

Ireland abroad/broadening Ireland: from famine migrants to asylum-applicants and refugees

JASON KING

'There is no Irish blood in my veins, but there is pity in [my heart] for Irish suffering,' declares Father Caseau, a character in Jim Minogue's unpublished play *Flight to Grosse Ile* which was performed by the Mountjoy Theatre Project before a sold-out audience on 12 April 1999.¹ What made the declaration particularly 'electrifying', according to *Irish Times* columnist Mary Holland, was that the actor/prisoner (Tola Mohmoh) playing Father Caseau was black, and that seated directly in front of him in the audience that night was Irish Minister for Justice, Equality, and Law Reform (whose portfolio includes immigration), John O'Donoghue.² It must have been a compelling spectacle, a member of a visible minority preaching to the Minister not in his capacity as a prisoner of the state or as a presumed asylum-seeker incarnate, but in the guise of a French-Canadian priest, invoking the spectre of the Minister's own ancestors and their reception at Grosse Isle, and beseeching him to show compassion for those who arrive unwanted 'on a hostile shore'. 'Have we not got room[?] Just a little space[?]', Father Caseau implores, and the meaning of his question and the ironic role reversals enacted on stage could not have been lost upon anyone in the audience that night: that there is an implicit analogy to be drawn between the historical plight of Irish Famine migrants and asylum-seekers and refugees coming to Ireland today.

No less theatrical, however, have been the declamations of Irish parliamentarians employing this analogy whenever the subject of legislation for immigrants, asylum-seekers, and refugees has arisen in the Dáil. During an *Oireachtas* debate about the drafting of the Irish Refugee Act (1996), for example, the then opposition shadow Minister for Justice, John O'Donoghue, publicly compared the situation of Ireland's Famine migrants with that of asylum-seekers and refugees. Much more explicitly than Father Caseau, he declared to the House that: 'the status of refugees is an issue which should strike a chord with every man, woman and child here who has any grasp of Irish history, our history books being littered with the names and deeds of those driven from our country out of fear of persecution.'³ Subsequently,

¹ I am grateful to Lulu Reynolds, who directed the production, for sharing with me a copy of her working script of Jim Minogue's unpublished play, *Flight to Grosse Ile*. All references are to p. 26. ² *Irish Times*, 15 April 1999. ³ Private Members Business. Asylum Seekers (Regularisation of Status) (No. 2) Bill, 1998: Second Stage. *Dáil Debates Official Report* -

as Ireland's so-called 'refugee crisis' began to escalate after the Act was passed into law, the election of 1997, and Deputy O'Donoghue's appointment as Minister, that statement would come back to haunt him on a number of occasions. In fact, less than a year after his appointment as Minister, O'Donoghue's statement was invoked several times during a Dáil debate in February 1998 about a proposed amnesty for asylum-seekers in Ireland through their 'Regularisation of Status'. According to opposition Deputy Liz McManus, who tabled the Bill, the very history of emigration from Ireland required the amnesty and implementation of a 'generous and just' asylum policy, as moral recompense for the successive 'generations of Irish asylum-seekers who were driven out to seek refuge among strangers'.⁴ 'There are more Irish emigrants buried in that little plot of land [at Grosse Isle] in Eastern Canada,' she added, 'than there are asylum-seekers in the whole of Ireland today'. 'All through [the preceding] debate' about the Irish Refugee Act', stated opposition Deputy Michael Higgins, 'there were continual references to the 150th anniversary of the Famine,' 'the ethics of memory' forbid Ireland now to 'visit the same difficulties and disabilities on people which faced our citizens when they went in floods to north America' in 1847.⁵ More recently, during a *Seanad* hearing for Ireland's Immigration Bill, 1999, Senator Connor insisted that Ireland 'has a moral duty to take [its] fair share of the thousands of people who are forced to flee economic privation and political persecution . . . because of [Ireland's] historical experience'.⁶

Indeed, throughout the many heated *Oireachtas* debates and much of the press coverage surrounding Ireland's so-called 'refugee crisis', influx of illegal immigrants, and then the speedy passage of the Immigration Act, 1999, Illegal Immigrants (Trafficking) Act, 2000, as well as policy directives that have emanated from the Department of Justice, the discussion of current immigration into Ireland has tended to be framed against the backdrop of the Famine exodus of 1847, and the calamities of Ireland's colonial history. Thus, what each of these statements above have in common is their moral injunction that we exercise our historical imaginations to metaphorically equate the plight of the Famine emigrants of the mid-nineteenth-century with that of asylum-seekers and refugees coming into Ireland now, that we attempt to counter-intuitively envision what would happen if the 'Coffin Ships' of 1847 somehow entered into a historical time-warp and were redirected to land on Ireland's shores in the late twentieth century.

However, such appeals to Irish historical experience, the 'ethics of memory', and analogies of displacement between the Famine migrants and asylum-seekers and refugees can appear merely polemical and superficial when one considers the profound discrepancies between the specific social, economic, political, and cultural circumstances underlying their respective dislocations. It is sobering to realize, for

10-3-98. PRIVATE MEMBERS' BUSINESS. Asylum Seekers (Regularisation of Status) (No. 2) Bill, 1998: Second Stage. (<http://www.irlgov.ie/oireachtas/frame.htm>). 4 Ibid. 5 Ibid. 6 (<http://www.irlgov.ie/oireachtas/default.html seanad.htm>. . .).

example, that the vast majority of the Famine migrants of 1847 were economically or ecologically displaced individuals who would have no substantive claim to political asylum or entitlement to refugee status under Irish or even the most liberal interpretations of international refugee law – that very few of them were, in fact, ‘driven from the country out of fear of persecution’ or could claim refugee protection on that basis. This is not to deny the existence of a durable, humane, and remarkably liberal tradition of granting political asylum in mid-Victorian Britain, one that reached its apogee in the aftermath of the failed rebellions of 1848, when a host of exiles from across the European continent found protection on English soil.⁷ Rather, it is to suggest that in the eyes of both contemporaries and current international and Irish refugee law, the desperate outrush of famine migrants and the movements of asylum-seekers and refugees in need of protection from repressive regimes by no means fall within the same category, but represent polarised types of involuntary displacement. Indeed, the very term ‘ecological’ or ‘Famine refugee’ is at best oxymoronic in its juridical connotations, to the extent that it collapses the humanitarian function of the alleviation and prevention of hunger with the grant of political asylum under the auspices of a singular protection regime.⁸ In other words, if the Great Famine were to happen again in Ireland tomorrow, the international response to such a catastrophe would be coordinated within an institutional framework and discourse of ‘development’ and the provision of emergency relief, to alleviate the consequences rather than the underlying socio-economic and political causes of hunger.

This is not to deny the utility of historical analogy or of attempting ‘to look to the colonial past . . . to establish [forms of] cross-cultural solidarity through a shared history of discrimination or oppression’, as Luke Gibbons has recently intimated to be the object of a ‘post-colonial ethics’.⁹ On the contrary, it is to assert that any such ‘post-colonial ethics’ must be premised *not* upon facile historical analogies but upon careful investigation of the specific areas of resemblance as well as dissimilarity between the types of displacement and modes of personal and cultural transformation as well as reception into different host societies experienced by the Famine migrants and contemporary asylum-seekers, before any such gesture of cross-cultural solidarity can be either effective or meaningful. In other words, the question is not whether ‘the status of refugees is an issue which should arouse compassion and strike a chord with every man, woman and child who has any grasp of Irish history’, but rather, what are the similarities and discrepancies between the specific administrative, humanitarian, juridical, and political norms of

⁷ See B. Porter, *The Refugee Question in mid-Victorian Politics* (Cambridge, 1979). ⁸ See G. S. Goodwin-Gill. *The Refugee in International Law*, 2nd Ed. (Oxford, 1996), pp. 3–4. Also see V. Lassailly-Jacob & M. Zmolek (eds), ‘Special Issue: Environmental Refugees’, *Refuge: Canada's Periodical on Refugees*. 12: 1. June 1992, esp. pp. 1–4. ⁹ L. Gibbons, ‘Guests of the Nation: Ireland, Immigration, and Post-Colonial Solidarity’. Presented at the Red Stripe Seminar, Newman House, Dublin, University of Notre Dame, 4 November 1999, pp. 9, 13.

the institutional framework of the protection regime through which that compassion becomes exercised in relation to either group; and, secondly, in what ways can looking to the past and identifying the asymmetries, specific gaps, and historical instances of failure within the institutional framework designed to protect the Famine migrants lead towards better, more comprehensive, enhanced standards of protection for asylum-seekers and refugees coming into Ireland today.

Accordingly, I want to examine the often perfunctory, rarely elaborated or sustained comparisons made between the Famine migrants and asylum-seekers and refugees, both in the context of the historiography of mid-nineteenth-century Ireland, and also against the more exacting strictures of current Irish and international refugee law. The meaning and legacy of the Famine migration is frequently invoked, for example, either to posit a continuity or make a categorical distinction between the historical plight of Ireland's persecuted emigrants, on the one hand, and those asylum applicants/illegal immigrants who would strategically (mis)represent themselves as political exiles to gain entry into Ireland today. It is this seeming contradiction between the public commemoration of the Famine migrants and modern Ireland as the benefactor of their legacy, and the current widespread and countervailing expressions of hostility both in the *Oireachtas* and many British and Irish media outlets towards economic aliens and asylum-applicants who become conflated under the singular categorization of 'bogus refugees' that I want to focus upon first and that I take as the starting point for my analysis. More specifically, I want to focus throughout my discussion upon the literary and political significance of *typologies of displacement* in Ireland, and the impact of lingering perceptions that Ireland is still an 'emigrant nursery' rather than an immigrant host society in engendering public opposition towards immigrants, asylum-seekers, and refugees settling in the country.

I

To begin with, I want to suggest that one can in fact posit a continuity of displacement between the Famine migrants and asylum-seekers to the extent that each group envisions itself to be politically constituted under the sign of exile. Indeed, I would suggest that there is a remarkable structural affinity between the *self-perception* of the members of each of these groups in that they either naturally envision or strategically (mis)represent the causes of their displacement in narrowly political rather than broadly social and economic terms, interpreting themselves to be the victims of state persecution in place of national or global socio-economic disparities or ecological catastrophe. In the case of Irish emigrants, including many of the Famine migrants, according to Kerby Miller, such a strategic (mis)representation of their cause of displacement had an overtly political correlative: the 'exile motif' provided the cornerstone for Irish-American nationalism, engendered mass-support for Fenianism, and effectively financed Land League agitations through the

remittance of vast sums of money from America, while at the same time alleviating the inherent familial pressures that stemmed from a system of impartible inheritance and the creation of numerous 'surplus', landless sons and daughters.¹⁰ Yet 'the paradox remains of a tremendous gap between the exile image and the objective realities of Irish emigration'. For the many 'Famine emigrants [who] had left home voluntarily, without attributable compulsion, cultural characteristics not easily shed predisposed them to view their departures in conformity with communal traditions and nationalist motifs' that collapsed any distinction between economic dislocation and political exile.¹¹

In the case of asylum-seekers and refugees in Ireland now, on the other hand, their rationale for leaving home has less a political than a legal correlative: for the difference between political persecution and economic dislocation is absolutely vital when it comes to making a claim for refugee status, and for genuine asylum-applicants, at least, that categorical distinction can mean the difference between life and death. It is only political rather than economic migrants, in other words, who are legally entitled to claim asylum and to the international protection afforded by refugee status, to remain within rather than become removable from the Irish state, not to be subject to deportation. It is in this sense, then, that I want to suggest that the self-image of a large proportion of Irish Famine emigrants and economic aliens coming into Ireland now involves a categorical sleight of hand, to elide the distinction between political and socio-economic causes of displacement, albeit for very different reasons. There are significant qualitative distinctions to be made between the types of displacement experienced by Famine emigrants and contemporary asylum-seekers, in other words, but the movements of both groups take place under the sign of political exile and under a veneer of suspicion.

II

However, I also want to extend the argument a little further to suggest an affinity not just between the self-image of Irish emigrants and asylum-applicants, but also between the mechanisms of exclusion and instruments of deportation employed first by Victorian municipal and English Poor Law authorities and now by the Irish government to control their respective movements. More specifically, I want to argue that the 'removal' provision of the Laws of Settlement inaugurated in the seventeenth century and enshrined within the amended English Poor Law (1834) to a large extent prefigures the rationale behind the European Union's burden sharing agreement on asylum-applicants instituted in the Dublin and Schengen Conventions (1990).¹² What each of these bodies of legislation have in common, I

¹⁰ K. Miller, *Emigrants and Exiles: Ireland and the Irish Exodus to North America* (Oxford, 1985). ¹¹ *Ibid.*, pp. 6, 341. ¹² For comprehensive analysis of the English 'Laws of Settlement' and their 'Removal' provisions, see C. Kinealy, *This Great Calamity: The Irish*

would suggest, is that they provide for the institutional abdication of moral responsibility for the welfare of either the transient poor or the persecuted from other states: not through any disavowal of the validity of their claims, but rather through the erection of procedural barriers that call for their removal to other jurisdictions – whether it be the parish of settlement in the case of the English and Irish Poor Laws, or ‘Safe Third Countries’ that asylum-applicants have transited through en route to Western Europe and to which they can be repatriated under the Dublin Convention – for the provision of relief or determination of refugee status. Entitlement and status determination, in either case, becomes a function of the control of vagrancy or irregular migration, and is vested in the immobility of the claimant.

Moreover, the institutional logic of both bodies of legislation in the English Poor Laws and Dublin and Schengen Conventions appears more inclined towards the deterrence, exclusion, and stigmatisation of those who would fraudulently avail themselves of and abuse these respective protection regimes, collapsed in the figures of the fraudulent poor or spurious asylum applicant, than enshrining a comprehensive standard of protection. For whether it be in the form of the ‘undeserving poor’ or the fraudulent asylum-applicant, it is the spectre of the seemingly trans-historical figure of the *abusive claimant* that haunts the historical imagination of Irish refugee policy makers, delimits the institutional parameters, and sets the parsimonious scope of Ireland’s regime of refugee protection and resettlement practice, the ultimate prerogative of which becomes the exclusion of what Justice Minister O’Donoghue terms ‘manifestly unfounded’ and ‘frivolous, vexatious or unmeritorious’ claims.¹³ Indeed, Minister O’Donoghue could effectively be speaking as the chief architect of Ireland’s nineteenth century Famine relief rather than contemporary refugee policy in his recent statement that his ‘key objective . . . is to minimize the scope for abuse of the procedures to the greatest extent possible’.¹⁴ There are substantive grounds for comparison, in other words, not between the Famine migration and Ireland’s so-called ‘refugee crisis’ in their entirety as discrete historical phenomena, but rather in the common stigmatization of the masses of Famine emigrants and asylum applicants who appear interlinked as seemingly trans-historical agents of clandestine migration and meretricious claimants of assistance: that is, potentially abusive beneficiaries of material relief or refugee status with its corresponding social and economic entitlements, that in turn limits the scope of either form of protection.

The alleviation of the public anxiety engendered by the threatening figures of the undeserving poor or bogus refugees thus becomes the over-riding objective of policy formation: to root out and limit the movements of those who might fraudulently avail themselves of these respective regimes of protection, rather than to

Famine, 1845–1852 (Dublin, 1995), pp. 327–42; as well as F. Neal, Black ’47: *Britain and the Famine Irish* (Dublin, 1998), pp. 89–90, 217–37. ¹³ *Irish Times*, 26 February 2000, p. 10.

¹⁴ *Irish Times*, 29 March 2000.

extend it in scope to all those who might genuinely be in need. And yet, it cannot be stressed emphatically enough that there is *no such thing* as a 'bogus' asylum applicant any more than one can have a 'guilty accused' in a criminal justice proceeding; for it is a contradiction in terms that involves the *presumption* rather than adjudication of fraudulent intent on the part of the claimant, and inverts the norms of due process and procedural fairness underlying any respectable regime of refugee status determination.

There are also substantive grounds for comparison, I would further suggest, between the Famine migration to Britain and Ireland's current 'refugee crisis' in terms of the means of exclusion and instruments of deportation employed by each respective host society to deter unwanted migration. In *Black '47: Britain and the Famine Irish*, Frank Neal notes that

to establish the right to poor relief in a parish, a person had to have the legal status of 'settlement', achieved by being born in the parish or by one of a number of arcane criteria. Alternatively, after 1846, a person who had lived for five years *continuously in a particular parish*, acquired the status of 'irremovable poor'. Outside of these categories, persons claiming poor relief of more than a temporary nature, could be physically removed to the parish in which they had settlement . . . However, the poor law unions . . . had a legal obligation to ensure that nobody died of starvation, malnutrition or 'the want of the necessaries of daily life.'¹⁵

Christine Kinealy further observes in *This Great Calamity* that 'the growth in volume of Irish persons travelling to Britain [in 1847] resulted in a more extensive use of the powers of removal by the British authorities', because 'many parish officials . . . particularly those located in ports, were determined to [prevent] any Irish paupers [from acquiring] the status of irremovability'. Thus, 'the English, Welsh, and Scottish Poor Law authorities responded to the unprecedented influx of Irish poor with large-scale removal, some of which was not only indiscriminate but also illegal'.¹⁶ The point then is that British Poor Law authorities employed sweeping measures of preventative deportation to alleviate migratory pressures upon their infrastructure of relief by simply transferring Irish paupers out of their jurisdiction rather than taking action to redress either the causes or consequences of mass-hunger.

In a similar spirit, Ireland's accession to and utilisation of the powers of deportation instituted within the Dublin Convention (1990) to alleviate its 'refugee crisis' augurs a potentially historically specific and analogous example of the employment of sweeping removals to deflect migratory pressures upon Irish asylum procedures by simply restricting access to them in the first place. As John Walsh notes in 'Home Is Where the Policy Is', the underlying institutional logic of the

¹⁵ Neal, *Black '47*, p. 90. ¹⁶ Kinealy, *This Great Calamity*, pp. 334, 335, 336.

Dublin Convention 'is to ensure that all asylum seekers arriving in Europe will be removed to the first country of entry (effectively the 'safe third country') where their application will be processed . . . Therefore, although the Preamble [to the Dublin Convention] speaks of the need to remain loyal to the spirit of [the] 1951' United Nations Convention on the Status of Refugees, which includes an absolute prohibition against *refoulement* or the forcible repatriation of anyone outside of his or her country of origin with a well-founded fear of persecution, 'the Dublin Convention has swiftly become an instrument by which the European Union can move asylum-seekers further away from its core.'¹⁷ Thus, 'the combined effects of the Dublin, External Frontiers and Schengen Conventions,' according to Walsh, 'is a draconian asylum and immigration policy' both in Ireland and in Europe at large that appears 'far removed from the provisions of international human rights and refugee law'.¹⁸ For by framing the question of entitlement to protection as an administrative and procedural rather than ethical and political issue, Ireland's refugee legislation and particularly the Immigration Act, 1999, with its provisions for expedited application of the Dublin Convention, would appear to resemble the *spirit* of the English Laws of Settlement, at least to the extent that both bodies of legislation abdicate responsibility for the vast majority of claimants who would avail of them, not by refusing to recognise their entitlement to the provision of relief or political asylum, but simply by restricting the scope of their jurisdiction and refusing to process the vast majority of claimants.

Moreover, under both bodies of legislation it is precisely the *asymmetry* between the absolute moral prohibition against *refoulement* or for the prevention of starvation that provides the cornerstone of their protection regimes, and the procedural limitations set upon their application, that leads to the employment of preventative deportation and sweeping removals to deflect migratory pressures to prior jurisdictions that the respective applicants have previously transited through: yet, in practice, the abdication of responsibility to adjudicate entitlement to material relief or refugee status functions to inaugurate a chain of deportations or the 'refugee in orbit' phenomenon that ultimately returns migrants seeking protection or relief back to their original situation of persecution or of utter destitution from whence they fled in the first place. To illustrate how the institutional frameworks of the 'English Laws of Settlement and Removal' and Ireland's Immigration Act resemble one another to elide their original protective function and initiate 'chain deportations', I will cite just two case studies that illustrate the 'refugee in orbit' phenomenon. Kinealy notes, for example:

one such case [which] involved an Irish weaver who had been resident in Scotland for eight years. Following an application for relief in 1851, he was returned to Ireland accompanied by a Poor Law official. The official took

¹⁷ J. Walsh, "'Home is Where the Policy Is . . .'" European Asylum and Immigration Policy and Procedure: The Irish and Dutch Examples'. University of Dublin (Trinity College): MA in International Relations, 1998–9, p. 32. ¹⁸ *Ibid.*, p. 35.

the pauper to his native Strabane, but the local guardians refused to accept custody of him on the grounds that he was legally relievable in Scotland. They returned him to the care of the officer with instructions to take him back to Scotland. The officer, however, deserted the pauper at Derry, on the pretence of buying some tea. The pauper returned to Strabane and again applied to the guardians for relief. Defeated yet undaunted, the Strabane guardians appealed to the Poor Law Commissioners to end the injustice of removal.¹⁹

Consider now the points of resemblance between this case study of chain deportations under the aegis of the English and Irish Poor Laws and a much more recent 'case documented by ECRE [European Council on Refugees and Exiles]', in which:

a Somali refugee traveling with five dependent children was pushed out of four different European countries, each less safe than the previous one, until UNHCR and ECRE finally lost track of them. The family arrived at Brussels airport on May 29, 1994 and applied for asylum. They were immediately detained and subjected to an expedited procedure in which the application was turned down.

The Belgian authorities returned them to Prague on 8 July. The Czech Republic sent them in turn to Bratislava airport in Slovakia because they had in their passport a genuine, but expired, visa allowing them transit in Slovakia. The Slovak authorities. . . denied them [entry]. UNHCR discovered and interviewed them, and found them to have a well-founded fear of persecution.

Despite UNHCR's intervention, the Slovak authorities refused to register the applicant's claims for asylum . . . and insisted that they be deported to Ukraine, the country of first arrival. UNHCR countered that returning them to Ukraine would be tantamount to *refoulement*. On the night of 25 July, the Slovak authorities put the family on a train to Kiev. At that point, UNHCR lost track of them.²⁰

What each of these case studies illustrate in common is a process of chain deportations that leads to the 'refugee in orbit' phenomenon,^{20a} a phenomenon that would appear to be an integral aspect rather than unforeseen consequence of the implementation of two distinct regimes of protection that nevertheless resemble one another precisely because they are highly restrictive in the scope of their jurisdiction, largely for reasons of cost reduction. In both cases, the applicants were not just morally but legally entitled to relief or refugee protection in each of the jurisdictions transited through, yet the fact that no single jurisdiction was in its own

¹⁹ Kinealy, *This Great Calamity*, p. 339. ²⁰ Cited in *Interpreter Releases: Report and analysis of immigration and nationality law*, 73, n. 8. (February 26, 1996), pp. 222–3. ^{20a} In the Irish context, see D. Nozinic, 'One Refugee Experience in Ireland', R. Lentin and R. McVeigh (eds), *Racism and Anti-Racism in Ireland* (Belfast, 2002), pp. 77–80.

right accountable or bears exclusive responsibility for the infringement of their rights does not exonerate any of them from their ultimate violation. The point then that must be made is that in each case the failure to provide relief or political asylum became compounded and diffused through this process of chain deportations until the ultimate prohibition against *refoulement* or to prevent starvation, that is the cornerstone of each of these respective protection regimes under the English Poor Law and the UN Refugee Convention, which the claimants above had sought to avail themselves of, was violated to the core. Or, to illustrate the point of the historical analogy between the Famine migration and Ireland's 'refugee crisis' more succinctly, when refugees are expelled into orbit, they rarely land safely.

III

To illustrate this point more clearly in a nineteenth-century context, I would like to anchor my discussion with a close reading of a well-known incident of a failure to provide relief portrayed in Herman Melville's *Redburn* (1849),²¹ a fictional account of the author's own visit to Liverpool during the onset of the Famine, in which the eponymous hero, a sailor boy, discovers a famine stricken family of Irish emigrants sheltering in a cellar on a 'narrow [Liverpool] street called "Launcelott's-Hey"'²². He recoils from the spectacle of an emaciated Irish Madonna-figure cradling a dead infant on her breast, 'her blue arms folded to her livid bosom [with] two shrunken things like children, that leaned towards her, one on each side'. 'At that moment I never thought of relieving them,' Redburn declares; 'for death was so stamped in their glazed and unimploring eyes, that I almost regarded them as already no more. I stood looking down on them, while my whole soul swelled within me; and I asked myself, What right had any body in the wide world to smile and be glad, when sights like this were to be seen'.²³ However, Redburn quickly regains his composure and leaves to seek assistance for them, only to be rebuffed with utter indifference from the inhabitants of the area, and from a policeman who refuses his 'help' to 'remove [the] woman' [italics mine], exclaiming: 'it's none of my business . . . I don't belong to that street . . . go back on board your ship . . . and leave these matters to the town'. Instead, Redburn continues to seek assistance and to 'do something to get the woman and girls removed' [italics mine] from the cellar, but even after he procures food for them he is met only with their 'unalterable, idiotic expression[s], that almost made [him] faint'. Ultimately, 'without hope of [procuring] permanent relief', Redburn can only leave them to their fate, although

21 H. Melville, *Redburn: His First Voyage, being the Sailor Boy Confessions and Reminiscences of the Son-of-a-Gentleman in the Merchant Service* (New York [1849] 1957), pp. 173–8. For a more general discussion of Redburn and its representation of Famine emigrants in Liverpool, see R. Scally, *The End of Hidden Ireland: Rebellion, Famine, & Emigration* (New York, 1995), pp. 194–9, 217–18. 22 Melville, *Redburn*, p. 173. 23 *Ibid.*, p. 174.

he suffers an 'irresistible impulse' 'to relieve them from their miserable existence', from which he is 'deterred' only 'by thoughts of [that same] law which would let them perish without giving them one cup of water'. Finally, after they have perished, Redburn returns to the same policeman he initially encountered to say that at last 'he had better have them *removed*', only to be informed again by the officer 'that it was not his street' [*italics mine*] and hence not his responsibility; nor is it that of 'the Dock Police', Redburn is told, when he solicits their assistance, but soon thereafter he discovers 'in place of the woman and children, a heap of quicklime was glistening'. 'The first time I passed through this long lane of pauperism, it seemed hard to believe that such an array of misery could be furnished by any town in the world,' Redburn concludes; 'but to tell of them, would only be to tell over again the story just told'.²⁴

That story in embryo represents a scathing critique of the deficiency of England's Poor Law in accommodating Ireland's indigent and transient populace. Indeed, the institutional abdication of moral responsibility for the welfare of famine stricken emigrants occurs in the novel at the level of individual streets rather than in the wider jurisdiction of Poor Law Unions as a whole, but the widespread indifference revealed towards the fate of the family of Irish emigrants whom Redburn tries to assist exemplifies in microcosm the failure of England's relief programme that was designed for their protection. The eschewal of responsibility by the figures of the individual policeman or the Dock Police thus becomes a synecdoche for the institutional framework of the English Poor Law and the restricted scope of its jurisdiction and operation that they come to represent to the ultimate absurd extreme: refusing to investigate or alleviate suffering that is no further away than a couple of streets, for which 'the town' as a whole if not its various agencies or individual representatives bears a collective responsibility for the prevention of hunger. The procedural intricacies inherent within the implementation of the protection regime of the Poor Law, in other words, lead to oversights and neglect, even when help is very close at hand, for those whose protection and provision of relief it is the very function of that regime to deliver in the first place. Ultimately, then, Redburn is forced to abandon the stricken family he would deign to assist rather than 'drag them out of the vault', because there, if from nothing else, 'at least they were *protected* from the rain; and more than that, might die in seclusion' [*italics mine*].

Moreover, his failure to provide any form of material assistance leads Redburn to espouse a Judeo-Christian metaphysic of compassion in place of decisive remedial action, albeit one that is tempered by feelings of despair when he reflects upon the magnitude and pervasiveness of suffering amongst 'the remarkable army of paupers' in his midst.²⁵ 'Poverty, poverty, poverty, in almost endless vistas,' he

²⁴ *Ibid.*, pp. 174–8. ²⁵ p. 179. For an example of Redburn's metaphysic of compassion tempered by despair, consider his remarks immediately after the removal of the bodies of the stricken family has finally taken place: 'But again I looked down into the vault, and in fancy beheld the pale, shrunken forms still crouching there. Ah! What are our creeds, and

laments.²⁶ As Joyce Rowe remarks, 'Redburn seems able to sublimate his personal pain into a growing sympathy for those around him, but it is precisely the limits of sympathy as an adequate response to social suffering that the narrator himself indicts'.²⁷

I would like to push this reading a little further, however, to question, once again in a counter-intuitive fashion, what would have happened if Redburn had actually found the policeman who belonged to the 'narrow street called "Launcelott's-Hey"' and whose responsibilities included the famine stricken Irish family that he was compelled to abandon? The answer to this rhetorical question, I would suggest, contains a much more powerful indictment not just of the limits of sympathy as a response to social suffering, but of the entire paradoxical infrastructure of relief enshrined within the English Poor Law, whereby 'poor law unions . . . had a legal obligation to ensure that nobody died of starvation, malnutrition or "the want of the necessaries of daily life"', yet no further 'legal obligation to provide *long term* assistance to newly arrived Irish,' including 'many Famine refugees [who] stopped claiming relief because of the threat of being removed back to Ireland'.²⁸ In other words, Melville's very sensibility of compassion and outrage at the seemingly comprehensive neglect of Ireland's indigent migrants is laden with a profound, unintended *ambiguity*, one that overdetermines Redburn's capacity for humanitarian intervention and the remedies he proposes, and especially his terminology of 'removal' and 'relief'. For what neither Melville himself nor the character Redburn ever consider is that he would actually be doing the famine-stricken Irish family a disservice if he had called their plight to the attention of the proper authorities, because their enforced passivity and immobility in the face of starvation – in that 'out of the way . . . silent, secluded spot' – is perhaps the only means of resistance still available to them before a faulty protection regime that would seek to alleviate their hunger not only by 'removing' them from the cellar but from the jurisdiction altogether, and then back to Ireland, where their hunger, suffering, starvation, and death would only be more protracted. In other words, their failure to claim relief is the only way of ensuring their 'irremoveability' from the English jurisdiction in which they have initially sought protection, and their refusal to receive emergency assistance happens not in spite of but as a direct result of the design of the protection regime they choose not to avail of because of the narrow scope of its application.

how do we hope to be saved? Tell me, oh Bible, the story of Lazarus again, that I may find comfort in my heart for the poor and forlorn. Surrounded as we are by the wants and woes of our fellowmen, and yet given to follow our own pleasures, regardless of their pains, are we not like people sitting up with a corpse, and making merry in the house of the dead?' p. 178. ²⁶ *Ibid.*, p. 194. ²⁷ J.A. Rowe, 'Social History and the Politics of Manhood in Melville's *Redburn*,' (*Mosaic*, 26/1, 53–68), p. 61. ²⁸ Neal, *Black '47*, pp. 90, 217.

IV

Finally, charges can be leveled in a similar spirit, I would suggest, against the narrow scope of Ireland's Immigration Act, 1999, and its more recent amending legislation – misnomers in that they legislate for little more than renewed powers of deportation after the provisions of the Aliens Act (1935) were struck down as unconstitutional by the High Court. In a broader historical context, the deportation of failed asylum-applicants from Ireland under the Dublin Convention might seem a complementary type of involuntary return movement to the 'removal' of Famine migrants from England's Poor Law Unions. Both appear to be interlinked processes of preventative or 'constructive deportation'²⁹ that deflect migratory pressures from asylum or relief procedures through a displacement of jurisdictions in which claims are to be processed that ultimately has the potential to launch migrants into orbit until they land right back where they started from, often a situation of persecution or utter destitution from which they had to flee in the first place.

As a remedy for the 'refugee in orbit' phenomenon, Melville's all-encompassing metaphysic of concern for all who might be in need would appear tempting to embrace: 'that if they can get here, then they have God's right to come . . . For the whole world is the patrimony of the whole world'.³⁰ In practice, though, such sentiments might prove extraordinarily cumbersome to any conceivable protection regime, and detrimental to the interests of asylum-seekers in the long term. The recommendation of Zolberg *et al.*, on the other hand, that 'optimally . . . a liberal asylum [procedure] must rest on a combination of an open door policy and a discriminating hearing process' should suffice to enshrine a comprehensive standard of refugee protection in Ireland, one that makes no use of preventative deportation to put those genuinely in need of protection at risk of involuntary return without having their claims processed first.³¹ In any case, whatever the substance behind historical analogies between the Famine migration and Ireland's current refugee crisis, they are at the very least indicative that Ireland is no longer just a country of origin for its own widely scattered diaspora, but has also come into collision with the diasporas of many other nations.

²⁹ For a definition and comprehensive discussion of the history and uses of 'constructive deportation' in a European context, see N. Mole, 'Constructive Deportation and the European Convention' (5 *EHRLR*), pp. 63–71. ³⁰ Melville, *Redburn*, p. 282. ³¹ A. Zolberg, A. Suhrke, and S. Aguao. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford, 1989), p. 281.