

Comment & Letters

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Press freedom

Publish and be hanged

Independent Newspapers' appeal to the European Court of Human Rights (ECHR) against a massive €1.25 million defamation award is a welcome, important – and expensive – stand for freedom of expression that deserves acknowledgment. At stake is not whether Monica Leech was defamed, and she was, badly, but the deeply chilling effect on press freedom of such monumental awards and whether this one – albeit reduced from an even more eye-watering €1.8 million by the Supreme Court – bears any relation to the damages suffered by a plaintiff.

Our defamation regime, despite notional reform in 2009, is one of the most oppressive in the world. But its effects go largely unreported as papers, already suffering from declining circulations and advertising, pay out huge sums in private settlements out of fear of ending up in court at the unpredictable mercy of the limitless discretion of runaway juries.

The highest defamation award previously upheld by the Supreme Court was that in 1991 in the De Rossa case, £381,000, while personal injury general damages for pain and suffering are limited by the courts to €450,000, awarded only in the most serious cases. In the UK, meanwhile, a ceiling of £200,000 was set a decade ago for damages for the most serious type of defamation.

Article 10 of the European Convention on Human Rights upholds freedom of expression and has been interpreted by the court as limiting the scale of damage awards to protect free speech and so that they bear some relation to the damage caused (*Tolstoy Miloslavsky v UK*). That the Supreme Court should appear not to have taken either consideration into account is bewildering.

Media organisations and freedom of expression are also under threat on another front – unfortunately at the hands of the ECHR. Recently, in *Delfi AS v Estonia*, the court found, despite EU legislation and Council of Europe declarations to the contrary, that an internet hosting site may be held liable for defamatory comments posted on it by third parties even if the site acts to take such comments down promptly.

The result may be to force responsible site hosts, like many newspapers, to close their articles to comment altogether, cutting off direct interactions with their readers, one of the great and welcome innovations of the online age.

The judgment is an unfortunate throwback to a long history of attempts by states to control the press. As two of the judges, András Sajó and Nona Tsotsoria, point out in their dissenting opinion: "The imposition of liability on intermediaries was a major obstacle to freedom of expression for centuries. It was the printer Harding and his wife who were arrested for the printing of the *Draper's Letters*, and not the anonymous author (Jonathan Swift), who continued to preach undisturbed. It was for this reason that exempting intermediaries from liability became a crucial issue in the making of the first lasting document of European constitutionalism, the Belgian constitution of 1831. This is the proud human rights tradition of Europe that we are called upon to sustain."

Yeats

His deep heart's core

‘A young man, wandering about the slopes of Ben Bulbin and Knocknarea, or gazing across the silver waters of Lough Gill from Dooney Rock to Hazelwood, started to sing in accents that fell with a wild beauty... In the natural grandeur of Sligo the new poet found an inspiration that lit up his verse with a burning flame’.

That summary of the seminal and decisive influence of the Sligo landscape on the poetry of WB Yeats appeared in this newspaper on the occasion of the poet's seventieth birthday. It is worth bearing in mind those words in coming to terms with the revelations in French diplomatic correspondence that seem to confirm that the bones sent back to Ireland in 1948 were not the poet's.

Does it really matter whether any remnant of the mortal remains of Yeats lies in Drumcliffe churchyard? There may or may not be some trace of Yeats's remains in the Sligo soil but what does matter is the intimate association between the poet, his work and the iconic landscape "under bare Ben Bulbin's head" that was his spiritual home and his arcadia. The spirit of place evoked in the poetry is enough to continue to validate it as a destination of literary pilgrimage. His own words, chosen by the poet as his epitaph and cut into the Drumcliffe headstone, carry enough significance to mark the graveyard as hallowed Yeatsian ground, a site of memorial that invokes the spirit of the poet.

The real disgrace of this affair is the failure of local French authorities at the time to recognise his eminence and treat him as an "honoured guest" in the cemetery in Roquebrune where Yeats died in 1939. Recalling his childhood in the Autobiographies Yeats wrote "I would remember Sligo with tears, and when I began to write, it was there I hoped to find my audience". Sligo was always in the poet's "deep heart's core", his spirit can never be taken from the place of his first reveries.

Frank McNally



An Irishman's Diary

Anyone who has ever seen *Brief Encounter*, David Lean's 1945 classic about a doomed romance, will know that piano music features prominently in the soundtrack. Extra marks if you can recall that the score was Rachmaninov's *Concerto No 2*. But you probably need to have a special interest to remember the person who played it for the film, a woman called Eileen Joyce.

Largely forgotten now, she was one of the world's best-known pianists then and famous for her flamboyant live appearances, involving regular dress changes with colours to match the various composers, red for Tchaikovsky, green for Chopin, blue for Beethoven, and so on.

Critics sometimes scoffed at her style, but there was no denying her musical brilliance, and the combination brought her great success, including an apartment in London's Mayfair, with a reported seven grand pianos, and an English country residence to boot. She lived most of her life in Britain, although she was Australian by birth. And as you'll guess from her name, which was "Eileen Alannah Joyce" in full, she had strong connections with this country which helped feed the myth that surrounded her.

Her Irish-Australian father, Joseph Joyce, was a gold-miner, and one persistent legend is that she was born "in a tent" in Tasmania, a claim repeated in her obituaries. The Tasmania bit was true, at least. But

disappointingly for romantics, it seems more likely she was delivered in a district hospital.

Soon afterwards, the family moved to Boulder, Western Australia. And although miners were often well paid, it seems her father wasn't. Her impoverished childhood became a vague but indelible part of Eileen Joyce's story. Far from the glamorous dresser of later years, she was known to school-friends as "Raggedy Eily".

Her path to greatness is said to have started with a battered piano in a miner's saloon.

But the local nuns had a big part too, eventually referring her to other, better connected nuns in Perth.

Those arranged a visit from the Australian maestro Percy Grainger, who declared Joyce "the most transcendently gifted young piano student I have heard in the last 25 years".

When another visitor, the touring German pianist Wilhelm Backhaus, suggested she be sent to Leipzig to continue her studies, the miners of Boulder and other admirers helped pay her way. From Leipzig she went to London, and by the time she



■ Eileen Joyce: her playing features on soundtrack of *Brief Encounter*. PHOTOGRAPH: POPPERFOTO/GETTY IMAGES

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returned to Australia for a 1936 tour, she was an established star.

Her growing mastery of the classics was not quite sufficient to impress her father.

When he asked her to play his favourite piano tune, Thomas Moore's *Believe Me If All Those Endearing Young Charms*, and she couldn't, he considered her musical education a failure. She quickly filled in that gap.

But it was for Mozart, Bach, Rachmaninov, Grieg, and many other composers of the classical tradition that Eileen Joyce was better known. She mastered them all. And driven by a humble upbringing, she worked as hard on stage as in rehearsal, once performing a series of marathon concerts involving up to four concertos in an evening.

She was a regular visitor to Ireland at her peak. But one night in 1960, after a performance in Scotland, she closed the lid on her piano and a full-time career, pleading burn-out. She made occasional returns to concert in 1967 and afterwards, but led a much lower-key existence for the rest of her life, which ended in 1991.

I mention all this because the aforementioned *Brief Encounter* is now 70 years old, and to mark the milestone it will be given a special screening in the National Concert Hall next month, on August 29th. You won't hear Eileen Joyce's performance in it, however, because this is live performance of the score.

So stepping into her shoes (not literally, I hope) will be the young British soloist Leon McCawley, backed by the RTÉ Concert Orchestra, with John Wilson conducting. A review of a London performance of the show praised the "eye-watering beauty" of the cinematic and live-music combination.

As for the Joycean original, you may have to download it yourself or hope the local cinema revives it. The film is often considered a peculiarly English love story, in that (spoiler alert!) the protagonists, after teetering on the edge of an extra-marital affair, bow to social conformity in the end and don't do the bad thing. Even so, they thought about it too long for the liking of the Irish censor. It was banned here until 1962. @FrankmcnallyTT

Letters to the Editor

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Climate change as a global health issue

Sir, – Prof Michael Hamell (July 20th) calls for Ireland to develop a climate and agriculture strategy to complement Food Wise 2025, the current 10-year vision document for the Irish agri-food industry. This is a good suggestion but does not directly address one of the key issues – the impact of agri-food policy and climate change on population health. Population health should now be front and centre in discussion and policy development in relation to both agriculture and climate change.

Climate change is now recognised as the single most important global health threat of the 21st century. Paradoxically, however the measures required to mitigate climate change have enormous potential for positive impacts on health. In the report from the 2015 *Lancet* Commission on Health and Climate Change, it was suggested that tackling climate change could be the greatest global health opportunity of the 21st century.

The effects of climate change on health are already evident, both direct effects such as extreme weather events and a host of indirect effects, including air pollution, decreased water quality and ecological change. Deep cuts in greenhouse gas emissions are urgently needed to prevent dangerous and potentially catastrophic climate change before the end of this century. Greenhouse gas emissions from the agriculture sector account for over 20 per cent of global total emissions. Livestock production (including transport of livestock and feed) accounts for nearly 80 per cent of the sector's emissions. Methane and nitrous oxide (both closely associated with livestock production) are of particular importance in averting catastrophic climate change. The latter greenhouse gases are categorised as "short-lived climate pollutants", potent greenhouse gases which produce a greater global warming effect than carbon dioxide but remain in the atmosphere for a relatively short time.

Mitigation of these greenhouse gases is now an urgent priority as it could curb global warming in the near term. The promotion of healthy plant-based diets with reduced meat consumption combined with policy measures to promote active and mass transport (walking, cycling and public transport) will impact directly and rapidly on both the level of short-lived climate pollutants and the population burden of obesity and related chronic disease. There is a potential "win-win" for society here if we can draw on the collective expertise of the agri-food, environmental and health sectors. The issue is not simply one of asking the farming community and agri-food sector to bear the brunt of Ireland's response to global climate change. We need to ensure that discussion and policy development on agriculture and climate change are appropriately framed.

Health puts a human face on the challenge of climate change. Indeed, it is now clear that when climate change is framed as a health issue, rather than purely as an environmental, economic, or technological challenge, we face a predicament that strikes at the heart of humanity. – Yours, etc, IVAN J PERRY, MD, PhD Professor of Public Health, University College Cork.

Sir, – Dave Kiernan (July 20th) laments that rapid human population growth is never discussed as part of the climate change debate and, while we sidestep that issue, farmers are supposed to take the hit. What he fails to mention is that feeding the same rapidly growing population is posed as a key part of the very rationale for expanding Irish agricultural production. You can't have it both ways. – Yours, etc, GAVIN DALY, Dublin 1.

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Ireland and neutrality

Sir, – Paul Williams (July 18th) accuses the Peace & Neutrality Alliance (Pana) of the usual anti-Americanism and "cowardice" because we would not support an EU state such as Britain or France if they were attacked, for the simple historical reason that these states have a long tradition of attacking other countries (including our own, in the case of the UK), a tradition which they clearly still support. We are no more cowards than are those with a record of supporting imperialist wars.

Finally, let me deal with the boring old canard that Pana is "anti-American". Pana opposed the US war on Iraq, as did then relatively obscure US senator called Barack Obama. Was he "anti-American" as well?

The Irish government under Bertie Aherne backed the Iraq war and destroyed the policy of Irish neutrality by turning Shannon Airport into a de facto US air force base. The point of the Irish Neutrality Bill, supported by Pana since our foundation in 1996, was that it would have allowed Irish people to restore the policy of neutrality, if they so desired, by way of a constitutional referendum. It was de-

feated by Fine Gael, Fianna Fáil and the Labour Party. We would contend that by opposing the war we were, in fact, pro-American, as many Americans now agree it was not a good idea, and I would suggest to Mr Williams that there is a good deal of evidence that we were correct. We also welcomed the end of sanctions on Cuba and Iran and the Minsk Accords, supported by the EU and the US, which according to Mr Williams should make us pro-EU and pro-US. Wars are always more complex than Mr Williams suggest and Pana believes the words of our longest-serving taoiseach, Eamon de Valera, remain as valid now as they were in 1955: "A small nation has to be extremely cautious when it enters into alliances which bring it, willy nilly, into those wars... we would not be consulted in how a war would be started – the great powers would do that – and when it ended, no matter who won... we would not be consulted as to the terms on which it should end". – Yours, etc, ROGER COLE, Chairman, Peace & Neutrality Alliance, Dalkey, Co Dublin.

Ireland, Germany and the euro

Sir, – Fintan O'Toole writes that "The euro may look like a disastrous project for Ireland or Greece but in Germany it's an enormous success" ("Europe divided by a sense of crisis and a sea of amnesia", *Opinion & Analysis*, July 21st).

Focusing just on Ireland, the cumulative growth in the Irish economy from the time of the euro's introduction (January 1999) would suggest that it has been of resounding benefit to Ireland, on balance. At the time of the Maastricht Treaty and in compensation for accepting the disciplines of EMU, Ireland was granted an exceptional allocation of EU structural funds, including a generous allocation of a new "cohesion fund", especially established for less developed EU member states that joined the euro. Irish exporters benefited greatly from being able to price in their domestic currency. The euro in Ireland stimulated a huge surge in the number of companies in the IFSC, with corresponding additional jobs. Irish interest rates, including mortgage rates, fell dramatically because of the euro and have remained very low since. – Yours, etc, BRENDAN LYNCH, Blackrock, Co Dublin.

Sir, – Fintan O'Toole blithely ignores the low interest rates that all major western economies are enjoying at the moment due to low inflation and quantitative easing, which, ironically has been resisted by the Bundesbank's ECB representative.

He also ignores the previous convergence in yields on "peripheral" euro zone debt which benefited Ireland and others – or at least would have, had the relevant governments not suffered from chronic fiscal incontinence. Unfortunately, instead of reducing debt, resolving the pensions time-bomb, investing in infrastructure and reforming the tax system, Ireland and others stoked a property bubble and increased current government spending at an unsustainable rate – as epitomised by the bizarre McCreevity mantra of "when I have it, I spend it".

Fintan O'Toole's comments on euro weakness and German exports ignore the boom in German productivity after the labour market reforms, and that the demand from China continuing during the years of considerable strength in the euro exchange rate.

Moreover, he ignores the fact that peripheral countries such as Ireland and Greece bent over backwards to join the euro in order to enjoy the benefits of a strong German-dominated currency. Recently we have even seen Greece's supposed radical Syriza's spectacular capitulation when its bluff on a Grexit was called. – Yours, etc, PAUL KEAN, Dublin 8.

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Cyclists and road safety

Sir, – As a motorist and cyclist, I can't help noticing that both types of road user who write to *The Irish Times* are very happy to "share the road" with the others, but find "being stuck behind" totally unacceptable. – Yours, etc, JOE HACKETT, Dublin 6.

Sir, – Overlooked groups in this debate are drivers who believe they can ignore, where cyclists are concerned, the rules of the road (and laws of the land), and cyclists who observe those same rules and laws, yet are constantly endangered by the former.

On my daily commute by bicycle, I rigorously observe traffic lights, lane discipline, safe and early signalling, care for pedestrians and due attention to traffic and potential problems on the road ahead, behind and to either side. I wear reflective safety equipment and have my lights operating at all times, front and rear.

Despite all of this, I am put in repeated and unwarranted mortal danger, usually several times daily, by obnoxious motorists using one or several of the following gambits: overtaking me dangerously and cutting in on approach to a red or orange light; similarly, overtaking me through a junction, lighted or not; exceeding the speed limit in order to overtake me, often on a hill or blind bend; exiting side roads in front of me at an unsafe distance, frequently followed by a deceleration or hard stop; failing to use their turn signals when manoeuvring, stopping or changing lanes; failing to give way to my approach from their right on a roundabout; driving, parking or stopping without emergency in a mandatory cycle lane, often refusing to move when asked to do so (despite such a request not being a necessary legality); passing me, at speed, with less than the required 1.5 metre lateral clearance (often less than one imperial foot); aggressive and repeated sounding of their

horn when "stuck" behind me as I give sufficient clearance to a series of potholes, wayward pedestrians or parked cars on the left side of the road (despite my signalling my manoeuvre and invariably travelling at or close to the posted speed limit of 30kph).

All of these practices are illegal, yet are rarely, if ever, punished by An Garda Síochána. Additionally, they almost always oblige me to suddenly and dangerously adjust my bicycle, at speed, in traffic. Cyclists should not break any laws, for sure. But, considering the unchecked, reckless and often downright dangerous attitude of many (but not all) motorists, perhaps your readers would be better advised to begin a campaign to educate all road users as to their rights, responsibilities and requirements under law, as well as a universal review of and subsequent enforcement of said laws, for motorists, cyclists and pedestrians alike.

Finally, cyclists do not block traffic, we are traffic. Bad cycling annoys motorists, but bad driving kills cyclists. – Yours, etc, GREG SCULLY, Cork.

Making sense of Eircode

Sir, – I think a major mistake has been made in the introduction of Eircodes by having such a minimal hierarchical structure.

I have received my code which starts with A94 (the routing key), which covers the area served by An Post's Blackrock, Co Dublin, sorting office and includes the areas of Blackrock, Booterstown, Mount Merrion, Stillorgan, Monkstown, and Deansgrange. The fourth and fifth characters of my code are CD, while those of my immediate neighbours are F2 and HH. Therefore there is no geographical refinement beyond the routing key.

An Post's own system does have geographical refinement. The area served by the Blackrock sorting office has four subdivisions. (An Post areas can be seen by Googling "An Post public planner"). Why are there no subdivisions in the Eircode system? Surely the Central Statistics Office among others would benefit from a more refined system – the A94 area includes about 15 electoral divisions, 20 townlands and 60 small areas.

I appreciate Eircode's boast that it has a unique identifier system, but surely the uniqueness could be provided by just the sixth and seventh characters. – Yours, etc, AIDAN WARD, Booterstown, Co Dublin.

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Banking and automation

Sir, – Customers in our local AIB Bank on Baggot Street in Dublin have just been advised by employees that between now and mid-November "No cashier will be available at the branch". No reason given, and apparently no explanation. I feel sorry for those older customers who do not like "talking to machines" or feel a bit unsure or vulnerable when doing so. The arrogance of banks never ceases to amaze me. – Yours, etc, JB DE VILLENEUVE, Dublin 2.

Sir, – Further to Irish people abroad encountering ignorance of our country, Barry Hennessy's letter (July 22nd) recalled a conversation with a Canadian citizen in Boston many years ago. Informing the lady where I was from, I was met with the following response: "Oh, I knew two people from Ireland: one was from Cork; and the other from Denmark"! – Yours, etc, OLIVER McGRANE, Rathfarnham, Dublin 16.

Among the nations of the earth

Sir, – Seeing Rosita Boland's article on Red Island caused a small tug at my heart ("Postcards Revisited, Skerries, July 17th). My grandfather, Captain Charles Edward Thompson, built the house on the tower. My mother was born there; she died when I was seven, but I do have some photos from that time. Charles Edward went down with the SS *Umgent* in November 1917. – Yours, etc, MARY BOYD, Sandycove, Co Dublin.

Sir, – Drivers must wear seatbelts; motorcyclists must wear helmets.

Why does the Government not make it compulsory for cyclists to wear helmets and high-visibility bibs? Cyclists are so vulnerable when out on the roads or on city streets, I regard this as a safety imperative, but the matter is completely ignored by the relevant authorities.

However, I can see the problem this might create for users of the Dublin Bikes scheme; they would have to carry their own helmets. By the way, I have been a daily cyclist for over 50 years. – Yours, etc, HARRY HAVELIN, Glasnevin, Dublin 9.

Hammer horror

Sir, – In "Jesusits pay 10 times estimate for Harry Clarke window" (July 22nd), it was worrying to read that: "The collection of stained glass went under the hammer". – Yours, etc, PADRAIG J O'CONNOR, Rathfarnham, Dublin 14.

Reformation

A chara, – Whatever about the causes of the Reformation (July 22nd), at this stage I would suggest that Christians focus on how much they share, as Christians. At parish and local levels, greater ecumenical activities would benefit all Christians. – Is mine, SEÁN O'CUINN, An Charrraig Dhubh, Co Átha Cliath.

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