the conversation pertaining to how to pronounce crops. Trying to make sense of it himself, the narrator notes that her father "nodded at her [Mac], to say thanks...for being so kind as to teach her [his daughter] something" (Ryan, *Slanting*, 35). Access to education is extremely limited for the Traveller community due to their rural settlement locations allotted by the government, the inability to afford school supplies and the transportation costs needed to physically arrive each day at school, and due in part to the racism members face by peers and those inside the school system (O'Brien, "Education," 1-3). Hence, integration is anything but easy for Traveller children who yearn for equal educational resources and opportunities that are enjoyed, and are even taken for granted at times, by urban Irish children and their families. Likewise, educational opportunities and access continue to steadily decrease over the years for Travellers within rural communities, as the budget and number of Visiting Teachers (teachers who directly visit and hold educational lessons at the settlement sites) continues to be cut (O'Brien 1).

Evidently, the Traveller father within "Trouble" is only able to teach his daughter hands on, "street" smarts rather than the type of education that stems from books and formal academia. Drawing on pathos, Ryan continues delving into the reality of low education levels for those of the Traveller community, as this group of people are typically ostracized by the people/society who runs and structures formal educational institutions. Due to high levels of discrimination

against Travellers, most are immediately deterred from freely joining into the educational system that mainly encompasses the majority. It is bad enough that they are treated as an inferior minority group sectioned off behind the walls of settlement sites that separate them from urban society. Thus, to be enclosed within an institutional setting, such as a school, that physically traps Travellers amid the discriminatory and hostile sentiments of the masses within the confines of the building's four walls seems to be an overly daunting form of oppression that deters Travellers from wanting to partake in educational institutions in the first place.

Receiving little to no formal education from the State, the narrator mentions that: "Daddy's mad for education for me, having had none of his own" (Ryan, *Slanting*, 35). It is not for lack of trying or for lack of desire, but rather for lack of inclusion that Travellers struggle to achieve the expected educational levels that society normalizes. Like any parent, this father, too, wants better for his child than what he was provided with growing up. Importantly, this comes to be education, as he fears seeing that yet again, another generation of Travellers is denied educational opportunities due to their unique community background/roots that society fails to accept. Thus, as society assumes Travellers to be uneducated long ago, their assumptions and expectations for Travellers to possess a lower level of education contributes to setting up this minority group for educational failure, as society forms the norm that for Travellers to want to be formally educated is out of the norm and unacceptable. Society itself creates almost an unsurmountable barrier for minority groups to strive for a formalized, state-funded education. (*find drop-out rates for those that can enter school). Hence, neither the father here nor his daughter are or will be able to democratically vote in elections such as that of the Seanad if a college degree continues to be the one prerequisite that makes a citizen qualified to vote. Therefore, socio-economic status problematically becomes the key to representation as voting for

government representatives is a right that fundamentally must be purchased by investing in a costly third-level educational degree, that is if one can first be able to obtain a primary and secondary degree prior. Education is indeed an investment for the long-term here, if not for one's future career path than even more so for one's essential voting rights which serve as a platform for their voice to be heard among Ireland's government and thus throughout society as well.

According to Richard Burton, Fine Gael's director of the Seanad Referendum election and the Upper House Minister for Jobs, "only 1% of the population elects the Seanad" (O'Regan 2013). On the streets of Dublin, Burton urged people to vote in favor of the Seanad's abolition, stating that "many politicians have six or seven votes in the Seanad, while the vast majority of the population have none" (O'Regan 2013). Similarly, if one had graduate degrees from both Trinity college and from NUI, than that person would also receive two votes during elections of the Seanad's University Panel. One way to ensure public interest in the role of the Seanad is to allow more people to vote. The Working Group (2015) over the past few years put forth a campaign calling for the reform of one person, one vote—allowing panels to contain votes from the general public rather than from only other sections of the government or only by those with tertiary education levels. Not only would this instill more democracy for minority groups, but also it would help them to become more involved within the overall community as well.

In order to make people of all socio-economic backgrounds an important part of Irish government, educational opportunities for minorities must be improved and education should not be employed as a limiting factor, especially for voting rights. The people who are unable to receive such an important degree of education need their voices heard the most in order to resolve this socially, economically, and personally limiting bind that wrongly denies them a legitimate role, equal respect, and an overall participation in and among society. A viable reform

plan stems from the advocacy of the Working Group (2015) which suggests eliminating the Taoiseach's 11 votes or abolishing votes by outgoing Dáil members as well to eliminate political party biases that currently, and problematically, blanket the views of minority groups in Ireland and stunts their representation, and thus their voices and ideas to be heard by Ireland overall. Thus, unless we are to reshape the Constitutional terms that vaguely and indirectly set out to thwart Traveller/minority participation both in educational and governmental systems, then the Traveller Community will continue to struggle in its quest for social and legal recognition and acceptance.

Direct Effects of Being Denied Primary Education

Although no two countries are exactly alike in their educational systems, whether institutional differences arise amid attitudes towards degrees of education, between types of cultural and intellectual curricula, or educational requirements, most countries—if not all—have some means of providing a source of education for the children of their nation. Both formal, academic institutions, such as state-endorsed or recognized public and private schools, and informal familial structures provide a multitude of ways for children and young adults to personally develop and mentally grow. In regards to the State of Ireland, primary, or rather elementary, education is one of the first stepping stones that a child and his or her parent(s) take towards fulfilling the State's mandatory educational standard. Under Article 42.3.2 of the Bunreacht Na hÉireann (1937), "as guardian of the common good," the State mandates "actual conditions" whereby "children receive a certain minimum education, moral, intellectual, and social (168). Here, the constitutional provision decreeing that the State will provide for and ensure a specific degree of education for children is both insurmountably important in its nature of intellectual promoting the growth of Irish society, and also is beautifully vague in its wording

of who exactly is entitled to such free educational opportunities; thus, a crucial constitutional right and its potential benefits are at times marred by its overly generalized terms and phrasings. Thus, Donal Ryan subtly explores the real-life issues that Ireland faces when it comes to the ways in which educational institutions are established and regarded through vague legal terms that consequentially drive the marginalization and vague status of people with learning disabilities within Irish society.

Take a moment to consider this typical scenario. In a classroom of thirty, fifteen students may understand the concept of adding two numbers together after the first and second example are demonstrated by the teacher, let us say twenty minutes into the class. Five students may understand addition after practicing their math assignments at home, perhaps five hours after the lecture. Five more may have the skill of how to find the sum of two numbers click for them as more lectures ensue, perhaps three days later; for three more students it takes a full week to grasp the concept. One more student just barely grasps the idea that you should get a larger number when you add twenty and five together, but the correct numerical result is hardly ever recorded on paper. Although a solid majority of this class may finally understand how to add two numbers together, what happens to the last one to two children out of the thirty that barely, or if not at all, understand the essence of addition—a skill that is the essential basis for most mathematical concepts, a requirement for jobs, critical for comprehending how a banking account works, and even more crucial for determining the five for ten apples sale at Aldi. What is the State's approach and attitude towards those students who may need more time to learn addition or any other subject that may pose to be a significant struggle? Characteristically, the response parallels, 'take your time, but once you turn 18, you're cut off!'

Within a country, a town, a primary school, a classroom – children individually learn what is taught to them at different speeds. Although this may appear to be an obvious observation, it is a fact of life that Ireland’s constitution and judicial system fail to fully grasp. Through his novel *The Thing About December*, Ryan interweaves a powerful narrative that captures a calamitous year in the life of a twenty-four-year-old man, Johnsey Cunliff, who is judged by his town as one of the most intellectually weakest members of society. Society as a whole fails to understand his mental impairments and the way he perceives life differently than most; rather than accepting his differences, society makes Johnsey acutely aware of his differences, differences that society labels as shameful shortcomings which fail to meet the rigid social expectations of the town’s men—well educated, family orientated, hard-working farmers or shop owners that are headstrong and boisterous with a careful balance of crassness and courtliness. Learning about life from his parents, school, and society, in a manner that is slower than most, Johnsey is constantly ridiculed by society; however, once these lessons sink in and morph into life-long bits of knowledge, he begins to make some of the harshest realizations of how cruel society can be and how negligent the law can be, so much so that it seems as if society, the majority, become law itself at times free of moral obligation or ethical reasoning.

Thus, early on and throughout the novel, Ryan depicts the desecration of Johnsey’s naively innocent, kind-hearted, and content mind and soul by society’s judgments and abuse that law enforcement turn a blind eye to. The main struggle presents itself as Johnsey versus society, even though both Johnsey and society clash with the constitution and law in their own separate fashions. Fiction versus non-fiction, the imaginary against reality, these binary oppositions and many others exist within the worlds we read about in books and the world that we see before us on a daily basis. Why is there such an extreme division between society and Johnsey, an extreme

division within fiction that parallels the real division between modern Irish society and those finding themselves within a similar situation to that of Johnsey's? One of the major setbacks we face every day is the contradiction of trying to see the world as a place filled with a collective body of people while embracing the "us-versus-them" binary that arises because no two people or places are the same. Of course, at the end of the day we are all people, made of flesh and bone, powered by a brain of both innate and learned knowledge and internalized sentiments; yet, we are each unique in our very own way, but it is easier to visually detect the physical differences between individuals rather than the internalized uniqueness. Gender, behavior, hair color, facial expressions, or things as trivial as height and shoe size are all distinctions that can set one person apart from another. As members of a society begin to group themselves based on what similarities most do share, they exclude those with overt differences that clash with the designated mark of similarity that unquestioningly establishes unity; hence, this is how the 'us-versus-them' binary and unequal power dynamic arises on a smaller scale¹⁷.

Adults and children alike normalize the abuse that society generates towards Johnsey and those with mental disabilities. Typically, adults offer him a few mocking quips and sneers like those of Packie Collins', his boss at the Co-Op, who calls him a "*liability*" (14) and encourages customers to mockingly salute and scoff at him, which ultimately lead people in town to call him "a retard" (Ryan, *Thing*, 25). Yet, normalized abuse towards him begins at a young age for Johnsey, as the violence directed at him in his rural school is normalized further by society's tolerance for it. Tormented by Eugene Penrose, a peer who ridicules him in front of classmates with names such as "Shittyarse Cunliff" (20) or beats him up on the bus and sets his jumper on

¹⁷ Thus, the larger proliferation of a more intense version of 'otherization' by one group of people over another stems from the establishment of defining one State's borders and its peoples' superiority over another during ancient times as well as the early years of colonialism/imperialism discussed earlier.

fire which only warrants a response of obnoxious laughter, hoots, and a mild warning of “go handy there” from an unconcerned bus driver along with silently ashamed peers who decide to be bystanders for their own social safety, Johnsey is left to helplessly fend for himself (21). The flashback and memory of this scene becomes a haunting foreshadowing and metaphorical representation of what Johnsey faces on a day to day basis as an adult, as he is forced to live in a society of active abusers—such as Penrose and others, lackadaisical law enforcers—who no longer serve as the vehicles for justice and constitutional rights as they take a hands-off approach for protecting individuals of the minority, and fearful bystanders who acknowledge the injustice towards Johnsey but have a hard time coming to terms with going against the grain of society and the rationale of majority-against-minority that they share with the abusers.

Oppressed at every turn and every corner, Johnsey fears the abuse he suffers from his peers at school and the lack of adult intervention; in turn, this fear further impedes upon his inability to learn, as his desires to achieve an education are inhibited not only by his struggle to keep the same learning pace of that of his classmates but also by his growing fears of physical, verbal, and emotional abuse from them. At an early age when childhood innocence prevailed, Johnsey had been friends with his peers; he recalls: “The worst thing was, they had all been great old pals as small boys...Then divisions started when...boys started to listen to what was being said at home and to look at each other differently” (Ryan, *Thing*, 36). However, as innocence was traded for education and a growing perception of the surrounding world and the prejudices held onto by the members of the majority, Johnsey is left out of these social groups and falls behind as his progress remains stagnant in comparison to his peers. “Sympathy doesn’t last forever” and just as society becomes critical towards one who cannot move on from a spouse’s death years later, society, too, becomes critical after casting sympathy towards him as a

helpless child and failing to tolerate him as an adult who unintentionally embodies the same helplessness due to his impairments that go undiagnosed and misunderstood (39). Society has used up its patience and sympathy towards Johnsey and has in turn grown frustrated with not being able to comprehend and come to terms with why he is the way he is, content with dependency and simplicity and always clashing with the repeating phrase “normal” in regards to the town’s expectations of what an ideal Irish male embodies (17). The idea of what is and what is not “normal” here makes one second-guess whether society’s idea of “normal” is at all a noteworthy image that should trump Johnsey himself as a person of value, especially if such “normal” people are capable of inhumane acts of violence and slander that a socially ‘abnormal’ man like Johnsey is incapable of doing let alone thinking about without a guilty conscious.

Through all the abuse and torment with less than ‘useful’ educational gains by society’s mark, (as Johnsey recalls that despite studying he “only got a D. D for dunce”) traditional public schooling has brought him no farther in life besides a job at a Co-Op stacking bags of cement and being ridiculed again and again, as if it were a seasonal cycle like the months of the year that come to organize the novel (125). This case begs the question: is it realistically plausible that Johnsey could be pushed through a public, State-funded primary educational institution if he struggled to grasp the material and struggled to keep up socially with his peers? The answer: Yes, a resounding and troubling yes.

The issues lie within the constitutional provisions included in Article 42 of the Bunreacht Na hÉireann (1937). Here, Article 42.1 points out that “the primary and natural educator of the child is the Family,” which is a statement that is quite true for Johnsey Cunliff, as his parents provide him with moral education at home and follow through with their duty of sending him to a formal school for intellectual education (Bunreacht Na hÉireann 166). Additionally, Article

42.2 highlights that “Parents shall be free to provide this education” whether by homeschooling, State, or private schools (168). The clause “to provide” implies that parents are directly responsible for ensuring that their child is educated to the correct standards established by the State, which includes set curriculum objectives and the established, compulsory age where one must receive an education up until 16 years of age before deciding to halt its pursuit.

Thus, real burdens are set upon parents for their children to receive an education, as the State’s role, designated by Article 42.4, creates the lesser responsibility that “[t]he State shall provide for free primary education.” Where parents must provide education *to* their children, the State must only provide the correct resources and requirements *for* such education to be attained. Therefore, the State deems a failure to attain the desired or essential degree of education as a failure upon the parents, or “Family,” even if the issue is the State’s failures of funding for educational institutions that do not adequately make such educational opportunities possible for all. The weight of having to uphold a right is brushed off the shoulders of the State who dump it upon the responsibility and duty of the parent to educate his or her child, despite any financial, social, or physical burdens that parent/Family may already be under. By having the sole duty of simply passing of a critical responsibility, the State, via the words of the Bunreacht Na hÉireann and its interpretations by the courts, largely fail people akin to Johnsey, especially among rural areas with a lower socioeconomic status and fewer resources provided for by the State¹⁸. Since there are no specific constitutional provisions that establish rights for those with special

¹⁸ Another fictional story that intricately parallels people with educational/learning disabilities living among Irish society is Lenny Abrahamson’s Irish film, *Garage* (2007). Ironically even paralleling Johnsey’s name, Josie also suffers from a form of mental impairment that in turn is stigmatized by society, who full-forcedly marginalizes him. An additional juxtaposition between Ryan’s Johnsey and Abrahamson’s Josie is that both are metaphorically compared to the innocence of a “drowned puppy” misunderstood by the cruel hands of Irish society who aim to stifle both of their voices and presence. Finally, both imaginative words leave off on the grim note that neither Johnsey nor Josie can survive the current conditions of marginalization driven by Irish law and society.

educational needs, these people are often left marginalized not only by the constitution, but also by the education system and society overall.

Strategically, Ryan draws upon the fact that constitutional provisions and their essential benefits do not apply to Johnsey, who is fully aware of such marginalization by society that originates from the words of law. Through his writings, Ryan asks us to make the profound connections on how impactful words, especially legally binding words of the Bunreacht na hÉireann and its subsequent statutes, are upon society's overall behaviors and views. Within *The Thing About Decemeber*, Johnsey begins to realize how law does not apply to his benefit when his boss, Packie Collins refuses to pay him the minimum wages. In an attempt to rationalize such an injustice, Johnsey recalls Packie's reasoning that "[t]here was a thing in there in that law that said lads without their full faculties weren't entitled to it, anyway" (Ryan, *Thing*, 32). Rather blame his own obstinacy towards leaving behind Irish norms to understand someone like Johnsey who differs from such social expectations, Packie projects his discomfort onto Johnsey; thus, Packie blames Johnsey's disability (and thus Johnsey himself) as being the cause of his unequal and unjust treatment by Irish society.

There are typically exceptions to every rule, and Johnsey and others with special needs are here pointed out as that group of exception that is denied rights that most citizens are entitled to. Yet, the Irish Court has made it quite clear that no right is absolute, as in *Ryan v Attorney General [1965] IR 294* where discrepancies over the health impacts and abridgment of legal rights from the fluoridation of public water supplies was settled in favor of fluoridation, where the decision of Kenny J. controversially concluded that: "None of the personal rights of the citizens are unlimited: their exercise may be regulate by the Oireachtas when the common good requires this." Hence, marginalized by law, there is nothing to stop Packie Collins from

continuing this streak of ostracizing Johnsey and deeming him insignificant for society as Packie follows “no law only his own,” since few laws, if any, specifically or adequately protect Johnsey or those with special needs akin to him (Ryan 33). In turn, society resorts to cementing these lack of laws in place by establishing their own social treatments however damaging and isolating they may be, as “points below which you many not go would not apply to Johnsey” because the constitution does not specifically include those who differ in needs physically, mentally, or emotionally. Written out of the constitution, Johnsey thus finds himself written out of society and a role of importance all by the simple act of being born with an unpreventable impairment.

Yet, thinking about this scenerio more broadly than just minimum wage laws as is the stepping stone case in the novel, one can begin to see how this degree of marginalization extends to many areas of the law, paramountly education, in which Ryan’s novel not only reflects but also responds to by pointing out the dire consequences of allowing such injustices to derive from the constitution. Take the case of *Sinnott v Minister for Education [2001] 2 IR 545* where the State’s duty to “provide for free primary education” under Article 42.3.2 of the Bunreacht Na hÉireann (168), was not extended to Mr. Sinnott, a person with special needs over the age of 18 years old. Having received only one year of suitable education at the age of 23, the Court denied Sinnott the right to further his education under the free primary education clause. Although Justice Barr J. of the High Court took on a purposive interpretation acknowledging that primary education should not be based on arbitrary “age” but rather on “need,” as Article 42.4 did not specify a set age at which this right to free primary education becomes void, Barr was overturned by a 6-1 majority of the Supreme Court.

Although the Bunreacht Na hÉireann uses the terms “child” and “children” throughout Article 42, it fails to do so in provision four of this constitutional article. Nevertheless, utilizing a

harmonious canon of approach, the Court interpreted that Article 42.2 entitles the need for primary education only for children up until the age of 18 years old, where a child is legally said to become an adult. Even though Sinnott demonstrated steady progression that would have continued with further education (satisfying the need requirement), the Court precedent that even severe disabilities, such as those experienced by Sinnott, were not enough to grant him the continued right of free primary education due to his age that surpassed that of the age of a “child.” Therefore, the State’s denial of furthering Sinnott’s education based on a set age is one that holds the Family to be responsible for his undesirable educational situation, which consequentially places the blame on his parents when really his parents, akin to any parent, can neither control the vague terms the Constitution and their interpretation by the Irish courts. Rather than spending extra monetary resources (or even judiciously enforcing such an act) needed to efficiently further Sinnott’s education to its fullest degree, the State denies him (and precedentially others) such an opportunity and instead takes no care as to whether or not Sinnott, as well as people similar to him and Johnsey, becomes a productive member of society since his potential is rejected by the State.

The role the State has taken on for citizens with special educational needs is one that is quite limited in such a way to conserve resources for the “common good” at the expense of those who are stripped of their rights by the words of the constitution and who are robbed of their voices to combat such injustices by the hands of the State and rulings of the courts. Thus, despite his lackluster grades, Johnsey is pushed through school so as not to suffer the same fate as Sinnott who was denied primary education because he grew older as days, months, and years passed-akin to how time flies by in Ryan’s designated chapters. Ironically, by pushing himself through a typical educational system without any accommodations for his differing needs,

Johnsey is rooted in the same fate as Sinnott – an inefficient education, a lack of place in society, exclusion by both the constitution and society, and the denial of being able to voice his concerns and needs by a society unwilling to understand.

Foreshadowing the personal and social harm that stems from the arbitrary cut off point of age 18 that the court upheld, Ryan periodically emphasizes and plays off the term “child” throughout his novel (18). Perhaps Ryan’s aim is to sardonically illustrate how easily the State utilizes the Bunreacht Na hÉireann to marginalize specific minority groups of people, or it is to depict the lack of understanding and ensuing prejudices and anger Irish society projects upon citizens with special needs who in turn are forced to personally and publicly face social obstacles on a daily basis. The case seems to be a combination of the two as a means of provoking each reader to see life from a new angle, from the perspective of one unprotected by certain aspects of the law and who face institutional failures and social setbacks, and to reflect upon such a life where joy, prosperity, and most of all acceptance seem largely impossible.

By and large within the novel, the community treats Johnsey like a “child” even though he is the age of twenty-four, which is an age legally deemed as that of an adult. Neighbors, family friends, and townspeople alike force their opinions upon him and tell him what to do without bothering to stop and ask his own thoughts and opinions on matters such as what he is to do with his land and finances after his parents die and how he should sell his family’s property and land of heritage to the land developers for the sake and common good of the town. Yet, when it comes to Johnsey’s own well-being, society leaves him bleeding on the town’s pavement after the majority of townspeople turn their heads to the physical abuse and daily beatings he suffers from society’s ruffians; thus, society ironically sees him as a child, but rather than treat him with the care and affection a child should receive, he is left to be neglected instead and

treated inhumanly like a stray animal. Forced to live in fear of his past and present, Johnsey holds nothing but fear and dreariness when he looks towards his future and even that of the State's, aside from the moments of sanctuary he gleans when considering heaven and salvation from society/reality.

However, Ryan also plays off a different definition of the term "child" that embodies a stronger and more impacting sentiment. Woven from the opening of the book to the last page, Ryan underscores that Johnsey is a "child," in the sense that he is the offspring of his parents, their "boy,"(16) their "son" (47), their "child" (204). This is a definition of "child" that the constitution does not claim, but that is rather disregarded by the interpretations of the Court for the State's own monetary purposes. Yet, this is the definition that holds the most value, as it creates a meaning that is centered on the essence and structure of the Bunreacht Na hÉireann's most primary concern: the family unit. Thus, both Johnsey and Sinnott are "victims of circumstance" who are both denied a robust opportunity for education that works with their needs and thus social acceptance as well (Ryan, *Thing*, 143). Based on the uncontrollable circumstance of their ages, as a person has yet to be able to control such an aspect of life, the Court's interpretation of the law has in turn victimized these two people in a way that most citizens do not experience and therefore do not consider regularly since they themselves are not further burdened by the unavoidable circumstance of being born with a physical or mental impairment. Although the Court takes on the definition of "child" as being based off of age rather than by family position, it seems ironic that the Bunreacht Na hÉireann or the State can fully support the claim in Article 41.1.1 that the family is granted a special seat above the constitution with natural, inalienable rights that are "antecedent and superior to all positive law" (162) if it does not consistently do so in practice.

Additionally, the only one to dissent in the decision of the Sinnott case was Chief Justice Keane, which paradoxically goes to illustrate how the majority by far out-speaks and suppresses the minority's opinion. Ryan makes a nod towards this notion when Johnsey reconsiders his mother's advice and discovers the true tragedy of how "[t]he truth is what's shouted loudest and by the most." Even if Keane's or Sinnott's family see the truth in the alternative definition of "child," that truth is rejected by the one proclaimed by the most – the majority of the court and as a result, society. Thus, what the minority of society has to say is typically drowned out by the majority's opinion towards creating a common good, or a benefit that, despite its name, is not typically prevalent for all. This concept is the root of Johnsey's struggles and suppression by the hands of society, as his version of the truth, of speaking up for himself and his rights, whether they be for equal pay, better education, or protection against bodily harm from the harassment and almost-death-inducing assault by his peer Eugene Penrose, is unable to be heard through the booming voices of the majority.

Suppression to this extent causes Johnsey to question—"What use [is] talking, anyway? What was ever achieved with words?" (17). Simply a single word such as that of "child" can have a limiting factor that inhibits one's life; therefore what can be achieved with words can be beneficial or detrimental. It is fighting off the detrimental words through other words that can be the real standstill to achievement for those in Johnsey's boat. Hence, the majority of society, even those once close to Johnsey, find it easier to drown him out with its own words for the sake of usurping his land for urbanization without being bogged down by a sense of moral conflict that would come from hearing his concerns. By allowing Johnsey's voice and words to publicly narrate his own story and views within society, those of the general population who stop to listen may gain a sense of compassion and understanding that would cause them to second guess their

unethical desires driven by selfishness and greed. What drives the majority of society to feel uncomfortable must be avoided; thus, unjust suppression and the compromising of minority rights is typically what ensues as the byproduct when the majority eschews such difficult, underlying issues that plague society more than they at times realize.

Although it may be the Court's job to reflect the opinions of the majority, it should not aim to compromise another group's rights and wellbeing without strict scrutiny and the weighing of all options, especially ones that can strike a balance between majority concerns and minority needs. One would think this is common sense. Yet, the nation cannot forget the courts' power, especially the Supreme Court's, since what they say and decide is affirmed as "final and conclusive" by Article 34.6 (Bunreacht Na hÉireann 138). This haunting fact rings out for marginalized people similar to Johnsey in the intimidating words of the town ruffian, Eugene Penrose: "What are you going to do about it" (22). It is as if Ryan targets this question not only at Johnsey and to the society that surrounds him, but also towards the readers and the societies in which they take part in, such as that of Irish society in the present. A profound ending all on its own, Ryan's novel captures to what extent society will go to silence the voices that differ from that of the majority. As Johnsey builds up the courage to step outside his door, to step outside and give society and law enforcement a fright and a piece of his mind, he is finally suppressed for the final time. Johnsey's words are never heard out loud as the officer on the bullhorn drowns him out as society and the rest of the Garda stand behind him, a sign of solidarity and a stance of 'them-versus-other'—Johnsey. Rather than hearing his own words ring out, all that he hears is "the sound of his blood, rushing around in his body" at first by adrenaline (Ryan 204). However, the sound of his racing blood foreshadows his imminent death. Continuing to elevate the voices of the majority, "the bullhorn lad [continues]...roaring and screaming...but [for Johnsey] none

of them words made any sense” (204-205). To Johnsey, the majority’s words hardly ever make sense as people are saying not what they truly feel but rather they voice what they think the majority of society would say and do, as no one wants to be defiant and speak out for a fear of being ostracized and in a situation as that of Johnsey’s—ostracized, resented, alone, and powerless. Ironically, Johnsey does cave to the social view of finding a symbolic sense of safety in a gun, as he brings one out to help him feel safe enough to confront the masses. Yet, this same social symbol of safety becomes his downfall, proving that no matter his efforts, society would never accept him for who he is despite how hard he may try to outwardly fit the norm. Similar to his days of primary school, Johnsey is silenced by those more powerful than himself, in number and rank, and the last sounds he hears is the echo of a gun, implied by the play on word of “flash” for how quick both his life and death were, and presumably the rushing blood that once again fills his ears and drowns out his thoughts.

Fearing what he may say—what harsh realities he may force society to finally acknowledge—leads to Johnsey’s death at the novel’s closing scene (and page for that matter). Society, which here seems to guide law enforcement rather than the law itself, rises as the judge, jury, and executioner to protect itself from acknowledging the crueler acts of marginalization that it carries out by crafting an understanding of law mainly suited towards majority needs and aspirations (not to all extents but to a significant degree compared to minority rights). Johnsey is silenced throughout life so much so that he is too afraid to recount his own story in the first person (aside from a slip up when he states: “[the dead] They’re having a right old laugh at me, so” (Ryan, *Thing*, 26)), and instead he narrates his life by third person, although he cannot fully detach himself from his strong feelings and thoughts towards his personal memories. Hence society cannot even allow Johnsey to feel comfortable and safe enough to tell his own story to

himself. But when he is ready to make that move, he is shot down by both society and law enforcement, the State, all of which fail to protect Johnsey in more ways than one. All of these institutions invalidate him as a citizen and member of Irish society and cause him great injustices. As his final thought before succumbing to a premature death, Johnsey expresses that “If you just close your eyes, it’s gone [the month of December]. And it’s like you were never there” (205). Serving as the closing of the novel, Ryan employs the last line to echo the way in which society trivializes Johnsey, while alive and now also as he lays dying, in a manner that aims to create justice from the unjust act of killing him. Once again, Johnsey is denied any justice; just as those who beat him in the streets were pardoned, society will too pardon itself from seeing his death as a significant injustice. The family unit, parents and child, disintegrate to ashes as the Cunliff family, especially Johnsey Cunliff, are erased from society’s concerns and become nothing but a vague memory after their death.

Concluding Remarks

In total, *The Thing About December* ends on quite an unsettling note for all. What does such an ending mean for society? What does it mean for exploited groups? Can true justice ever be attained? Within this story and that of “Trouble” from *A Slanting of the Sun* it is evident that what may seem like a small degree of marginalization on an educational level or by social stereotypes can morph itself into becoming an even bigger act of injustice if society continues to allow for a toleration of such unfairness to grow without State or legal intervention to negate it. Even though set words and clauses (or lack thereof) embedded within Articles 41 and 42 of the Bunreacht na hÉireann may be overly broad and vague, wrongly discriminating and limiting, or wholly insufficient and counterintuitive, it is crucial to note that it is the interpreters of the constitution, the courts and, by subsequent reaction, society that bring life to the meanings of

words, clauses, and ideas set forth by the Irish Constitution. Thus, it is left to the people, the majorities and minorities brought together as one, to kickstart the changes for ensuring justice for all and that all voices are heard instead of those only of the elite and powerful. By sharing the Traveller's and Johnsey's personal perspectives, thoughts, voices, and life stories, Ryan forces modern society and the reader, whether from Ireland, the United States, or from the Netherlands to step outside their comfort zones to hear the painful accounts of those who have been silenced and oppressed by the law, State, and society. Improving educational provisions within the constitution is a small but crucial step needed to breakdown the fences that socially and legally box in marginalized groups, such as Travellers or those with special needs. Therefore, what is needed before laws can be effectively altered is a change in the hearts and mindsets of many, a change that instills compassion, understanding, and humanity within social norms that can expel the deeply seeded fires of animosity and prejudice.

Chapter II:

The Constitution and the Catholic Church: Secular Shams and the Suppression of Women

On the brink of International Women's Day, women and their advocates have begun the many preparations needed to move forwards with their impending strike that targets the currently undermined ways in which the Irish government treats and regards women within the State. Bolstered by the vows for solidarity from international protesters in New York, Buenos Aires, and London among other places, Ireland's Strike 4 Repeal group¹⁹ is set to take on the streets to demand equal recognition and improved women's rights, especially in regards to the rights that pertain to a woman's control over her own body. Protesting in solidarity, the timing for advocates of Strike 4 Repeal has artfully arrived, as on International Women's Day—the eighth of March—these groups will march in favor of repealing the Eighth Amendment of the Bunreacht Na hÉireann, which criminalizes abortions under most circumstances in Ireland. Unless Irish citizens are granted a referendum for repeal by the government, the nation's women are ready to remonstrate and will turn their words of desire into actions upon leaving their homes and places of employment to occupy the streets in protest in the upcoming days.

In great fervor, the Strike 4 Repeal campaign announces that women can no longer wait, and “if a referendum is not called—strike!” Thus, women and advocates alike are encouraged to take March 8th off from work, to give up a day's pay despite the current 14.4% wage gap that already hinders woman economically and socially (Holland 1). Women and men alike are encouraged to take the day to stand in solidarity with those who have taken time off to travel

¹⁹ The Strike 4 Repeal campaign recently issued a commercial as a means of broadcasting its message into more homes and to reach a wider audience of both women and men. The full edition of their commercial can be viewed on the homepage of their website which also gives more details pertaining to the specifics of the campaign's upcoming game plan for March 8, 2017.

internationally for an abortion, since Ireland continues to deny women of this personal right over their own bodies and within their home country. Aiming to directly fight back against the suppressive Catholic ideology and the excessively rigid wording of the Constitution, women across the nation are encouraged “to take the day off, don’t do domestic work [and] wear black to show your support,” and more importantly to vocally defy the religiously-driven, domestic image that the Irish Constitution projects onto all women across the nation. In line with the ideologies advocating for women’s rights, Donal Ryan’s novel *All We Shall Know* (2016) utilizes words to directly address the legal and social stigmas women face on a habitual basis; thus, he and his novel create a literary platform that catalyzes society to critically examine literature, law, and life to realize the real, direct impacts that the Constitution has over the decisions and lives of Irish women. In light of the modern social movements that focus on women’s rights, Ryan’s novel crucially underscores the tensions among Irish society in regards to promoting a self-desired, independent image of women which vehemently clashes with the outdated, domestic image of them that the Constitution lays out and still firmly supports.

One of the sturdiest of weeds that have deeply and problematically enrooted itself among Irish soils, proliferating its poisonous seeds, is that of the Catholic Church. Here, the robust religious connections that the *Bunreacht Na hÉireann* shares with the Catholic Church are what drive the many miseries of women within the 20th century, miseries that women have now taken upon themselves to speak out and fight against. Today, the outcry of a woman for her rights, for her ability to choose what happens to her own body, for her capacity to shed the forced domestic image and role placed upon her, for her capability to have a family structured by versatility rather than by stale stagnancy are all motivated by the rivalry they face when set against the

Catholic ethos and diction throughout the Irish Constitution that together damage the integrity of the modern woman.

Historically, the Catholic Church and its power reigned over Ireland for many a decade, forming God-given rights to the typical family structure while establishing the gender roles for both men and women. A survivor of the 1916 Easter Rising²⁰ and a paramount figure leading the Irish War of Independence, Éamon de Valera led Ireland to the open fields of freedom and aided in the creation of Ireland's own constitution. Despite his revolutionist persona, de Valera was a man of conservative values, particularly devout to the Roman Catholic Church (Ryan, *Constitutional*, 2). During the initial drafting of the Irish Constitution, a close friend of de Valera, Archbishop of Dublin John Charles McQuaid, keenly pushed for the Catholic ethos to permeate the ideological structure of the legal document to be (Ryan, *A Decent Girl*, 149). Thus, while drafting up the Bunreacht Na hÉireann under the influence of McQuaid, de Valera steadfastly stuck to his Irish-Catholic roots and embedded Catholic conservatism all throughout the Constitution as a means of piously progressing Ireland in a manner he deemed moral and fit for a now de-colonized and freely democratic society.

Approved by a referendum in 1972 and enacted into law the following year, the Fifth Amendment of the Bunreacht Na hÉireann served as merely a mild attempt to secularize Ireland by annulling the special position held by the Catholic Church and other specifically named religious denominations that were embedded within constitutional provisions. Although the amendment aimed to capture the changing, diminishing power of religion over every day Irish life during the later years of the decade, the Catholic ethos continued to dictate the ways in which

²⁰ The Easter Rising (1916) occurred in Dublin and was an armed rebellion led by Irish republicans to declare Ireland's independence from British authority. The ensuing fight against the British led to many fatalities never forgotten by the Irish (Harte & Whelan 177-178).

legal matters and social issues were approached and solved. Regardless of even the numerous scandals that surfaced and surrounded the Catholic Church during the 1990s,²¹ the credibility, legitimacy, and power of the Catholic Church marginally waned in the eyes of society but continued to steadfastly endure in the eyes of the law and the Bunreacht Na hÉireann. As for society, the 2011 Census of Ireland²² highlighted that 84.16 percent of people living in Ireland are affiliated with the Roman Catholic Church (Central Office of Statistics 2016). Pushing aside the numerous accounts of exploited women and children by the hands of the Catholic Church, Ireland's government and society continue to govern and to be governed by the non-secular words and influences promoted by the Bunreacht Na hÉireann. Browsing through the first few pages of the Irish Constitution, the Preamble alone signifies that Ireland's supreme laws are not in the least bit close to exemplifying a secular nature. Upholding the ethos of Catholicism, the Preamble commences with the words:

In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ,

²¹ Scandals of the Catholic Church included priests involved in physical and sexual abuse cases in which the Church attempted to cover up [as revealed by the Ryan report of 2009]. Other scandals include the abuses and grave tragedies of the Magdalene Laundries, where pregnant women out of wedlock were dragged from their homes to be shamed, oppressed, and confined within institutions ran by the Catholic Church. Recently, more information is in the process of being collected and analyzed about the abuses toward unmarried mothers and their children that occurred within a Catholic-run home in Tuam, Co. Galway, Ireland (Siggins, 1). An investigation and write-up is in the works after the remains of a "significant" number of infants were found buried near the Tuam home that acted as a Catholic institution for unmarried and pregnant women from 1925 to 1961 (the exact number of remains has yet to be determined). Offering an apology on behalf of the Church, Dr. Michael Neary, the current Archbishop of Tuam, commented that these institutionalized women "were often judged, stigmatized, and ostracized by their own community and the Church, and this all happened in a harsh and unforgiving climate. Compassion, understanding, and mercy were sorely lacking (1). Hostility among Irish society continues to grow towards the new scandal and the Church. As the full details of the Tuam home remain ambiguous, grave speculations have begun to run their course as Ireland is already shadowed by the haunting memories associated with the Magdalene Laundry abuses.

²² Interestingly enough, the 2011 Census reported that along with the 84.16 per cent of the Irish population that acknowledged an affiliation with the Roman Catholic Church, 84.5 per cent of people residing in Ireland also claimed a "white Irish" ethnicity. Starting at a population of 4.6 million people in 2011 and growing to a population of 4.7 million people (as updated by the 2016 Census), more than three-fourths of Ireland's population embody a major portion of the "Irish" image, which is based upon being both white and Catholic (Central Office of Statistics 2016).

Who sustained our fathers through centuries of trial...And seeking to promote the common good, with due observance of Prudence, Justice, and Charity...

Do hereby adopt, enact, and give to ourselves this Constitution.

(Bunreacht Na hÉireann 2)

Within the first line alone, the phrase “the Most Holy Trinity, from Whom is all authority” suggests that true control and supremacy are derived from God, and that constitutional law and the Irish people are inferior on this hierarchical power structure. Despite claiming to be secular, the Constitution portrays the people of Ireland as God’s subjects who are obligated to follow the Catholic doctrines (the Bunreacht Na hÉireann being classified as one of them). Decried to be indebted and dedicated to the memory of the “Divine Lord, Jesus Christ,” Ireland and the Irish image illustrated by de Valera’s words and vantage point are far from embodying a secular identity if these words persistently remain within the Preamble. Therefore, with a quick glance alone one can glean the multitude of religious terminology that establishes and underscores the steadfast position that the Catholic Church continues to fix over Irish law and society.

Whether we turn to the facts of history or the present day, either will point out that women have been and continue to be a marginalized group within Irish society that are written out of legal, political, economic, and social rights that equate to the weight of rights granted to men. Least it be the word ‘mankind’ that serves as blanketing label for the world’s people, or even the term ‘humanity’ (with the base word of ‘human’), each subliminally announces the position of the “man” and the masculine over humanity and all civilization. Simply, some snippets from the Preamble of the Bunreacht Na hÉireann are enough to surreptitiously shroud Ireland in values of masculinity that set femininity and the female sex as inferior biologically and socially. The Preamble which claims Catholicism and God, “the Most Holy Trinity, from whom is all authority and to Whom...all actions both of men and States must be referred”—this introduction to an indebted nature that “the people of Éire,” specifically “men,” are obligated to

feel towards “Jesus Christ, Who sustained [their] fathers through centuries of trial...”during times of war and British oppression—is a legal document that openly claims and acknowledges the establishment of a norm where man and masculine pronouns trump the power of a woman and her pronouns (Bunreacht Na hÉireann 2). Even the term ‘woman’ alone cannot sever itself from the dependency upon the root word ‘man.’ Thus, the terminology of “men,” “Jesus Christ,” and “fathers” all denote the masculine perspective and power over religion, law, and society as each of these terms are engendered by male connotations and connections that have risen to construct their social significance.

As Irish society progressed and began to shed its dogged devotions to the ethos of the Catholic Church, woman began to ambitiously take more strides to catch up to the freedoms and rights that men naturally basked in. In the face of modernity, women and feminist supporters continue to advocate for more rights, a personal value/worth, and more opportunities that equate to those of men and that deconstruct the social/constitutional constructs that showcase women as nothing more than obedient, powerless and meek housewives whose role is to rear children in quiet acceptance. Right now, these women are loudly calling out against the oppressive paradigms in order to recreate and promote a new image of strength and independence for themselves both home and abroad. Thus, feminist critics, men and women, are urging Ireland to see and respect women as more than just mums and nuns. Today, advocates of all genders, races, and statuses endeavor to uproot the oppressively patriarchal-domination of women that law and society have for far too long permitted. Whether by the words crafting literary works, the phrases lining legal documents or the thoughts driving social norms, Ireland must take the necessary steps to reconstruct a female’s innate power over her own experiences and self while simultaneously giving such power legal and social significance. Taking on a feminist critique,

Donal Ryan's novel *All We Shall Know* creates a platform that recognizes the outer and inner struggles of a woman and her ferocious fight for power, equality, and self/social acceptance under a Catholic-tied, male-centered Ireland. Through their taxing-trials and self-driven triumphs, Ryan hones in on the stories of Melody Shee and Mary Crothery who both are marginalized due to their deviance from the Constitution's devotion to a dated Catholic ethos that alone proves inherently problematic for the past, present, and future roles and lives of these women and those akin to them today in Ireland who find themselves in similar contentious situations of the real not matching the ideal Catholic-driven norm.

Leaving Behind the Ludicrous Norms and Images of the 1930s Woman:

Modern women across Ireland are stuck, frozen in the time where the Catholic values and norms of the 1930s are still forced upon them despite the irrelevancy of these ideals for a modern, progressive Ireland. Yet, by upholding these obsolete religious ethos, the Bunreacht Na hÉireann puts forth the notion that a woman is capable of possessing a robust life of full legal protections, so long as she chooses marriage and motherhood or decides to turn herself over to the nunnery. Two, quite limited options to say the very least. Despite the Constitution's resistance to dramatic social changes, the time has come to re-evaluate and to reinvent the roles and rights of women not from the vantage point of 1937 but of today: 2017. Here we are, 80 years later with a society that unsurprisingly no longer fits the social mold of the 1930s, and yet the legal system that governs each day and life under the Irish scenery and sun fiercely pushes onward with archaic and destructively counterintuitive standards that women should be saintly, passive, and domestic entities.

Resurging the argument in the 1980s and again today, the concept of abortion continues to be a point of contention that divides Ireland between the sides of pro-life and pro-choice. Yet,

the pro-women narratives of mass movements, such as those of Strike 4 Repeal and the Irish Abortion Solidarity Campaign, unknowingly team up together with the female narrative and protagonist of Ryan's fictional novel. Together, these women-powered narratives spark a universal conversation among Irish society that demonstrates the necessity of having laws that match advanced social conditions and that promote the modern woman and her place outside the domestic realm rather than suppress her to rigid and stereotypical norms of the past. In turn, if Ireland is to embrace a new image of the modernized woman and all her glory, the country, specifically the Irish government, must come to terms with shedding religion's interwoven narrative with law—this superficial secular image—so that the Bunreacht Na hÉireann can give women back the individual power to decide if motherhood is a lifelong decision that is right for them. Women are at the present compelled to carry out unwanted pregnancies, even if doing so poses detrimental to their health; otherwise, these women are forced to either fund the trek overseas to a legal UK clinic or abort within Ireland and face imprisonment. Thus, the burdensome and heavy weight of shame that the Catholic ethos and therefore law currently chain to women must be lifted and ceased if Ireland is to stop suppressing women and is to end the tyrannical control the State has over their bodies and health.

Breaking in bleak waves, The Irish Sea, the grand body of water connecting the shores of Ireland to those of the United Kingdom, is the passageway for a "hidden diaspora: the 'abortion trail'" (Rossiter, i). Whether or not Ireland would like to entertain such an image is now beyond its control as this passageway, this covert trek that Irish women seeking a safe abortion must make, is the result of constitutional laws that pass shame, blame, and a criminal image upon women for an act that men equally partook in but somehow manage to escape most of the blame and shame by society. Biologically escaping the lack of physical proof of their act, men like

whose within Ryan's novel such as Martin Toppo (the father of Melody's child) and Pat (Melody's husband who cheated on her with multiple prostitutes), manage to avoid extensive social shame for an affair gone awry or for having a child out of wedlock; hence, women historically have been the ones to bear the burden as adult men were never the ones to be institutionalized within homes like those of the abusive Magdalene Laundries that housed the 'rogue' mother-to-be. Thus, the ill-fated woman, those like Melody, are cursed with the 'gift of life' when she is forced to carry a child for nine months by law. Forced to undergo the scrutiny of a society who can visually witness the process, Melody is subconsciously driven to feel more ashamed as tacit glares back religious constructs of sin and double standards that cast her, and not her partner, as the rouge, black sheep of the pure-white flock. Here, Catholicism's lingering influences over Irish law and government wrongly allow a woman to be branded as the Eve to Adam's demise. Hence why there is a society that openly scoffs at the "bastard [child] inside" and stares disapproving at the growing stomachs of women who carry a baby out of wedlock (Ryan, *All*, 114). Without her control, the Irish woman is born into social and legal constructs that normalize the feelings of disgrace bathed in irony for either having a child outside a traditional Catholic-marriage or for not wanting to pursue the path of motherhood overall in such a situation.

Surprisingly, women are a marginalized group that the Irish Constitution directly mentions. Finally, a minority group in need of special protections is legally recognized for the better, no? No is in fact the correct answer, as the Bunreacht Na hÉireann in certain cases hinders the freedoms of women through inflexible words supported by the Catholic ethos. Designated by Article 41.2.1, the Constitution states: "In particular, the State recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be

achieved” (Bunreacht Na hÉireann 164). Confounding as this clause is, it appears that the State cannot bring about the common good if women are to break from their domestic-bound chains of housewifery. A baffling notion to the modern world under a feminist wave where many women work outside the home, the outdated Article 41.2 surely negates the notion that the Bunreacht Na hÉireann is fully a living document that wholly reflects modern interests and welfares of the Irish State and its people. This dated clause, driven by the Catholic ethos of a woman’s major role equating to motherhood, is one that in turn limits the dynamic and growing roles, relationships, occupations, and opportunities of the modern woman within Ireland. Such a discriminatory clause continually is used to justify the inequalities women face in the shadows of men, such as the immense wage gap, higher rates of living as a single-parent in poverty, and engendered occupations that restrict socioeconomic mobility (Holland 1, McGinnity & Russell 28-32).

Turning back to Article 41.2.1, this oblivious clause is one that certainly does not support or embody the modern capabilities of woman outside of “the home” and thus motherhood. Additionally, ensuing this perplexing article is Article 41.2.2, which reaffirms the domestic, motherly image of woman by taking the term “woman” in Article 41.2.1 and subtly transitioning it into “mothers” in Article 41.2.2., as this Article states: “The State shall, therefore, endeavour to ensure that mothers shall not be obligated by economic necessity to engage in labour to the neglect of their duties in the home” (Bunreacht Na hÉireann 164). Here, woman is no longer mentioned and the broadness of this term is lost to the specific role that “mothers” denotes, as this new, more rigid label fully takes over a woman’s image and further solidifies her in an air of domesticity. Technically, fathers are given the all clear signal here, too, and are free to neglect their family and be the never-at-home-bread-winners if need be without any legal repercussions, as their “duties” are never specifically demarcated as stemming from within “the home.” Yet, for

a mother to pursue a career at the stake of neglecting her role and sacrificing the domestic “duties” of her home life, which could range anywhere from rearing the children to cleaning the kitchen stove,²³ then would social disorder and anarchy not surely ensue, especially if Ireland is to need such a legal safeguard against this potential threat of rebellion and “neglect” by a woman? Encouraging women to pursue their rights and to fight against this absurdly stereotypical role of domesticity that Article 41 lays out, Donal Ryan’s female characters discover their own active, vigorous, and dynamic voices that continue to strive for more constitutional and social progression for the female class. Throughout the novel, these women allude to the many concerns with today’s constructed image of women and their dated rights as marginalized individuals among a predominately patriarchal, Irish-Catholic society.

Blatantly, Article 41 of the Irish Constitution permits and even promotes the stereotypes that shape the domestic image of woman. Meanwhile, the free-to-be, more empowered image of man who is allowed a prosperous life outside the home is what this constitution more so embodies. Therefore, in the case of Mary Crothery, she “consign[s] herself to a life of shame and fear and exclusion” all because “God made her barren” and she cannot fulfill the social expectations of poorly-ascribed pious duties that urge her to become a mother (Ryan, 80, 118). The outmoded Catholic norms put forth by the Constitution cause Mary and many other Irish women to be brainwashed so as to think that “having children is a precious thing, and a thing all men have a God-given right to” rather than women themselves who are the ones birthing these children (Ryan, *All*, 80). By conceptualizing the Constitution as a main platform that carries over human values of the past into the times of the present, Ireland in turn relies on legal words that, as Helen Irving points out, “[engender] unrealistic expectations [where] the failure of these

²³ Certainly in 1937, the Constitution could not have meant that woman’s home duties meant pursuing a fulfilling career from a yet to exist computer/home office.

expectations [these contrived normative gender roles] is likely to produce cynicism over time” (25). Thus, the Bunreacht Na hÉireann, a noticeably engendered constitution, pushes onward with now dated and idealistic values, ones envisioned and esteemed by past generations, that aspire for Catholic-driven engendered roles that, today, have little relevance to the ways in which Irish society and women presently function or will continue to progress.

Irish Feminism: Regaining the Voice that Religion Endeavored to Take

Why allow outdated ideals to facilitate the social standard of allowing Irish society to judge a woman’s level of success by the children she produces or to judge her failure by the lack of children she has and for her non-desires for them? As Ireland continues to regard abortion as a taboo, non-Catholic buzz-word and topic, many women who have undergone the procedure, or those who have simply thought about it or have questions are socially conditioned to be hesitant about mentioning the matter at all. Remaining anonymous in fear of retaliation, one Irish woman spoke about her experience after traveling to the UK for an abortion after Irish doctors confirmed that her child would not survive outside the womb: “There [was] no support...to help us through an already impossible situation...I loathe the secrecy and stigma associated with this topic in Ireland. I deeply resent those, my husband included, who demand my silence” (Sheridan 1-2). Conditioned for centuries by the Catholic Church to consider abortion an inhumane act and to ignore any empirical studies disproving the Church, Ireland remains fearful of giving women a voice and a choice, as many politicians and citizens alike refuse to consider the other side of the story and instead persist in shaming the testimonies of these women as a means of further silencing them in favor of supporting a misunderstood and now one-sided topic at hand.

Likewise, the mixing and conflicting narratives between religious ideals and feminist desires unfolds throughout the pages of *All We Shall Know*. Pondering over her father’s

religiousness, Melody recalls how “he read an article [she] wrote for a Sunday paper once about abortion” only to read it as if the “article was hurting his eyes” and drove him to go “an hour early to devotions” (Ryan 32). Not only does the issue of abortion in light of the strong views against it by the Catholic Church cause her father much personal discomfort, but also the fact that Melody’s article is in the Sunday paper, a paper many will read before Sunday’s Mass begins, makes him even more distraught over how society will regard his daughter now with her Anti-Catholic message. Representing the views on abortion Irish people from older generations (pre-1970s) typically retain, her father’s adverse reaction, which he attempts to mask with a timid “well done,” downplays the significance of Melody’s voice and symbolizes the Catholic values of past years continuing to dominate, discredit, and discourage those of the modern Irish woman akin to herself. Thus, the insincere affirmation towards voicing her views on women’s rights is almost more damaging and hurtful than fully inciting her rage with a flat-out rejection, as Melody sees pain rather than anger through her dad’s reaction. Despite the burning of man’s eyes to the truths behind a woman’s struggle to gain ownership over her own body, the older generations of society and the government they established, in part with the Catholic Church in mind and spirit, essentially need to stop pretending to entertain granting the rights of abortion for women and must instead truly listen, unbiasedly, to their stories and concerns when women take the courage to voice them.

Whether through fear of judgment or from the desire to suppress the pain-filled memories and personally emotional experience, women within Ireland are dissuaded from speaking out about abortion and must carry their words and thoughts pertaining to it like a burdensome albatross around their necks. Having to disclose prior medical information at the hospital, Melody is too afraid to speak about the multiple miscarriages that she has suffered. Instead, she

suppresses her disheartening past in fear of what society may think towards her inability to become a mother: “I didn’t tell them at the hospital about my miscarriages, because I couldn’t” (104). Although the hospital is the last place she should feel judged by society, Melody does not disclose this crucial information since many Irish hospitals are Catholically operated. Irish professor and social activist, Tom Inglis observes that “the Catholic Church has had enormous influence in the health field in modern Ireland...over the last two hundred years” and the Church continues to exert its religious views that influence the practice of Irish medicine (226, *Moral Monopoly*).

Consequently, the apprehension towards publicly sharing her story as a woman further marginalized by her unideal pregnancy leads Melody Shee to type out her thoughts on a laptop rather than say them aloud. Melody points out the fact “that these words (the collection of words that are suggested to be the ones that compose the novel and narrative overall) are still extant, tucked inside a folder on my laptop screen, means something” (57). Indeed, these words have two facets of major significance: one, that she feels society’s norms suppressing her voice to the point where she, too, is afraid to speak about her struggles aloud and thus she is led to silence them and two, that although these words remain in silent existence they are imperative enough to save until she can finally find the physical voice to share them aloud no matter what society’s reaction may be. Thus, Ryan’s novel *All We Shall Know* encourages woman to harvest their inner courage and voice their stories and opinion about their rights towards abortion and as women. Poignantly pointed out through the narrative of Melody Shee, the raw words of Ryan’s novel illustrate that a woman is more than just some tacitly dotting machine that produces a baby for the benefit of society solely because Article 41 upholds motherhood while the Eighth Amendment backs that role by granting power to “the right to life of the unborn...equal [to that]

of the mother” (Bunreacht Na hÉireann vi). Moreover, Melody, like many Irish women, can be overwhelmed by the sea of emotions when faced with the constant judgments that both the Constitution and societal norms attempt to drown women in. Yet, a critical thinker refusing to be oppressed by Catholic norms and their influence over the Constitution and thus Irish society, Melody is aware that unless she and other women are to raise their voices in unison and make them heard ‘round the nation, beneficial changes for Irish women will never be heard and discussed nor will ever occur.

Pregnant with a child stemming from an affair outside of her marriage, Melody Shee is a woman who not only defies Catholic standards but also is a woman who strays from the normative image of a domestic housewife. Starting her narrative off at week twelve of her pregnancy, Melody initially indicates her suicidal thoughts and the attainable comfort that she could experience if she were to escape society. She states:

I’d have killed myself by now if I was brave enough. I don’t think it would hurt the baby. His little heart would stop with mine. He wouldn’t feel himself leaving one world of darkness for another, his spirit untangling itself from me.
(Ryan, *All*, 7)

Thus, Ireland’s laws make it so that the life of the mother is mainly entwined with the life of her child no matter what state the developing fetus may be in, unless the mother’s “life be at risk,” which was set as a precedent in the case of *General v X [1992] 1. I.R. 1.*²⁴ Under this case, the Irish Supreme Court established that if there is a definitively “substantial” risk to a mother’s life, then her life is superior to that of the unborn, therefore annulling abortion as illegal (Ryan, *Constitutional*, 10). The first issue with the Supreme Court’s ruling is that only suicide is deemed

²⁴ In the case of *General v X [1992] 1. I.R. 1.*, a girl, raped and impregnated at the age of 14-year, was legally granted the right to an abortion based upon the condition that she was suicidal, which if allowed to be an inevitable fate, such an act would have consequentially ended the life of both she and her unborn child. Note, however, that not all victims pregnant on account of rape are legally permitted to have an abortion in Ireland if they cannot prove that they are indeed suicidal and that the risk of their own life is in jeopardy (Ryan, *Constitution*, 148).

as a substantial, life-threatening risk. The second issue is the rare acceptance to the law is dependent upon specific terminology, as the Irish courts continue to back that the risk must jeopardize the mother's "life," and that a pregnancy jeopardizing her "health" does not carry the same weight and does not permit an abortion to take place within Ireland²⁵ (10). Since the Catholic ethos has constructed Ireland in a way that abortion has become a political matter and far removed from the truly personal matter that it is, women all across the nation are denied the option of a safe abortion in Ireland; instead, they are forced to consider the even more painful alternative options: suicide, carrying out a potentially dangerous delivery, performing an unsafe and illegal home-abortion via pills and other substances to drive a miscarriage, having said child with the high probability of deconstructing their careers and current lives (statistical if she is a single-mom), or making a secretive journey to a UK clinic that will perform the procedure (Rossiter 2009). In 2014, there were 3,735 women with Irish home addresses who spent the time, money, and energy to trek abroad to the UK for an abortion (Duncan 1). On average, there are at least nine women per day who make the laborious decision to obtain an abortion and travel to the UK or elsewhere to undergo this procedure (1-2). Melody considers that she "could still fly to London and end this, and come back... [but she would return to] find only a hard coldness...no forgiveness of sins..." from Irish society, her husband, and her own dogged guilt from having been raised Catholic herself despite not agreeing with its values towards women (Ryan, *All*, 16).

²⁵ Savita Halappanavar, a woman who was refused an abortion despite having immense pain and complications from being in the midst of miscarrying, died at an Irish hospital in Galway, Co. on October 28th 2012 (Harrison, 1). Despite her religious ties to Hinduism, Halappanavar was denied an abortion as the hospital would not perform an abortion due to its Catholic affiliations, especially since her life had not been legally proven to be at risk (1). This tragedy makes it evident that the phrase "substantial risk" should not just be applied to one's "life" based on the context of suicide only, as health and life are two words that strongly correlate. "Health"—one's well-being—equate to the ability to live, as jeopardizing one's health connotes jeopardizing one's life whether in the short-term or the long-term if a remedy to the threat of either is never found/employed.

Yet, not everyone can afford to travel abroad for an abortion due to the extraneous costs; thus, there remain many real women akin to Melody Shee who are forced to look at the alternative decisions that Ireland leaves them with, a main one which is single-motherhood in the shadows of poverty. The other alternative of undergoing a secretive, illegal abortion within the borders of Ireland which carries with it the likelihood of a prison sentence of up to fourteen years if caught (McTeirnan 2). Abortion carries a potential prison sentence that is longer than the average sentence for cases of rape,²⁶ which as of 2017 averages a 10-year sentence. The initial “world of darkness,” Irish society itself under its limiting, anti-abortion provisions, is a grim place for women carrying an unwanted pregnancy (Ryan 7). Thus, the alternative of entering into “another” world of darkness via suicide is an all too real possibility that Melody and many women are forced to contemplate as a socially, legally, and economically safer alternative to having a child (7).

The social shaming that is subconsciously driven by the Catholic ethos is a brutal experience for women stigmatized for their non-traditional pregnancies that fall outside of the Catholic norm. Melancholy, Melody mentions how “all my moments now are marked and measured, standing out in unforgiving light to be examined” (Ryan 8). This “unforgiving light” that she feels scrutinizing her not only refers to the light in the Irish medical examination room that aids in tracking her progress, but also this harsh spotlight metaphorically refers to the searing glances and unapologetic judgements that society has upon her out-of-wedlock pregnancy. Inadvertently, society and the lingering Catholic ethos of the generation have turned the blame of an unwanted pregnancy solely upon a woman. Thus, a common retort that points the finger of

²⁶ More on the discussion pertaining to the Irish courts and their general average length of sentencing for cases of rape can be explored at the following site: <http://www.irishtimes.com/news/crime-and-law/rape-sentences-averaging-10-years-after-rise-over-last-decade-1.2656754>

shame towards the woman is that which blames them for failing to take birth control/use contraceptives or failing to follow a path of abstinence overall. This all too common of a misconception is one enrooted in the past values of Catholicism where sex out of marriage was deplorable and sinful; however, feminist writer Ann Rossiter reveals the obvious social change that has occurred across Ireland within the 21st century, where “sex is no longer confined to marriage [as] in 2007, almost six out of every ten babies born in Belfast were to mothers who were not married” (19). Although the case of *McGee v Attorney General [1974] I.R. 284* did lead the Supreme Court to allow married couples to use imported contraceptives in the privacy of their homes for proven medical reasons, it did not grant the overall right to sell contraceptives to everyone in Ireland. Such a legal and social change is a more recent addition to one’s rights, as contraceptives were not readily available to the population at large until the 1980s (Ryan, *Constitutional*, 3). Yet, “even the most reliable form of contraception has a two per cent failure rate” that can lead to an unwanted pregnancy in which a woman would be forced to go through with due to the current lack of reproductive rights that are pro-woman, let alone pro-choice in Ireland.

In addition, Teenage girls under the age of eighteen have a difficult time receiving birth control, as it is mandated that they have a parent’s signature for their private and very personal medical decision (Holland 1). Likewise, the high costs of birth control also deter women of all ages, especially young adults from consistently using it to reach maximum effectivity. Within *All We Shall Know*, Melody shares that she “came off the pill because [she] couldn’t afford it” (Ryan 114). In this situation, Melody is in no way protected from an accidental pregnancy and she has no protections guaranteeing any right to make a choice over the matter if she does become pregnant; she is fully aware of this serious matter as she states: “I’d weigh the moment

against my life beyond the moment” (114). The fear of a moment’s decision leading to a pregnancy that will govern the remainder of a woman’s life without her ability to stop it is a hefty risk to be placed upon women who are unable to afford or obtain birth control due to factors outside of their control. Likewise, if women typically earn a lower salary than men (as previously revealed by the 14.4% difference in Ireland between the two mentioned earlier in the chapter), then should women have to take more out of pocket costs for birth control when men can maintain their extra earnings, neither having to buy birth control or suffer the physical consequences of not doing so? Thus, the modern woman and the current social trends of sex before marriage highly conflict with the Constitution’s safeguarding of Catholic values towards marriage and reproduction in a manner that can prove life-altering and even fatal for women who may die during child birth, all because they cannot acquire affordable birth control or a legal abortion.

Here, the words of the Bunreacht Na hÉireann mock the ill-luck of a woman who does not desire children. Thus, these words further solidify her to a fate that she does not want and has no power to control. The limitations on a woman’s personal rights under Article 40.3.3 of the Irish Constitution draw out that:

The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.
(Bunreacht Na hÉireann 154)

In this instance, the Bunreacht Na hÉireann tells women seeking an abortion—whether due to a pregnancy that stems from unsafe sex/failed contraceptives, one that is a result of rape, or even from one that was planned but in which the fetus is determined to be unable to survive outside the womb/would be stillborn upon its birth—that each must continue on with the pregnancy even if the emotional damage far outweighs the physical damage. What appears in practice under safe-

guarding the “life to the unborn” is that the Constitution only regards the immediate life of the mother as equal to that of the fetus; whereas, the right to life of the unborn far outweighs the life of the mother when it comes to her long-term health and state-of-mind. This notion is further underscored by the fact that an unborn child can in itself be a plaintiff or defendant that can be represented by an interest group with bona fide concerns within an Irish court of law even though it goes against the precedent of requiring locus standi²⁷ to bring a case before the court, as highlighted by *S.P.U.C. v. Coogan* [1989] I.R. 734.²⁸ It has come to be that only in dire situations can a mother’s life be vindicated over that of the child’s if the circumstance arises that both their lives may be in jeopardy in accordance with The Protection of Life During Pregnancy Act (2013). Yet, having to prove one’s self as suicidal enough to warrant an abortion is cruelly degrading and even costly in terms of having a woman undergo such an emotional process numerous times, as a review committee must be established by doctors and psychiatrist who are each required to assess her and then determine whether she is fit to carry on with the pregnancy or not (“Protection of Life” 2013). Again, another person, detached from the woman assessed, is given the authority to make a choice over her and the integrity of her own body. Although small steps have been made towards curtailing the oppressive nature of the Eighth Amendment via the Thirteenth Amendment (deeming that the right to life of the unborn is not cause for limiting international travel) and the Fourteenth Amendment (announcing that the right to life cannot

²⁷ As an accepted legal precedent, for a person to have locus standi so that he or she may bring a case claim before the court, one must be able to prove that he or she has been “directly and personally” affected by another’s harm or by “a breach of the Constitution” (Hall 22). Yet, an interest group with a bona fide concern for representing those who are unable to represent themselves, such as an unborn child, become legal entities that are able to plead the case on their behalf as they are the next best form of representation in matters concerning the public at large.

²⁸ *S.P.U.C. v. Coogan* [1989] I.R. 734. allowed a pro-life interest group to take on the case fighting the supply/circulation of abortion information within Ireland. Here the Supreme Court once marked that the Eighth Amendment precluded the distribution of information pertaining to abortion; “the right to life prevailed over the right to information” (Hall 153). Although abortion is still illegal, information pertaining to it is no longer a crime under the passage of the Fourteenth Amendment.

limit a person's right to obtain or circulate information relating to abortion), larger steps are needed to ensure that reproductive rights are controlled by women themselves rather than by any outside party who is detached from these women and their personal experiences.

Conclusive Thoughts to Carry Onward

Moreover, whether we uncover an understanding for what drives Donal Ryan's novel or we unearth the roots that prompted Strike 4 Repeal movement to sprout, all together we discover the troubling history and present of a large portion of marginalized women among Ireland who face emotionally, physically, mentally, and socioeconomically strenuous difficulties on a daily basis as they battle to have rights over their own, individual bodies. Faced with the legal barriers built up by the inflexible, Catholically-ideological terms of Articles 40 and 41 of the Bunreacht Na hÉireann, Irish women must struggle to prevail in a society that allows obsolete stereotypes of the past to legally governed the present. Akin to the many, if not to all women of Ireland, Melody wants to become a mother on her own, self-determined terms, rather than by those of the Irish government, Catholic Church, or some panel of doctors—all of which are solely aloof strangers to her. Empathetically, Melody's story and the stories both tacit and heard of all the Irish women who have been forcedly made to face the decision of either travelling abroad for an abortion or opting for the few, demeaning alternatives that their home country of Ireland offers to them all signify that their voices need to socially and legally count for their own well-being. In order to achieve these rights and freedoms for women, the Irish Constitution and its government must officially separate the Catholic Church from the State and become truly secular if women are ever to gain the full momentum to bring about long-term, lasting equalities and to have a self-value greater than the home. Currently, these non-secular norms and laws obligating women to be mothers even when they do not wish to be, these non-secular norms and laws that become the

“Fate” that makes the life “moments [of a woman] seem ordained, fashioned by a finger not [her] own” fuel fundamental inequalities and are critical issues among Irish society that indicate a woman’s ever growing need to regain power over herself and her own life, a right that man has long been able to relish (Ryan, *All*, 78).

As more and more voices of women band together, the woman born on day one will one day become a woman born without the social constraints of a domestic image and without the suppressive veil of a socially constructed innocence that sex somehow seems to shatter only for her and not for her male counterpart. Although Melody’s story is technically driven by a male author, Donal Ryan highlights the irony of his own role when one of Melody’s last thoughts mentions that “nobody will ever know the whole of my story, nor will I ever tell them” (185). Therefore, the man that the Constitution loudly and clearly lauds should not be the target of destruction by the women united; rather, by engaging and including men (and truly all people no matter what their gender, race, ethnicity, sex, or religion may be) among the many dialogues advocating for women’s rights, instead of excluding them and creating more animosity towards the cause, women are able to take another step further towards informing Ireland’s dynamic and still progressing society of the inequitable treatments promoted by the current constitutional linguistics that are underlined by religious-biases. What deeply needs to be understood is that pro-choice does not mean that a pro-life decision will never occur again. What deeply needs to be understood is the importance of establishing an available and affordable health care for women, as the Catholic ethos still dictates conservative practices that disfavor women based upon their age, socioeconomic background, and/or marital status. By welcoming more people—more brains, more emotions, and thus more voices—to join the goal of not only breaking the rigid, outdated molds of the 1930s woman but also of acquiring the right to one’s self-determination

over her bodily integrity, women will further their powerful message against marginalization farther and wider, all across Irish lands and Irish seas, and will one day witness that message's transformation into tangible words within the pages of the Bunreacht Na hÉireann, which will finally allow these women to take that last step needed to cross the long-awaited finish-line.

Chapter III:

Conflicting Constitutional Conceptions: Citizenship and Subsequent Rights in Ireland

The conventional concept of constitutionally-driven nationalism that seeks unity via sameness in a population's values, ethnicity, and culture has been ironically detrimental to a modern proclamation of a cohesive national identity for Ireland. Contemporary society's drive for sameness damagingly carries Ireland towards exclusivity, oppressiveness, and neglect (Fanning 14-19). There is an understandable will to carry on an Irish legacy in regards to values, culture, and heritage. However, by ostracizing minorities such as Travellers, immigrants, and even emigrants, Ireland will continue to ceaselessly grapple with finding the correct and most beneficial ways in which to bring about unity among these many differences within the country. Rejecting the history and presence of a group or an individual, whether by the words of the Constitution or by those of society, does not generate community strength; rather, what it stirs is more animosity, prejudice, ethnocentrism, and potentially even violence. Despite their deviance from modern social norms or lifestyles, these aforementioned minorities hold the power to preserve a unifying identity for Ireland, not by valuing ethnicity, status, and wealth, but rather by esteeming individuality and the diverse roots that continuously plant themselves into the common, nourishing soils of modern Ireland.

Preserving some of the most essential Irish values of equality, liberty, diversity, and dignity lauded both long ago and today, the Traveller community, both a Pre-Celtic nomadic and now settled minority group, was, and in some ways continues to be, one of the few native populations left in Ireland that heralds a cohesive extended family structure as well as a self-sufficient work ethic and an inclusive mindset. Similarly, many immigrants that travel near and

far to in order to immerse themselves within the Irish culture and lifestyle also strive for a better life that aligns with the goals and values of preserving the family unit and discovering better opportunities for work and education that are key to maintaining or regaining one's sense of independence. Collectively, Travellers and immigrants, especially the current refugees from Syria, Somalia, Afghanistan and other eastern countries plagued by war, abuse, and bloodshed, are faced with one of the biggest burdens to overcome: assimilating into Irish society and being accepted by its people. That is not to say that within mainstream society, every person loathes Travellers and immigrants and yearns to deny them of all and any rights. Yet, many middle-to-upper-class people within society marginalize Travellers as the "bottom rungs of Ireland's social and economic ladder" (Gmelch 1). On top of that, three out of four people in Ireland are reluctant to live in areas near Travelling communities, citing the preconceived notions that their mobile homes are aesthetically-displeasing eyesores that house rowdy and violent members who lack sanitary lifestyles and therefore breed disease (O'Brien 2). Likewise, Irish attitudes towards immigration have grown more hostile in less than a ten-year period with an increase from six percent to now "almost 20 per cent of people saying they are against any immigration from different ethnic backgrounds coming in [to Ireland]" (Crosbie 1). If Irish Travellers and immigrants from all nations wish to embody the basic concepts that underscore Irish traditions and cultures, then how and why do these minority communities continue to become increasingly marginalized as generations advance? Thus, Irish Travellers remain negatively stigmatized as Irish society and its government employ the absence of constitutional terminology toward Travellers as a means of legitimizing the ways in which this minority group is physical pushed to live within the margins of society, which solidifies the actual absence of Travellers among urbanized Irish life.

Often-times, the most significant power of marginalization rests in the direct words and phrases of the Bunreacht Na hÉireann. However, when analyzing the place of minorities among the pages of the Bunreacht Na hÉireann, it becomes quite apparent that the words of the constitution not only have a direct effect—but also—and perhaps even more importantly—the absence of specific words and the resulting ambiguity hold an even greater indirect effect that forcefully suppresses the rights and lives of these ostracized groups of people. Here, the silence of the text consequentially contributes to the silenced voices of Irish Travellers and immigrants living within Irish society. Creatively combating against this all-too-common reality of pride detrimentally mixing with prejudice within Ireland, Donal Ryan highlights that integrating people of all diversities and backgrounds into Irish society is more than a hot-topic political issue or personal preference; rather, it is a human issue involving human faces, feelings, and lives. Thus, Ryan employs a portion of his collection within *A Slanting of the Sun* (2016) and *The Spinning Heart* (2012) to giving a voice back to the Traveller community and to the immigrants that reside within Ireland, voices that the Constitution and its interpreters fail to grant and that many within contemporary Ireland fail to accept or even to acknowledge.

Crafted with the right elements of wit, irony, and tragedy, Ryan creates an understanding towards the minority stereotypes, both misunderstood and/or utterly untrue, that Irish society perpetuates. Ryan's illustration of Travellers and immigrants and the daily struggles each faces from society's maligning words and prejudices depict how such lies and false labels can morph themselves into an ugly version of reality that these marginal communities are forced to live in. Therefore, the failure to include these minority groups, both generally and specifically, among constitutional conversations contributes to their further marginalization as time advances and Ireland continues to progress. Through his portrayal of a Traveller family, a lost Russian

immigrant, and their interactions and relations with general society, Ryan highlights the everyday majoritarian discriminations, both deliberate and inadvertent, that sever unity and a sense of acceptance and belonging for these minority members. Although these marginal voices arise out of fictional tales, Ryan starkly breaks the real silence that Irish society forces upon these minority communities today. Via an analysis of citizenship rights and fundamental rights granted by the Bunreacht Na hÉireann, one will realize the profound extent to which both Travellers and immigrants of all statuses have been denied crucial rights and the ability to speak up for these rights. Coupling this analysis with the writing of Donal Ryan, these silenced, marginal voices shall no longer remain voices unheard; instead, these voices will ardently roar out, breaking the stale air that once stifled them, allowing each speaker, each minority individual to finally take back the power and sense of ownership that was once taken from her or him. Although they may stray from some of the arbitrary social norms that society expects them to abide by, these minority members—Travellers, immigrants, refugees—may one day become equal to the point where they need not be deemed as minority members, but as solely people of and within Ireland—humans—if the Irish Constitution can give each an acknowledged voice just as Ryan is capable of doing.

Irish Travellers: Citizens Hung on the Bottom Rung

Like many in Ireland, Travellers also have legal Irish citizenship; yet, they too find the country's general urban shift towards homogenous lifestyles of valuing upper-class status, white ethnicity, Catholic backgrounds, and a settled residency as being superficial and unfulfilling aspects alone that contribute towards constructing the Irish identity and culture behind the nation's standards of citizenship (Fanning 15). As anthropological researcher Sharon Gmelch questions in her documentary *Unsettled: Tinkers to Travellers* (2002): "How do you have a

group of people so distinct, but in many of the overt measures of distinctiveness, they're the same?" Although these Travellers are "visually white," have Irish familial heritage, and can speak either in English, Gaelic, or both languages, they are ostracized by the majority of society and are deemed as demoralizers of "Irishness," the Irish culture, and Irish citizens as they are content with living at an "underclass" status in order to value their diversity (Fanning 20-21). Thus, xenophobia, or the unwarranted fear and hatred towards those who differ from the vast majority, plagues a large portion of Ireland's society and normative perspectives. Xenophobia, as opposed to the term 'racism,' is a more-gentle word that is used by Ireland and its government to wrongly overlook discriminations and mark them as mild; thus, Fanning deems xenophobia as the "new racism" among Ireland (18-19).

This "new racism," (one that now aims to justify racism by labeling it with a different (new) term) and the lack of society's acknowledgement towards Travellers possessing equal consideration as citizens are evident elements that arise in Ryan's portrayal of the general public's view towards Irish Traveller communities. Crafted with a genuine ring of colloquialism, Ryan finally gives the Traveller community a voice, even when society has habitually taken away such a right. During the 1970s and in 2010, DNA research confirmed that the Traveller community within Ireland existed long before the initial drafting of the 1922 Constitution, with their genetic presence dating all the way back to the 1700s (Gmelch 1-2). Yet, "Travellers are written out of history" by modern society, despite the fact that Travellers compose a main societal group that culturally, socially, and genetically preserves Ireland's historic past (*Unsettled* 2012). As evidence, Travellers as a whole are not once directly mentioned in the lines and pages of the *Bunreacht Na hÉireann*. Even with the constitutional shortcomings, Ryan does what few have dared to do: give a Traveller, a young female Traveller nonetheless, a

predominate voice and a narrative control. Most importantly, the first-person narrative by this young Traveller not only establishes the power of a once suppressed perspective, but also this particular first-person account allows the ostracized citizen to grab ahold of the opportunity to take control over her own life and experiences without having them be audited by the normative cultures or the judgements/perspectives of the majority.

How does one know that they are different or that they stray from the common social norms? This is only one of the many implied questions and issues that Ryan tackles within his story “Trouble” from the collection *A Slanting of the Sun* (2015). Akin to reality, the fictional Traveller community of “Trouble” is surrounded by a bleak backdrop, darkened by the harsh and honest realities that Irish society by-and-large fails to see, or at times consciously chooses not to see as it is easier to blindly judge Travellers and the like through ignorance and misinformation rather than with knowledge and truth. This chapter title alone suggests an allusion to the time of “The Troubles” during the mid-to-late 20th century when ethno-nationalist strife arose among citizens in Northern Ireland²⁹. Yet again, history here tends to repeat itself in a different fashion as the words amid tales of fiction and non-fiction conjure up the image of the similar rivalry, this time being among the ethnicities of mainstream Irish and Travellers.

Significantly, Ryan’s narrator/protagonist subtly stands as a portrayal of how the legal and social identities of Travellers within his fictional story parallel those of actual Travellers who face the tensions that brew internally and between communities when their identities are misshaped or overlooked by modern Irish society and the Bunreacht Na hÉireann. In both cases, the identity is one of absence, or more so non-existence. Ryan symbolically leaves the young Traveller narrator, as well as her father and mother, nameless and thus without a direct identity.

²⁹ <http://www.smithsonianmag.com/people-places/in-northern-ireland-getting-past-the-troubles-52862004/>

Here, Ryan's choice of giving the Travellers no specific names parallel to the ways in which the constitution strips Travellers of their distinct, legitimate identities by writing this minority group out of the entire document. Consequentially, the voices of Travellers are in turn stripped as a result, since having no name equates to the lack of self-identity that Travellers face under the supreme law of the land. In turn, society is also depicted as apathetic toward the narrator's lack of a name or concrete identity, as the common people that she meets never once bother to ask her to identify herself for society has already decided upon her identity and categorized her character and being before even meeting her.

However, Ryan's story also depicts the idea that although the words of the Constitution lacking an identifier for Travellers, this community establishes its own identities via familial terms, such as "daughter" and "Daddy" (34) and "Mammy" (36). These familial terms focus on the unit working as a family, a collective body unmarked by the isolating and discriminating categories that society squeezes them into such as 'other,' 'them,' "knackers," "itinerants" and "Travellers" (Gmelch 1-2, Ryan 39). All of these socially constructed labels can damagingly be used by the State to identify people of the Traveller community as negatively dissimilar, and in such a detrimental degree to where this family among many others are stripped of their connections to society as equal Irish citizens. Unbeknownst to herself, the narrator sees herself and her father as being no different than the upper-class woman, Janey Mac, who stops into the car shop to fix her new car. Young and naïve to society's ingrained discriminations against her and her community, the narrator inherently sees everyone as equals, which creates an air of dramatic irony that underscores the pathos that are drawn out by her beautiful, if only true, misconceptions of the world's ugly truths that have yet to confront her. Hence, when Janey Mac, representing mainstream Irish society, realizes the rural outskirts of town that contain the

settlement site where the girl hails from, she immediately categorizes and identifies the girl as a “Traveller.” Shocked and taken over by the curiosity of having assumed a common stereotype wrong, Janey Mac voices, “I thought Travellers as a rule lived in caravans” (39). Whether assuming this “rule” to be one constructed by society or by law, Janey Mac immediately allows stereotypes and prior judgements to cloud the identity of the narrator. Consequentially, the narrator is no longer allowed to be identified solely as a person or as a citizen by her own means, but rather she becomes branded as some ‘other’ —someone outside of common society and the normative culture that the constitution values.

Not even realizing her offense, Janey Mac leaves the narrator to internalize the harm that these harsh assumptions and the socially constructed label of “Traveller” signifies for her own identity under the State without her own input or choice. The narrator self reflects, expressing:

I heard loads of things, true and untrue, said for certain about me since that day, and never a trace of doubt in the sayers’ voices, but said in a way that made you know the person saying it believed something about you even though they had no right in all the world to that belief. But that first time pierced me sharpest and so deep.

(Ryan 39)

The narrator, here, comes to the full realization that Travellers are stereotyped and consequentially are denied their right to self-identification by the hands of the majority. Due to the absence of words in regards to Travellers within the pages of the Irish Constitution, the majoritarian society in turn takes on the role of governing the rights, images, and lives of Travellers for them. The narrator goes on to note that “I’d never heard words said like that before. Words that took my sameness away, and left me kind of sorry to be me” (39). It is the introduction of the label “Traveller,” this word absent in the constitution but present in the common culture and dialogue of the majority, that breaks down the unifying and comforting sense of identity that the narrator once found in the term “we” to describe her community, roots,

and a piece of her own accepted identity. As a result, the narrator from this moment on leaves behind the term “we” in her reflections about her community. In its place, she takes up the harsher-toned term “us” as a play on society’s version of the “us-versus-them” binary opposition, an opposition that should not and would not be if the Constitution and its framers better committed themselves to the inclusivity of all Irish citizens and ethnicity groups rather than the exclusivity of only those who fit the post-colonial mold of the constitutionally constructed, homogenous, and idealized image of what an Irish citizen and family should be in 1922 and 1937 (Catholic, land-owning, white, etc.). Therefore, the narrator’s innocence and right to self-determination of identity are both indirectly stripped from her by the lack of words within the constitution and are directly taken from her by the words created by society (outside the constitution) that form a label and image that are forced upon her and her community without any form of say.

In addition, Michael Mac Griel, one of Ireland’s prominent sociologists who has studied for 35 years the varying public views towards Travellers, conducted a report researching the prominence of “other-ing,” or ostracizing minority groups that clash with the majority. It was found that “one in five Irish people would deny citizenship to a member of the Traveling community” even if said person was born on Irish turf (O’Brien 1). Shockingly, these one in five people are willing to deny a Traveller, a human being, the constitutional right of Irish-born citizenship (Article 2) along with all of the remaining inalienable, enumerated, and civil rights that stem from citizenship (Bunreacht Na hEireann 4). Focusing on the 2011 Republic of Ireland Census Results, that would mean 29,573 people, approximately 2,476 in Galway alone, would be denied citizen-based rights all because they claim to be a part of the Traveller minority group (Central Statistics 1).

The unity of a community does not grow stronger by walling off Travellers and bypassing their rights; if anything a greater discord grows and creates a thoroughly more disjointed society. Under Article 2, “It is the entitlement and birthright of every person born in the island of Ireland...to be part of the Irish Nation...to be citizens of Ireland” (Bunreacht Na hEireann 4). Despite the genetic proof of their long-standing Irish heritage, it is evident that Travellers still struggle to be acknowledged as citizens and even more so to be socially included as part of the Nation. Since Travellers are not legally or technically deemed their own ethnic group, many among society disregard the legitimacy of the Travelling community which amounts to psychologically rejecting Travellers of citizen rights and normalizing the act in the process. Martin Collins, a member of Pavee Point, an organization supporting the rights and civil justice of Travellers and Romas, writes: “Here is, very simply, a deep-seated racism towards Travellers” (O’Brien 1). The real issue promoting society’s discrimination against Travellers is that the animosity toward this group, as well as towards other minorities straying from the norm, has become “institutionalized” and “deeply embedded in the psyches” of people so much so that contemporary Irish society by and large has normalized the slandering and suppression of Travellers among other minority groups. Growing up near a Traveller settlement camp in Ennis, Ireland, Bryan Fanning claims:

It would be difficult to exaggerate the extent of racism and discrimination against the Travelling people in Irish society and the extent to which it remains justified within racialised discourses that construct the Travelling people as deviant and inferior.

(Fanning 4)

Here, Fanning’s words back those of Collins—that racism towards Travellers is an institutional problem promoted by prejudices, these “racialised discourses,” that have seeped into educational systems, legal systems, economic systems, healthcare systems, and thus the daily lives of people.

Moreover, the issue of society failing to see Travellers as equal, let alone human beings, morphs into a plague that carries on a ruinous, yet acceptable norm ingrained from generation to generation that only fuels more contention and exclusion towards Travellers as time progresses.

Routinely, Travellers are driven to live in the rural margins of towns, shunned by cold concrete walls that surround their designated “sites” (Gmelch 129). Even the term “Travellers” has become a mass label that society uses to lump people into one group, masking the fact that unique individuals compose it. Hence, it is much easier for the dominant society to judge and discriminate against an “anonymous mass [such as the Travellers] rather than the individual” as the label dehumanizes and obscures the individuals of the group (Barry 186). The shame that people plaster onto them via labels with negative connotations, as exemplified by Jany Mac’s disgusted tone when referring to the word “Travellers” in *A Slanting of the Sun*, only further contains Travellers behind these physical and social barricades. Aiming to eschew these normalized prejudices and surmount these walls, individuals and organizations, such as Bryan Fanning, Pavee Point, The Irish Traveller Movement, and even Donal Ryan among others, continue to fight back against these deeply engrained biases. By addressing racism towards Traveller populations rather than glossing over it as per norm, these people and organizations empower Travellers and force Ireland, as a whole, not only to be more aware of the rights that they are entitled to as Irish citizens but also to break down these real and figurative walls that are built against them.

Even to this day, the fight to be recognized under the Constitution and by the Oireachtas Éireann as an ethnic minority is a battle that Travellers and their advocates have not given up on. Thus by the power of words, Ryan’s story “Trouble” alone serves as a crusade for the recognition of marginalized groups, significantly the Travellers among Ireland. In “Trouble,” the

quest for a father and daughter of the Traveller community to find a working car part is a trip that turns down a road of bumpy realizations and a ravished landscape of used and broken scraps strewn about the lot. These scrapped cars kept locked down on the land of the Curleys become the first sites of uneasiness that form the exposition, foreshadowing more shattered realities to come. Akin to the wasteland of cars stands the image of two generations of Travellers—two individuals who, analogous to these broken down cars, are stuck in the confinements and parameters established by the wealthier and more powerful sectors of conventional society. Eerily, the entire scrap yard is enclosed by an oppressive wall, “like a Limerick prison,” that is meant to deter theft (Ryan 33). Rather than playing into the stereotype that Travellers are more likely to lead lives of crime, Ryan plays off that notion and depicts the honesty and good character of the Traveller community despite the common, misconstrued beliefs that confine Travellers behind the imaginary prison walls of assumption and judgement.

The cry for unity in diversity is thus a faint one, but one that grows louder as Ryan aims to both fight off harmful Traveller stereotypes and create an understanding for the ones that may hold some truth. Throughout time, media sources from newspapers to the internet and from literature to films ascribe stereotyped criminal attributes to the Traveller community due to its variance of lifestyle from the general population, both economically and educationally (Kabachnik 50). The stereotype arises from the lower levels of formal education and more self-sufficient means of obtaining a source of income. Yet, Ryan flips the criminal label on its head by depicting the Curleys, their business, and ironically the police (the Garda) as the sources of true crime, robbery, and corruption that epitomize Ireland’s institutional failures. Swindling the Traveller father’s money by selling him a broken car part and denying him a refund, the dishonest Curleys carry out a true highway robbery with the help of the ignorant Garda, coined

the “shades” who ask no questions but blindly make an arrest, all contribute to leaving the Traveller empty handed, economically more suppressed, and further exasperated (Ryan, *A Slanting*, 36). The innocent bystander that she is, the Traveller child watches the scene unfold and comments: “he [her father] was left with no choice. Trouble found him sometimes, no matter that he done his level best always to keep out of the path of it” (36). With the law not on their side, Travellers are forced to stand down to the powerful majorities whether that be meekly or defiantly.

Opting for defiance, the narrator’s father physically fights for his own rights as a citizen as well as for the rights of his family since no other institution or person will. In turn, he is outnumbered and held down by Curley’s security crew/the Garda, who are symbolic of the majority of society as well as the institutionally flawed justice (legal) system. The narrator notes that “they held Daddy down by an arm or a leg each which was easy enough do” (Ryan, *Slanting*, 37). Here, it is one Traveller repressed by the many hands of society which aim to keep this deviant-of-the-norms man pinned down to the lowest status, physically and literally.

Paradoxically, the prison-esque scrapyard now contains the true criminals that society misguidedly esteems, as the Traveller father is dragged out of the scrap yard office and into the Garda’s paddy-wagon while his daughter waits outside. This forced separation and deconstruction of the family is not only socially driven but also legally mandated by the hands of law enforcement, who are upholding the constitution in a way that mass society seems fit – that is excluding members of the Traveller community from the family provisions of Article 41.

Although Article 41.2 of the Bunreacht Na hÉireann claims that:

The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.

(Bunreacht Na hÉireann 164)

We can easily see that minority groups such as the Travellers, both within Ryan's fictional works and within the workings of real Irish life, are not entitled to such a right and are thus not afforded these constitutional protections in regards to the family unit. Accordingly, this scene within "Trouble" illustrates the ironic and misconstrued idea of social order arising out of severing a family (directly the Traveller father and daughter, and indirectly the father from his wife) rather than keeping it together as the "necessary basis" required. Ryan's conflict here metaphorically turns Article 41.2 on its head, and raises the following question: if the family is such a vital center to the "welfare of the Nation and the State," then why does Ireland's society find it acceptable to try and terminate such a value for Irish Travellers? As will later be revealed within this thesis, the fact that society has no qualms toward failing to uphold familial connections and privileges for Travellers that are Irish-born citizens means that Irish society and its government will have even less regard for the tearing apart of families who try to reside in Ireland without the status of Irish citizenship (immigrants, asylum seekers, people with work visas, etc.)

Strikingly, Article 3, Section 1 of the Bunreacht Na hÉireann calls for the need to welcome and include heterogeneous Irish communities together in order to create a strong, unified Irish State overall. Ironically, the constitution's solution for attaining such order is through implementing homogeneity under the hegemonic majority. The drafting of Article 3 under the first section of "The Nation" commences with words that do initially illicit the sentiments of solidarity and honor for all living under the constitution of Ireland. Brought together by an air of triumph and optimism, the Irish Nation is one with a "firm will," a steady determination to bring all together "in harmony and friendship," which in theory constructs a commendable plan (Bunreacht na hÉireann 4). Yet, the affectionate and peace driving words of both "harmony" and "friendship" start to decompose as the rest of the clause unravels. The main aim under Article 3

is “to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions...” (Bunreacht Na hÉireann 4-5). Again, this section of Article 3 continues to ring out a sense of union and even an inclusion of diverse groups among the Irish population. The essential word “all” connotes that every single one of these groups diverse in “identities and traditions” have the constitutional right to unity rather than exclusion.

Although a grand concept within the first page of Article 3, Section 1 it is apparent that the constitutional acceptance of unity in difference is not the case in both the realms of Ryan’s fictional communities and Irish society itself, as both are plagued by the conditions set with a turn of the Bunreacht Na hÉireann’s page. The acceptance and strive to create unity even with diverse groups is stated to only occur by “recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed” (Bunreacht Na hÉireann 5). Although the original aim of this clause is to create a sense of unity between the North and the Republic of Ireland, the terminology and phrasing in this instance becomes problematic when implementing the constitutional words upon people and communities with geographical classifications aside. By looking at Ireland as whole and unified in this Article, as was the original intent of this provision, it is incredulous that these same words can acceptably, in a legal/constitutional manner, marginalize groups such as the Travellers who are excluded by the “consent of a majority,” or the will of society by-and-large. These terms that the public fondly adheres to – democracy and majority – both suppress the voices of diverse minority groups that cannot match the numbers of the majority. Perhaps in an idealistic egalitarian society where groups of all types held an equal amount of power and common status via equal numbers of people, then would the concept of majoritarian rule and democracy create unity that does not involve quashing minorities groups, as everyone would be included within a

community on a fair playing ground. Yet, realistically this very well is not true or even potentially attainable for any community/country in the world. Therefore, Travellers are one of many Irish communities that continue to be mocked by Article 3 and quelled by the overpowering, and booming voices of the majority, especially those of the upper-class divisions of society including the government. Moreover, Ryan's literature creates a space for the marginalized voices of people written out the Bunreacht Na hÉireann, particularly those voices that stem from Ireland's Traveller community, to finally be heard and better understood by Irish society.

The Modern 'Coffin Ship':

An absolutely baffling notion is the amount of power that intangible borders have over the mentalities and everyday lives of people on both sides of them. Why do we let these intangible borders and normative walls hold us back, limit us, and make us feel different from anyone who stands across from us on the other side? Have we lost sight that no matter what side people are standing on they are inherently just that: people—human beings? Another group never mentioned specifically under the Constitution, Irish emigrants, too, lose rights and are silenced, seemingly erased from Irish society and law, once they transcend the borders of Ireland. When an Irish-citizen emigrates, he or she loses one of the most important channels that secure a sense of power over his or her voice and that is the right to vote. Thus, by emigrating, Irish-citizens are stripped of one of their most democratic powers as well as the ability to have their voices heard. Thus, the voices of many Irish emigrants become ones that equate to most of the voices of non-citizens living within Ireland when it comes to representation via voting in elections and referenda.

There are many push-and-pull factors—economic, social, familial, occupational—that influence an Irish-citizen’s decision to stay or to emigrate anew to places such as the United States, the United Kingdom, or as far as Australia. Emigration is one of the central features that underscores a modern Irish experience, especially after the country’s economic fallout in 2007/2008, post the Celtic Tiger era of economic boom, which generated the “the Ryanair generation” of young adults seeking job opportunities elsewhere abroad (Hayward & Howard 51). Although over 120 countries offer absentee ballots for citizens abroad to vote, Ireland is not as generous in this way (Carr 1). According to the public service information provided by the Citizens Information Board of Ireland³⁰, only a select few of Irish citizens abroad may qualify for a postal ballot; these people mainly include: “A full-time member of the Defence Force, A member of the Garda Síochána, An Irish diplomat...or spouse [of a diplomat] posted abroad, [if you have a physical illness or disability, [or if] you are studying full time at an educational institution in Ireland which is away from your home address” (Citizens Information 1). Opposite of most European and Western Society restrictions, Ireland actually allows prisoners to vote rather than a majority of its emigrant citizens.

Likewise, even citizens of Britain have voting rights for the Dáil, European, and local elections in Ireland when Irish-citizens such as workers and students abroad are denied such an opportunity for the country they are connected to (Citizens Information 1). What gives these British citizens better qualifications to vote in Irish elections that Irish-citizens abroad are unable to provide? Denying Irish emigrants voting rights seems even more arbitrary and a way to de-globalize the Irish image and connections within this context. Under Article 12 of the Bunreacht Na hÉireann, Section 3 notes that “voting shall be by secret ballot and on the system of

³⁰http://www.citizensinformation.ie/en/moving_country/moving_to_ireland/introduction_to_the_irish_system/right_to_vote.html#l862a3

proportional representation by means of the single transferable vote³¹” (16). Yet, this provision never mentions Irish-citizens abroad and does not constitutionally guarantee such a right for them despite their rights as Irish citizens; instead, such a decision is left to be claimed by statutory laws which as we can perceive are not inclined to hand out such rights to emigrants unless serving in the armed forces or privileged by a lofty diplomatic position. It as if the emigration of an Irish-citizen is constitutionally a death to citizenship. Interestingly, this is exactly how Donal Ryan and his literature portray emigration in relation to Irish law and society.

Throughout a majority of Ryan’s literature, Irish emigrants who have sought out work opportunities abroad in Australia more often than not meet a fatal end over there or mysteriously disappear—an ambiguous death or an insinuation of their invisibility in the eyes of the State that they encounter as Irish-citizens once they leave the homeland. The frequency of the nonchalant mentioning of emigrants being erased from Irish society is subtle but unnervingly add up to underscore the significant consequences that arise when one emigrates. In *A Slanting of the Sun*, Maud longingly recalls the moment when her son emigrated to find temporary work in Australia. Despondently, she recalls how her husband “helped him [their son, Stephen] buy his ticket to Australia” (Ryan 120). She goes on to share that “I should have persuaded him to stay here...And not three weeks later our telephone rang...and a voice half a world away told us our Stephen was gone, scaffolding had collapsed under him and he had been killed” (120). Likewise, in *The Thing About December*, yet another person dies abroad, as Johnsey Cunliff recalls having to speak on the phone with his uncle “in Australia on account of he was dying,” and thus a week later the man dies of kidney failure, never to return to Ireland again (Ryan 150). These deaths not

³¹ Article 12.3 is referring to the voting process for the President; yet in a larger sense this proportional method of one person, one vote also is upheld for referendums as well. A complete list of regulations for casting a vote at a Referenda is located under Article 47 (Bunreacht na hÉireann 184-186).

only tell of the literal dangers that one can encounter in a new land, but also they can insinuate the figurative death that emigrants experience when they leave Ireland and forgo their right to vote and consequentially their political voice.

Within the last few years, Irish emigrant voting rights have been more frequently debated among sectors of Irish government, the European Commission, and especially by the advocacy group Votes for Irish Citizens Abroad [VICA] European Commission. Covered in 2015 by the Irish Times, the European Commission expressed that “Ireland was disenfranchising its citizens living in other EU member states by not providing them with voting rights” (Carr 1). Likewise, emigrant and human rights worker Barry Johnston expressed his frustration towards his home country’s policy of barring emigrants from voting:

There’s a changing demographic among people who have moved abroad. They’re returning more often, they’re more engaged in campaigns because of social media, they know what’s going on so this idea that they’re gone and forgotten is a nonsense.

(Carr 1)

Thus, Donal Ryan too illustrates the displacement and qualms that young Irish citizens face once they emigrate, as within *The Spinning Heart* Brian, a recent unemployed graduate of a university, embodies by being caught between his need for gaining a job abroad and staying in Ireland with his parents to avoid their strong disapproval and funeral-esque reaction of tears and denial. Thus, akin to many real citizens such as Johnston, Brian is “forced to choose between the coffin ship and the grave” (Ryan, *Spinning*, 57). Although the allusion here to the Irish Famine³²

³² The Irish Famine in the (year) was a momentous recession that caused an influx of Irish emigration due to a decimated economic system, immense rural poverty, and an overall lack of food from a large-scale potato blight. At this time when emigration levels were high, “coffin ships” were coined as the names for cargo ships bringing emigrants to America and other places around the world to escape the famine. Death rates were high on these ships due to poor sanitation, low food sources, weather conditions, and disease. Likewise, these “coffin ships” were also deemed as such do to the division of families who potentially would never meet again (especially if one was to die mid journey or abroad) and thus prior to leaving a funeral was held for the living who were departing to a new country.

may seem overly grave and dramatic, Ryan's reference hones in on the fact that the young adults during the Post Celtic Tiger recession were either forced to stay in Ireland and remain unemployed and in poverty or embark on the journey of emigrating somewhere new that potentially held its own dire risks and certainly held the severing of rights for those who chose to leave Ireland. Even today the same struggle lingers on the horizon for those who may consider living abroad for a few years in search of work or other opportunities. Maintaining their right to vote should be an Irish emigrant's least worries, and yet Ireland's laws and government seem to desire for its citizens to be bound to the land unconditionally.

The Ebb and Flow of New People and Old Prejudices

Akin to the deeply seeded prejudices and the denial of rights that Irish Travellers face within Irish society, immigrants, particularly refugees, are additional minority groups that encounter these same struggles throughout Ireland on a daily basis. The increase of racism and inequality in Ireland continues to correlate with the increasing amounts of immigration into the country. However, racist attacks can also be directed towards Irish citizens that are both native and non-native to Ireland. Thus, the image of a 'true Irishman or Irishwoman,' this homogenous image that was illustrated prior continues to create a destructive path for social harmony and inclusion over exclusion, as many people who migrate to and within Ireland fail to match such a socially and even constitutionally driven image. Across the globe, the culmination of 2009 brought about "a total of 43 million people that had been forcibly displaced" from their homelands due to religious, racial, and political persecution (Peiper et al. 1). Focusing on the European Union alone, we can fast-forward to the facts of 2014 where more than 625,000 people sought asylum and protection from countries within the EU and signaled a 44% overall increase in asylum applications from the prior year of 2013 (Bitoulas 2-4). As part of the EU, Ireland

itself received on average 310 refugee/asylum seeker applications per month in 2014 (4). Yet, Ireland's rate of refugee acceptance is much lower in comparison with most other EU countries.

The small size of Ireland, in relation to both its physical area and population size, is a quaint feature that builds upon the country's local vibe and close-knit communities. However, Ireland's small size is also habitually used as a safeguard against granting an influx of immigrants for permanent/long-term legal residency. Thus, Ireland is nestled in among the bottom rankings for EU countries that approve asylum seeker applications, where on average only three percent of cases are recognized for approval while the rest remain pending or rejected (MacGuill 6). The fact of the matter is that blaming the country's size for the lack of refugee acceptance is no longer a viable defense. In comparison, Denmark and Belgium, ranking third and seventh respectively for being two of the top EU countries to accept refugees, are half the size of Ireland; meanwhile, Malta, which ranks as the number one country in the EU for accepting refugees after the Mediterranean Refugee Crisis of 2012, is five times smaller than Ireland in area and population size (MacGuill 5). Likewise, Ireland's GDP is twenty times larger than that of Malta's; yet, Malta is able to set aside the economic resources needed to sustain the influx of refugees seeking to protect their lives (5).

Therefore, when the government deems the size of a country as the inevitable cause that drives the selectivity of so few refugees it in turn rests its claim upon the misleading presumptions that these incoming immigrants will be economic burdens on the country and its citizens, and that these immigrants are inferior to the natives of the country. In effect, society then is influenced to normalize the government's attitude of unwillingness towards accepting immigrants and asylum seekers. From the start, people under these classifications outlined by Ireland are set out as 'different' and are further misguidedly mediated as such to society when

the government as well as the news and other media platforms propagate these immigrants as economic burdens, free-loaders of welfare systems, dangerous criminals, along with many other stigmatized qualities. Stemming from her own experiences of displacement, immigration, and oppression, Gloria Anzaldúa points out that physical borders being paired with the sentiments of exclusion and difference promote psychological, socioeconomic, even legislative borders/distinctions of the us-versus-them binary that perpetuate hatred, ignorance, and isolation all throughout a society of mixed beginnings. In describing the mixing of cultures and origins within her piece *Borderlands La Frontera*, Gloria Anzaldúa argues that “Borderlands are physically present wherever two or more cultures edge each other, where people of different races occupy the same territory, where under, lower, middle, and upper classes touch, where the space between two individuals shrinks with intimacy [or proximity]” (19). Hence, there is a “borderland” and its subsequent properties of multiple identities and mindsets that is formed within Ireland and its communities consisting of Irish natives, immigrants, and refugees.

Yet, to have to leave one’s home country due to persecution, only to again face oppression by a new government and society within such a borderland is an unfathomable experience that many citizens within in Ireland cannot imagine themselves being subjected to. Granted, this oppression may not be to the degree of the one left behind at home, but it is oppression nonetheless solely for a person being different—“As a refugee, [one] leaves the familiar...to venture into unknown and possibly dangerous terrain” (Anzaldúa 35). Although at times it may be easier to remove one’s self from considering the dire situations and hardships that these asylum seekers and other immigrants face, Donal Ryan is one remind us that we must face these issues and tackle them head on, so that everyone can have a voice no matter what their place in a society may be, where they may come from, or what hardships that they may speak of

at the core. Pushing people to transcend their own zones of comfort and to see the world from the perspective of an immigrant trying to survive and start a new life in Ireland amid the setbacks of racial discrimination, a lack of legal rights, and the overall misunderstanding that society has towards him. Overall, Ryan's novel *The Spinning Heart* is one that calls for human empathy to reign over the hostility and preconceived prejudices that have been institutionalized within Irish society among areas of education, labor, and law. Thus, Ryan's work urges Ireland to realize the extent to which marginalization of immigrants and the resulting hardships they face arise from the inability of both the Bunreacht Na hÉireann and Irish society to acknowledge these people as inhabitants of Ireland, let alone careworn people who arrive seeking a better life—one that takes part in furthering homogeneity and the Ireland's values of independence and democracy that were absent among the countries they fled. Analogously, Ryan creates a platform for the immigrant voice to be heard and for the migrant perspective to be understood by Irish society, just as he does for the marginalized group of Irish Travellers who in fact have Irish citizenship.

Through the peaks and valleys of optimistic hope and sorrowful disheartenment, Vasya, an immigrant from The Republic of Khakassia (one of Russia's constituent entities within Eastern Siberia), shares his tasking journey of trying to escape the violent-laden and poverty-stricken country he originates from by assimilating himself into Irish society. Paralleling the taxing experiences that Anzaldúa faced³³ as an immigrant encountering a new language barrier

³³ Within *Borderlands*, author Gloria Anzaldúa personally discusses the oppression, prejudice, and cruel treatment that she and the chicano people, "the new mestiza" (20) have encountered living among the Mexican-American border. Dehumanized by many solely for their race, Anzaldúa notes the divided feelings that immigrants (in both cases [including Vasya's circumstances] illegal) face – the mixing of fear and hope, of sadness and anger, of confusion and confidence – each knowing who they are and who they want to be, even if society does not acknowledge them as distinct individuals. She notes: "Faceless, nameless, invisible, taunted with "Hey cucaracho" (cockroach). Trembling with fear, yet filled with courage, a courage born of desperation. Barefoot and uneducated, Mexicans with hands like boot soles gather at night by the river where two worlds merge...One out of every three is caught...many find a welcoming hand holding out only suffering, pain, and ignoble death" (Anzaldúa 33-34). Immigration is their only option for survival and the misunderstanding of this fact by both the border patrol and society create dire conditions for many innocent people looking for a new, free beginning.

and a new culture, Vasya grows painfully aware of the inner and outer conflicts he faces trying to assimilate into an Irish society that presents social, cultural, legal, and even physical barriers to his acceptance and belonging. An internal thought that initially circles around in Vasya's mind is the way in which he speaks in society: "I speak in sentences of two words or three. I nod and smile often and I feel redness in my face when spoken to" (Ryan, *Spinning*, 35). Pressured by Irish social norms, Vasya is embarrassed that his voice further indicates his foreignness and in turn he is pressured to feel that he should not only speak as little as possible in English, but also that he should not speak at all in his native language. Nostalgically, he remembers the way his grandmother spoke "in a dialect of a tribe" with the quickness akin to that of the Irish tongue (35). Vasya even tries to "act the fool" to gain social acceptance in Ireland by trying to reiterate Irish curse words in the construction yard that he works since his shame over his language insufficiency drives him to adopt "an excessive compensatory hubris" as a means of gaining acceptance. (Ryan 36; Anzaldúa 105). Yet, he grows even more ashamed of himself "for being a clown to please other men" as the Irish workers only laugh at his failed attempts of overcoming the language barrier and see him as the punchline to their jibes and quips (Ryan 37). Despite his best efforts to integrate himself into Irish society, Vasya sees his own tongue, his own words as a betrayal to himself, as they distinctly mark and alienate him as different, non-Irish, and an outsider.

As a result of his birth taking place in Khakassia, Vasya is not automatically entitled to Irish citizenship, which is typical of most citizenship standards per country. Under Article 9 of the Bunreacht Na hÉireann, Section 2.1, Vasya is further denied citizenship since he fails to meet the requirement of having "at least one parent who is an Irish citizenship," and therefore the retort of 2.1 circles back to Article 9, Section 1.2 where "The future acquisition and loss of Irish

nationality and citizenship shall be determined in accordance with law” (10). Although citizenship is typically a political status that can be lost or gained, it is quite peculiar that the Constitution also includes “nationality” as a factor that can also be forfeited, as nationality typically replies to one’s ethnic group by birth and/or by naturalization. In fact, the grouping together of nationality and citizenship in this was only further underscores the Constitution’s emphasis on Irish homogeneity that dissuades a heterogeneous society from forming via citizens with a non-Irish nationality. Of course a government can decide upon a person’s citizenship status, it occurs every day around the world; however, can a government take away a person’s born nationality (or his/her ties to another country) and replace it with solely an Irish one? This seems to be the case with the follow up in Section 3 of Article 9, where one must politically vow allegiance to Ireland, as “Fidelity to the nation and loyalty to the State are fundamental political duties of all citizens” (10). Can one not be Swedish and Irish or be Syrian and an Irish citizen and fulfill their loyal role as well as one born in Ireland? It appears that the tension between “nationality” and “citizenship” connotations are just one of many contradictions that comes to surface when analyzing the Bunreacht Na hÉireann in the modern era.

Thus, permitted by Article 9, secondary laws are able to decree what degrees of citizenship and what requirements are mandatory in order to permit legal residency (temporary or long-term) for non-nationals in Ireland, whether through Visas, asylum, working permits, or unabridged citizenship. During Vasya’s visit to the Dole office, or unemployment/financial help center organized by the government, it is quickly realized that he is an illegal immigrant working and living within Ireland to try and establish a better life for himself than what he endured prior – where he lived in poverty and oppression on the outskirts of a Khakassian city where his brother was murdered. Struggling to overcome the language barrier and understand what exactly the

desk worker has conveyed to him, Vasya is addressed by Shawnee, one of his Irish co-workers, who chirps in: “Hey Chief, what she’s saying is you...don’t...exist! (Ryan 37). Such a remark further emphasizes that Vasya is an invisible man to Irish society, both legally on paper and also in the eyes of the citizens that surround him. No one is aware of his background let alone his being, which is the cruel realization that confronts Vasya. Likewise, the term “Chief” that society promotes is a label that consequentially serves as a derogatory appropriation, even if unintentional, of Vasya’s ethnicity and culture; “Chief” is also analogous to the nickname that author Ken Kesey³⁴ employs to signifying institutionalized racial discriminations and bigotry within *One Flew Over the Cuckoo’s Nest*. Moreover, this socially-constructed label underscores one of many forms of racism that non-nationals in Ireland habitually encounter when trying to assimilate into Irish society³⁵.

Juxtaposing Ryan’s depiction of immigrant struggles are the daunting hardships that antagonize asylum seekers that reside within Ireland today. Granted, the Bunreacht Na hÉirean bestows upon people quite a few crucial protections under the Personal Rights portion of the Constitution’s Fundamental Rights. First and foremost under this section, Article 40.1 notes that “All citizens shall, as human persons, be held equal before the law” (152). Yet, very distinctly the Bunreacht Na hÉireann ascribes its allotted rights only to “citizens” and not to anyone merely living in Ireland; thus, non-citizens are constitutionally permitted to be treated as different, which

³⁴ In Ken Kesey’s novel, *One Flew Over the Cuckoo’s Nest*, “Chief” is the name/label that society ascribes to a mute Native American patient living under the confines of a mental hospital. Typically, the leading official of Native American tribes were granted the title “Chief.”

³⁵ Similarly, Rodney Doyle’s short story, “New Boy,” also underscores institutionalized racism within an Irish educational setting. Similar to the way in which Vasya is labeled “Chief,” a young boy from Nigeria is sneered at by a white-Irish peer who jibes him with the name “Live-Aid.” Doyle’s novel *The Deportees and Other Stories* (2007) consists of seven other distinct stories, akin to the style of Donal Ryan in *The Spinning Heart* and *A Slanting of the Sun*, that depict the discriminations and strained relationships that arise between people who are Irish born and someone who is not – an immigrant. Thus, each immigrant within Doyle’s stories, and even Ryan’s for that matter, are “deportees,” or rather exiles within Irish society.

in many cases equates to a harmful stripping of what appear to be invaluable human rights that consequentially drive portions of society to deem these people as inferior due to their non-native, non-citizen status. If Ireland is compelled to retain the word “citizens” within Article 40.1, then all people, “as human people” will never be a fact of Irish society, no matter how true and obvious it may be that all people are human. By clinging to the word “citizen,” the Constitution assigns that citizens are humans and that non-citizens are aliens to an almost unfathomable extent of being non-human³⁶ or less than ‘human-citizens,’ a notion one would only think to stumble upon in a Sci-Fi movie or literary novel. Surely, even non-citizen of Ireland must be citizens of somewhere; still the fact of the Constitution’s wording ensures that every human is not necessarily equal before the eyes of the Constitution, the law, and subsequently society. Certainly, the careless word choice in this instance unintentionally underscores the reality of alienation, the forced isolation immigrants face as if they were aliens from a strange, inferior, and misunderstood planet, all because citizens, in exclusion of non-citizens, shall be the ones seen as equal, human persons before the Irish law and its fundamental rights; thereby, the double-entendre of “alien” gives a whole new insight on the damaging ways that non-citizens are viewed by Irish law and at times portions of Irish society as well.

Therefore, the alienating racism that arises out of Irish society is subconsciously driven by the Bunreacht Na hÉireann, which derives such distinctions of equality and permits a difference of rights to be drawn between citizens and non-citizens of Ireland. Every country has a set of rights for citizens that are not necessarily granted to non-citizens as a way of promoting

³⁶ Typically, the term “alien” is used to refer to a non-citizen or a person from a foreign country. A common example is the term “illegal alien” that demarcates a person as a foreigner living in a country where he/she is not a naturalized citizen of and does not have legal permission to reside in. Yet, the word alien is also a type of homograph in science fiction literature, where alien connotes a being that is extra-terrestrial, a “creature” that is not typically human. <https://www.merriam-webster.com/dictionary/alien>

citizenship and prompting distinct loyalty to the country that solidifies extra protections for its people. However, when human rights are compromised and become rights that are citizenship-based, this is when tension and issues accrue within a country and create marginalization to perilously extreme degrees. Thus, when Vasya is laughed at in the Dole line for being an illegal immigrant, one unknowingly not entitled to unemployment benefits or rights, he later has a flashback that juxtaposes this event. Here, Vasya recalls the time where he and his brother, Viktor, are involved in a fight back in Khakassia over being slighted as “goatherds” due to their rural roots (Ryan 37). After he is physically assaulted and his brother is ruthlessly beaten, Vasya recalls trying to flee, only to turn back to see “the men that had attacked us were already turned away, bent once more to their labouring” (38). Just like these aloof men, the laughing people within the Dole department maim Vasya with their ignorance and turn away from him as if no consequence stems from the act. The overall parallel depicts society’s ability to remain apathetically ignorant and move on with their everyday lives in peace while the minorities are left to become more marginalized and neglected.

To challenge this societal detachment from minorities and to mitigate the occurrences of racism in Ireland, Shane O’Curry and Dr. Lucy Michael launched an online campaign in 2013 that established an anonymous site where victims and witnesses could report incidents of racism. Within two and a half months (July 11th, 2013 – September 30th, 2013), iReport.ie received 97 reports of racist incidents around Ireland. The most racist crimes/incidents occurred in Dublin, which hosts a large urban population. The campaign’s slogan “Racism: See It. Send It. End It.” encourages citizens and non-citizens alike to break the silence by confidentially reporting racism to end it. Over 300 racist incidents, three-fourth of the incidents reported, were caused by a single person; yet, 67 reports accounted for racist attacks by ten or more people at a time.

Imagine being the victim of ten, eleven, or fifteen or more people that are simultaneously partaking in an act of racism against you! Despite its good intentions, most incidents of racism within Ireland are not reported to iReport either due to people being unaware that an act against them was racist, the fear of retaliation, an unawareness about the site's existence overall, or an inability to access the site (rural areas without internet, no computer, ect.). Thus, people in lower socioeconomic areas where immigrant and minority populations are high are less likely to be able to access resources to report such incidents. Even for the incidents reported, almost half of them (49.7%) remain unreported to the Gardaí, as law enforcement agencies are not in direct response to the site's reports. Hence, many who experience racism take on Vasya's method of looking at the incidents as "slights best forgotten" in order to ensure social safety (Ryan, *Spinning*, 36). Due to this fear, many among stigmatized ethnic minorities like Vasya are wrongly forced to internalize racism and to perceive it as the norm, no matter how much damage may personally or socially amount from ignoring acts of racism. By far, learning to cope with the racism in the surrounding community is not the type of solution that we should settle for and relay to victims, witnesses or transgressors. Thus, stronger laws and a greater presence of law enforcement must be created to mark racism as impermissible and to curtail it towards all people if racism is to truly cease in Ireland of any society for that matter.

However, the Direct Provision program introduced for asylum seekers immigrating to Ireland in many ways negates the idea of nixing racism, as it is a program that contains state-sponsored racism that to a large extent leads to human rights violations. Nasc,³⁷ the Irish Immigration Support Centre located in Cork is an asylum advocate association that works to link, or "nasc" (in Irish), refugees and minority members to their rights and endorse Ireland's

³⁷ <http://www.nascireland.org/campaigns-for-change/direct-provision/>

acceptance of their integration within society. Calling for social justice, Nasc notes that there are many issues of concern when looking at the affects Direct Provision on asylum seekers and the absence of their human rights. Designed as a short-term solution, the housing units created by the program are not overcrowded, as asylum seekers spend on average three years and sometimes up to seven or more awaiting legal approval. The process of application acceptance is elongated by the volume of applicants and the ability to place them on hold, as approval is not always a yes or no decision from the start. How many people can this possibly affect? To put the numbers into perspective, in the early portion of 2014 the number of asylum seekers (4,360) outnumbered the prisoner population of Ireland (4,300) by 60 people. Thus, with overcrowding arises a lack of privacy and an increase in sanitation and health issues. Yet, there are no safeguards on the health needs of direct provision residents, despite the fact that under human rights laws, which fall under EU obligations, Ireland has a duty to maintain the welfare and health of all of these residents; these obligations to EU agreements arise out of Article 29.6 of the Bunreacht Na hÉireann, where “no provision of this Constitution invalidates laws enacted...that are necessitated by the obligations of membership of the European Union...(110). Despite the inherently problematic constitutional ties that the Bunreacht Na hÉireann creates with the EU, in such a way where the EU and its laws are designed to be able to constitutionally trump all laws within the entire Irish Constitution³⁸ if they so decide to, what is apparent in this case is that not following EU protocols, as in the case of asylum seekers, has little repercussions for countries like Ireland. Thus, Ireland’s Department of Health and Children has little involvement with this program despite the EU’s health protocols on a human rights level.

³⁸ Article 29.6 of the Bunreacht Na hÉireann establishes this superior power for EU law as was part of the agreements settled upon so that Ireland could become an included member within the European Union pact.

Likewise, the lives of inhabitants under direct provision are controlled by excessively restrictive rules. Here, residents are forced to have meals at certain times and are restricted from cooking or storing food in one's room. Additionally, residents are not allowed to work, and must live off of the weekly €19.10 stipend that is allotted to each adult (€9.60 for children), which in all reality is barely enough to budget for basic groceries³⁹ especially for a whole family (Pollak 2). Similar to Travellers, these refugees under the program live in walled off areas designated for direct provisional living and are further ostracized from society and silenced. Hence, to drown out immigrant concerns/needs and to uphold the societal norms that Ireland values, "the borders and walls that are supposed to keep the undesirable ideas out are entrenched habits and patterns of behavior, these habits and patterns [these steadfast, inflexible Irish norms] are the enemy within. Rigidity means death" (Anzaldúa 101). Walled off and silenced, Travellers and now refugees are both minority groups that suffer grave futures due to racism and the inability of inclusion that socially constructed norms by the majority have created. Having little rights, these people are even restricted from accessing the means to report abuses towards themselves in regards to security or health/welfare breeches. The only way to raise such concerns is by bringing them to the attention of the Centre's management and then to the Reception and Integration Agency (RIA). Yet, similar to the ways Vasya and others were afraid to report racism and discrimination due to the fear of retaliation, many people living under these programs are reluctant to complain in fear of exacerbating their conditions or creating a negative impact with their connection to the Department of Justice, as legal, long-term residency in Ireland and away from the harsher conditions of their homeland is the number one end goal for these asylum seekers.

³⁹ https://www.numbeo.com/cost-of-living/country_result.jsp?country=Ireland; The average cost of living, not including rent, is 3.04% higher in Ireland than it is in the United States.

Additionally, Donal Ryan interweaves the image of water in *The Spinning Heart* to exemplify the ubiquity of borders and walled states today and the displacement and isolation that they create between states, cultures, and people which in turn only harden our abilities to acknowledge, accept, and appreciate differences amid people of various backgrounds. Illustrating the barriers that Vasya and other actual asylum seekers/immigrants in Ireland encounter on a daily basis, Ryan employs the oceanic waters that surround Ireland not only as a natural marvel that instills hope but also as an isolating foe that perpetuates fear. Thus, the mysterious nature of the ocean, with its dark billowing waves, opaque waters, and cyclic ebb and flow patterns symbolically embody the repeating trials that immigrants face entering and living under Ireland's jurisdiction which involve patterns of racism, times of peace and tension, and the fluctuations of feeling hope and fear. As part of his opening narration, Vasya makes his account of Ireland's landscapes and sea sights: "The horizon is close and small. There is a daily rain that makes the earth green. Even in winter it is green. A short journey in any direction ends at the sea" (Ryan, *Spinning*, 35). Here, Vasya's initial optimism radiates through and is reflected by how he sees Ireland; the almost touchable horizon—his goals of a better life almost in hand by finally making it to Ireland, Ireland's inherently nourishing nature of rain that progresses life and beauty, a lush green that survives even the dead of winter, and finally the endless sea that surrounds him and both insulates and isolates him from his past and Khakassia.

In a flourish of awe, Vasya's recollection of his visit to an Irish beach with a colleague's family accentuates how a sentiment of a place can mean more than the words used to describe or govern it. Vasya recalls, "She [his colleague's wife] thought I couldn't understand. She was right and wrong: I didn't know the words, just their meaning" (Ryan, *Spinning*, 35). Here, Vasya is experiencing the awe and fear that immigrants face when taking on the arduous task of

assimilating into a lifestyle and culture that is completely foreign to them. Thus, Vasya does not yet share the common language of Irish people to describe his feelings of displacement as well as a glimmering sense of hope that radiates off the waters from the shores of a new land. Yet, as racism towards Vasya increases through his interactions with Irish society, the once dazzling glimmer of hope and light that danced upon the waters around him have now grown dark and dull. Near his village, Vasya accounts for “a lake of placid water” that embodies the stagnancy he feels from being frequently marginalized by Irish society (39). Despite his will to work, Vasya is only allowed to make a living via work that is under-the-table. Similarly, today’s refugees face the same stagnancy, as they may desire to work but are legally prohibited from working for wages, wages that would not only support their own wellbeing and provide for their families, but would also go back into the Irish economic system.

Therefore, the light of optimism quickly wanes into a grim bleakness as immigrants realize their limitations from fully being able to integrate themselves within Irish society (whether they stem from racism in society or legal measures). Thus, Vasya states:

That light [that sense of hope] is a trick: if I were to swim to it or row out to put my hands upon it, it would be gone as I approached and there would only be dark, cold water in its place...I think of myself trying and of being seized halfway by a tightening of muscles in my arms or legs. Or by the panic of realization that I had misjudged the distance, that I had been tricked by the landscape and the light. No one on the shore would see that I was struggling; no one would hear me cry for help.

(Ryan, *Spinning*, 39)

At this junction, Vasya begins to second guess his decision to come to Ireland, in that the peaceful landscape, the “light” of hope for a new beginning is nothing more than a ruse, “a trick,” a mirage of a dream that is eventually blurred by racism and a society actively unwilling to acknowledge his pleas for help. It is the “dark, cold water,” the dream-crushing racism and discriminations that he faces within Ireland, that have begun to creep up and surround him in

disappointment and grime. Likewise, the seizing of his limbs alludes to the fact that not only can society hold Vasya back from assimilation and acceptance within Ireland, but also the law can as well by catching him, putting restraints on his hands and legs akin to a prisoner, and then sending him back to his original country. Troubled by the inequalities he faces from not being an Irish citizen, Vasya wonders if he has “misjudged” the length of his journey to a free life and the decision to leave his home country of violence, as he has only arrived to face more persecutions in various other forms (verbal, mental, emotional, legal) within Ireland. Moreover, if Irish society is to remain willfully blind to the marginalization of the immigrants and refugees within their communities, then these people will be forced to either drown trying to survive in Ireland or to emigrate home only to face the same fate.

Evoking pathos, the experiences of Vasya and their symbolic relevance to the water that surrounds Ireland are the two elements that Donal Ryan utilizes to portray the sense of displacement and presence of borders that challenge the integration of foreigners. Vasya’s perception of Ireland’s bodies of water and society’s treatment towards him highlight that no truth lies in the world, but rather the real truths of life, of society’s ability to impact people, lie in how an individual perceives the world and their place within it. Water and all its fluidity resemble Ireland’s global connections via shared waters with other countries; yet, despite the globalization of Ireland in the modern era, the surrounding ocean also acts as a buffer for embodying social isolation as well, especially towards asylum seekers/refugees. Although the sun remains a sign of hope, it quickly dissipates for Vasya as he is left driven “down into a valley that [he] didn’t know was there” (Ryan 41) by the conclusion of his narration. The fact that Vasya will not be paid for all of his work at the construction site further pushes him lower in status and under the current of the cold waters and cold disregard of a society who is, without

accountability, free to push him deeper into an abyss of helplessness, neglect, and exploitation that is as deep as the ocean. Thus, the Irish soils that he lives upon become as tumultuous as the surrounding sea as Ireland fails to see Vasya and others like him, those actually living among Irish society today, as citizens to be and not merely as foreigners forever.

Final Summations:

Least it be language barriers, racism, conflicting identities, socially-charged psychological parameters, or arbitrary lines demarcating one country from the next, marginalized groups such as the Traveller Community, immigrants, and even Irish emigrants are strongly targeted and disadvantaged both socially and legally by the exclusions proliferated by the Bunreacht Na hÉireann. Ireland, alike many other countries that are currently grappling with human differences leading to social and political division, must take steps to create unity among a heterogeneous society and must thwart the current hegemonic notion of needing to preserve solely a homogenous “Irish” society. The unique customs, traditions, and culture of Ireland is all well and noble to preserve; yet, Ireland should not fear losing its sense of “Irishness” to new races and faces who may immigrate into the country or who already have been residing among Irish soil for centuries.

Overall, Donal Ryan gives a voice back to marginalized people like Vasya, the Traveller family, Brian, Stephan, and all who juxtapose them in Irish society today as a means of commencing the conversation about overlooked oppression as well as mobilizing social, political, and legal action to help put an end to such damaging discriminations. By advocating for minority groups strongly on a humanitarian and ethical basis rather than solely on a political, religious, or economic approach, Ryan pushes us to step outside our comfort zones and urges for us to shed the veil of ignorance so that we may open up our eyes to the real, critical issues at

hand. Moving from Travellers, to emigrants, to immigrants—marginalization evidently grows more extreme the further one’s place is from legal citizenship status as well as physical location relevant to Ireland. Yet in the end, all three of these marginalized groups are almost erased completely from society due to the erasure they face among the articles, clauses, lines, and words that construct the Bunreacht Na hÉireann and thus Irish society, as these diverse minority members are pushed toward vacant and neglected margins for straying from the homogenic, and more so problematic, Irish normative image. Thus, giving back a personal voice to these characters returns to each the value of his or her own perspective that is suppressed, which in turn allows those who acknowledge this differing point of view to gain a sense of understanding and empathy towards the hardships faced when trying to integrate one’s self as a current minority member within Irish society amid the setbacks of racism and a lack of constitutional and human rights.

As binary oppositions continue to proliferate between the idealized Irish and those who do not match the mold—Travellers, immigrants, asylum seekers, and (to a slightly lesser degree emigrants)—the us-versus-them dichotomy only grows stronger and bolsters strife and animosity rather than amity and acceptance among the people within Irish society. Whether the walls, fences, and borders are physical or are psychological and harder to determine, we, as members of any society—Ireland, The United States, Britain, Germany, Russia, France, etc.—must stop looking to these oppressive structures as solutions and factors that legally limit the potentials of any person, citizen or non-citizen. Thus, Ryan’s novels depict that the Bunreacht Na hÉireann should not be interpreted to uphold these binary oppositions or dichotomies that reinforce this ‘us-versus-them’ type of disjointing dialogue. The salient idea here is that minority inclusivity within society will lead to inclusivity within the Bunreacht Na hÉireann, or vice-versa so long as one of

these entities takes the first step to giving back a voice to and an accepting ear towards all classes, ethnicities, and races of people within Ireland.

Afterword

As the clock hands circles ‘round in rhythmic ticks, the passing hours morph into days gone by that eventually call forth the flipping cadence of fresh calendar pages changing from month to month, year to year—circulating among the desks of publishers for three painstaking years, the manuscripts of Donal Ryan’s first two novels, *The Spinning Heart* (2012) and *The Thing About December* (2013), returned to him in the form of 47 rejection letters. Pursing his passions of writing while working in the public service, Ryan’s determination continued to persevere. Finally, by round 48 of his manuscripts’ review, his desires and dreams of publication finally took hold and grew into the present success that he now relishes in as a renowned Irish author⁴⁰. Despite the disheartening nature of the 47 denials he encountered, Ryan did not surrender even when struck by the incessant waves of unwavering adversity. Thus, Ryan’s strongminded spirit is one that parallels the present voices of the marginalized in his novels that call for legal and social reforms to take place within the progressing nation of Ireland.

Furthermore, Ryan’s imaginative literature and narratives contain an additional element within them that adds to the relevancy and significance that they share among the social and legal narratives currently in dialogue throughout the nation. All 47 rejections aside, Ryan’s resistance towards accepting defeat is what has finally made his words present and read, his voice finally heard and acknowledged. The key answer for marginalized groups then is not to cave to society’s current rejection and embrace defeat; rather, as Ryan and his literary works exemplify, Ireland’s minorities must continue to defy the conventional norms of “Irishness” and remain active in robustly raising their voices in advocacy for their essential and fundamental rights that are currently shunted to the sidelines and neglected. In reference to his own writing

⁴⁰ (The Editorial 1)

and publication experiences, Ryan remarks that “every novel is a failure, really . . . because no piece of art is perfect” (McVeigh 3). Whether it be the words of his own novel or those of the Bunreacht Na hÉireann, no narrative is completely flawless in its execution. The phrase “human error” exists for a reason—words from any source are structured and interpreted by humans—thus the pertinence here of the common phrase “human error.” The inevitable flaws of human nature make it so that words cannot escape the pitfalls of encompassing some degree, substantial or miniscule, of subjectivity, miscommunication, uncertainty, contradiction or the like. As times change, so do the understandings behind the hermeneutics of words, as new perspectives garner more knowledge that reinvents the truths that are denoted by particular phrases and words. Through these centuries of enduring hardships, the minorities that continue to harvest and rely on the power of words are the ones to eventually encounter jurisgenerative changes, social advancements, and equal rights by forcing society to both listen and take note of the new structures, words, and definitions needed to advance society, as a whole, towards unity and inclusion.

For many marginalized groups, if not all, three years would equate to a blink of an eye in terms of the time span needed for legitimate and tangible changes to take root and shape in Ireland. Minor changes typically take decades, even a century or more to surface among the lands and mindsets that constitute the State. For some groups, positive changes are within an arm’s reach or are already starting to be grasped. Only a few weeks ago,⁴¹ Irish Travellers rejoiced as Taoiseach Enda Kenny⁴² announced the group’s official recognition and status as a distinct ethnic minority within Ireland. Standing on the floor of the Dáil and surrounded by

⁴¹ This mile stone of recognition for Travellers occurred on March 1, 2017 (O’Regan & Marie O’Halloran 1).

⁴² A Taoiseach is the prime minister of Ireland; he or she serves as the head of the Irish Government in accordance with Article 13 of the Bunreacht Na hÉireann and acts as a direct advisor to the President as well as on his or her behalf (Bunreacht Na hÉireann 26).

government officials and a swarm of both Traveller and non-Traveller citizens, Kenny proclaimed: “It is a historic day for our Travellers and a proud day for Ireland” (O’Regan & Marie O’Halloran 1). Extensively excluded by society and Ireland’s history for generations, this formal recognition of the Traveller minority marks the first legally documented and voiced actions to be taken in favor of Travellers. Hopeful for the continual growth of unity between Irish society and the Traveller community into the future, Kenny continued by stating:

We all want the same for our children – to grow up and thrive in a society where everyone is free to be who they truly are. No one should have to hide their religion, their sexual orientation, their race or culture to be respected or even accept in society.

(O’Regan & Marie O’Halloran 2)

By continuing to foster the types of sentiments put forth here by Kenny that revolve around inherent inclusion and acceptance for all people within Ireland, Irish society and the nation as a whole are capable of creating harmony via heterogenous connections and interactions. Looking at what life will be like for upcoming generations, the formal acceptance of Irish Travellers following the recent acceptance of additional minorities⁴³ moves to further reshape the guiding norms and statutes of the Bunreacht Na hÉireann so that the limiting and oppressive homogeneousness of a solely Irish image is shed.

Yet, the process of achieving complete support and equality for the Travellers within Ireland cannot merely rest at enacting a new legislative provision and vocally announcing equal recognition for their distinct ethnic status. Naturally shown by the nature of this thesis, legal and social change is never instantaneous. Thus, many more changes, especially socially throughout Ireland need to occur in order to give meaning behind this new legal decree. Directly, Kenny

⁴³ With the passage of the 2015 Referendum on same-sex marriage (now the 34th Amendment of the Constitution [Marriage Equality] Bill 2015), minority groups under the LGBTQ community gained marriage rights that legally prohibit the State and institutions from discriminating against the unity of two people based on sexual orientation.

notes that Ireland's acknowledgment towards Travellers is simply the first stepping stone as there are "darker elements that challenge the law of the land that must be tackled" (O'Regan & Marie O'Halloran 2). Indirectly, Kenny also unknowingly embodies these "darker elements" which include society's reliance upon establishing and sticking to minority stereotypes to defend an Irish image, as well as the resistance not of accepting Travellers for who they are, but more so of accepting their assimilation into the larger society and away from the margins of it. Despite apologizing for the limited space of the venue, the image of Travellers waiting for Kenny's announcement outside the front gates of the Leinster House symbolically depict how this minority group remains shut out and excluded from fully partaking in societal and governmental functions. Thus, Travellers continue to stand together as marginalized and diverse individuals behind the fences that the Irish State and society have built and continue to see only for Ireland's momentary present and desirably not for its foreseeable future.

The most essential change that must occur to further end marginalization and mitigate its effects is for society to not only change its laws towards minority groups, but also its mindsets towards them as well. Returning to the philosophies of Robert Cover: "Real communities do create law and do give meaning to law through their narratives and precepts, their somewhat distinct *nomos*" (40). To uphold a normative culture that genuinely fosters all sorts of individuals, society must first rethink the ways in which they view minority groups and consequentially abstain from the harmful lenses of past, homogenous ideologies that explicitly and inexplicitly drive racism, ethnocentrism, and oppression. Even Kenny struggles to immediately change his mindset, as he calls to recognize Travellers as "a people within our people" (O'Regan & Marie O'Halloran 2). Yet, Travellers will remain excluded if they are simply seen by Irish society as a people sectioned off as a group "within," and not integrated

among, the community of the rest—“our people.” Irish society thus needs to perceive Travellers as people *of* and *among* the Irish people—people who are welcomed to integrate with all and not forced to live within the margins of Irish society as they currently do due to the subconscious pandemic of personal discriminations and exclusions that society continues to project onto them.

Although minorities may live by their own normative culture that differs from the Irish-normative one underscored by both the Bunreacht Na hÉireann and the majority among Irish society at the present, it is necessary for all people, Travellers and non-Travellers, women and men, citizens and foreigners, to all use their voices and own words to share their diverse perspectives with one another. Only then can Ireland collectively and heterogeneously begin to develop a dialogue of understanding and interpret the nation’s laws in a manner that promotes the good of humanity overall, rather than purely continuing the power cycle of one group dominating over another—the standard majority over the minority dynamic.

Among the importance of the words stemming from legal and social sources are those that stem directly from minorities and advocates who break the stale silence and call upon Ireland to hear their concerns voiced and their denied-rights revealed. With signs and speeches of protest, cities and streets all across Ireland and even internationally were recently filled with activists seeking improved social conditions and legal rights for women. In the subsequent days following 8 March, 2017, International Women’s Day, after women publicized the habitual oppressions they encounter in terms of lacking rights over their own bodies, conversations also began to stir within various branches of the Irish government. For Ireland, the heated debate that continues today is that of abortion, which holds economic, political, moral, governmental, and personal narratives. Unlike the recent legal success Travellers encountered, Irish women did not receive the same desirable results. The following day after the rallies, governmental official Bríd

Smith and her proposed bill that aimed to reduce the 14-year prison sentence for an illegal abortion in Ireland down to a monetary fine of only one Euro met an overwhelming defeat in the Dáil (Leahy 1). Smith's bill is part of a series of bills focusing on changing constitutional parameters around abortion, all of which thus far have faced defeat (1). To this day, Ireland still has not held a referendum to allow for society to decide whether to repeal or retain the 8th Amendment of the Bunreacht Na hÉireann.

In this case, to witness the words of society and law coming together to create change, the old laws once favored by the people of Ireland must now be revoked to adopt the opposite and embody the current social trend/perspective. For Cover, the increased hesitation towards granting greater rights to women in Ireland over Travellers falls under the greater prominence of the "jurisgenerative principle," in which the legal understanding of change "never exists in isolation from violence" (40). This is not the same sort of direct, physical violence that Frantz Fanon refers to as a liberating factor for minorities; rather, the violence Cover is referring to is the death of one law—one social priority, one norm—in favor of another, as both cannot co-exist simultaneously. Hence, when words hold a direct and greater presence within the Irish Constitution, they are vastly more difficult to fully eradicate and replace, as opposed to vague terms which can be clarified or absent words which can be made present. Thus, the challenges for changing women's rights holds a greater legal and political obstinacy than most, even though the issue at hand contains a very personal-based component. Yet, the vital component to achieving change even in this circumstance is for the narratives of society to establish a dialogue with law that sheds Catholic-ethos projected by the Constitution and to stop the misinformed, stigmatized shame that is directed towards all women due to the socially and constitutionally constructed images that hold them to outdated and undesirable expectations.

Moreover, as Ryan and his literature reveal no masterpiece is ever conclusive and perfect, and the Bunreacht Na hÉireann is no exception. Words and the ideas that bolster them are forever changing among individuals and societies, and to be unable or unwilling to reconsider and revise those imperfections is to solidify a nation in archaicized and destructive standards and regulations that dissuade heterogeneous societies and therefore counterintuitively deter the common goal that nations share, which is to strive for progress in terms of fostering a cohesive and cooperative country. True unity however does not stem from words of oppression and exclusion; instead, words of acceptance and inclusion are what lead countries like Ireland to slowly make the necessary changes needed to better fortify its image and the ways in which the nation functions overall. It may be true that “constitutions do not speak for themselves” (Irving 27). However, as Ryan’s imaginative communities and Ireland’s modern society together depict, “law and narrative are inseparably related,” and the words that construct the Irish Constitution undoubtedly hold an influence over the ways in which society interprets and brings life to these words and clauses (Cover 5). Although a constitution cannot physically speak, it can tacitly suggest what standards and ideals should be normalized among society, even after the drafting generation of the document is deceased. Therefore, what the words fail to speak is made up in what values, standards, and images they symbolize.

Mainly the words of the Bunreacht Na hÉireann need to be envisioned as entities that promote the values that established and embody Ireland. The values of independence, democracy, individualism, acceptance, family, community, equality, mobility, synergy, progress, and more—values that all were once suppressed by British colonization but were never lost at the core. Therefore, the words of the Bunreacht Na hÉireann need not be viewed as promoters of an Irish normative image as a means of giving shape to these values among society. Despite society

allowing itself to be caught up in the misconstrued idea of sameness and a homogenous image as a means of deriving unity, the reality is that plurality,⁴⁴ by means of valuing a heterogenous society, is what truly embodies Ireland's homegrown values. Whether their main source is enrooted within fictional literature, the Constitution, the State, society, or an individual, words are essential in all their many forms and origins. Without words or some type of linguistic feature, life is absent of dialogue and absent of any understanding between the various people who inhabit not just Ireland, but the world in its entirety. Stringing together words into sentences and sentences into paragraphs and then on into speeches, Irish society and each of its inhabitants are capable of voicing and sharing a multitude of perspectives and ideas that promote the human condition of plurality – of considering multiple perspectives on a topic/issue rather than just one, as the failure to do so leads to a hegemonic society under one type of person/view. So long as the Irish people have the will to actively form and reshape words through referendums, protest, and communal conversations, there is hope toward the beneficial progress of Ireland and all societies alike looking to bring marginalized communities closer to the center of society.

Recognition alone cannot improve upon legal areas such as education, citizenship, and person rights for minorities such as woman, immigrants, emigrants, and the like. Thus, the key elements required to carry forth the next round of further improvements and widespread acceptance of minorities amid Ireland's continuing social, economic, and political progressions are additional social conversations—ones that critically analyze why Irish society currently functions the way it does and what terms should be legally erased, created, or better defined in

⁴⁴ The definition of the term plurality in this instance is reliant upon Hannah Arendt's description of the term. Arendt utilizes plurality as a term that underscores the ability of a society or even a single person to share, consider, and value multiple perspectives. Plurality also embodies the ability to understand another's situation that differs from one's own by being able to look at life through that differing point of view, to consider what life is like standing in another person's shoes (as the common saying goes). For more on plurality and Arendt's views, browse through *Responsibility and Judgement* (2003).

order to avoid the pitfalls of fitting Ireland under one idealized, distinct, yet destructive national image. Thus, each diverse group that either resides in or is connected to Ireland symbolizes a single uniquely shaped and colored piece of glass—that when all together combined, rework and form different connections, different patterns, that all congruously fit together. Together, these many pieces, these many groups of people, ultimately create the beautifully-detailed, vibrant mosaic of Ireland—an everchanging, kaleidoscope image that embodies the forever shifting demographics of the nation. Therefore, so long as Ireland can remember to appreciate all the pieces and colors that interchange, rematch, but never morph into one, then the country can fully embrace a heterogenous and harmonious society that is truly awe-worthy.

By acknowledging the current marginalized groups and shedding the blinding veil of ignorance used to repress them, Ireland can realize how powerful merely a few words can be when set to paper or said aloud. Thus, this thesis ultimately reveals the extent to which words can be constructively or destructively powerful, and can either marginalize or advocate for a society's marginalized groups. Additionally, the words within this project call upon Ireland and other countries alike to reassess the constitutions/legal codes and institutions that govern their nations, to create a space that encourages more voices to be heard, and to push forth with improving rights and conditions for the current minorities who analogous to the majority are human, too. Positive changes are already beginning to occur within Ireland; yet, more words coupled with direct actions are needed to bolster the drive towards legal and social plurality to bring an end to the majority and minority divide. Thus, by allowing the Bunreacht Na hÉireann to be the living document that it is and by letting go of the fears of losing an Irish image, new knowledge, new values, and therefore new amendments can arise for Ireland that promote rights for humanity overall. Ironically, the best scenario is that one day this thesis will become

irrelevant in terms of the current struggles Ireland's minority groups encounter, as that would entail the marks of true legal and social progress has occurred and that the problematic words within the Bunreacht Na hÉireann, among society, and those discussed within the work of Donal Ryan and this thesis have been resolved to curtail marginalization in Ireland.

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