

Submission to the Trinity Legacies Review Working Group

The Reckoning: Racial Science, Eugenics, Colonialism, and the Politics of Atonement

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6 December 2022

The Trinity Legacies Review Working Group (TLRWG) has invited separate submissions to two inquiries – the return of skulls acknowledged by TCD to have been stolen in 1890 from the island of Inishbofin (7 December, 2022), and proposals to rename the main library because of the documented slave ownership of its current honouree, Bishop George Berkeley (31 January, 2023). Separating these inquiries in the absence of clear articulation of purpose, operating principles and governance protocols risks short-changing both. The submission below covers both matters within an integrated framework. It is also designed to guide effective consultation in the future deliberations of the TLRWG, which has signalled a call in 2023 for further cases to investigate the institution's tangled history with colonialism and racism, and their legacies. The framework advanced does not prejudge any of these outcomes. Rather, it provides the basis on which to make a reasoned decision, which, even if disagreed with, can be accepted. As such, it confronts history, the primary task of the university as an institute of learning.

1. The Black Lives Matter protest movement in the United States has drawn global attention to intersectional realities facing minorities long ignored or underplayed. Repeated police abuse, disproportionate incarceration levels, widely varying education participation and attainment rates all point to an institutionalised structure. It forces reflection on how this structure was created, legitimated, and maintained; why it has proved so impervious to change; and the role of knowledge-brokers in mediating what constitutes evidence in determining the answers. The quest (and need) is by no means constrained to the United States. The grammar of imperialism informs and constrains discourse across multiple domains and disciplines: who has access; who determines research agendas; and on what criteria?
2. Across the globe, elite universities are facing what Harvard has termed a 'reckoning'.¹ Contestation focuses on material and intellectual complicity in the establishment, expansion, and transformation

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of empire, and the role of slavery within it. What form that reckoning takes, however, is multifaceted.² Is it merely a mathematical calculation of financial benefit? Can the issue be resolved by adjusting the ledger through reparation (at prices adjusted for inflation), broadening access, or introducing new research agendas? What factors should govern these agendas and who should conduct it? Does reparation mean an apology? If so, an apology for what, and to whom? Can the past be atoned for by the erasure of history or does it require broader reflection on how knowledge itself is created and legitimated? If the latter, the reckoning presents an existential question for which the academy appears largely unprepared for.

3. At core, slavery entails the commodification of human existence. Conscious ideational effort was required to provide the philosophical justification, legislative design, and legal framework underpinning the commercial trade. Human traits, like empathy (or sentiments), were jettisoned in favour of material wealth.³ It is a philosophy and practice that privileged (and continues to do so) the status quo. Moral equity cannot survive commodification. An initial driver of globalisation, the commercial reality of the New World was built on ideational assumptions. These ascribed monetary value to differential evolutionary development, in part measured (literally) by physical racial difference. We forget the transactional imperatives at our peril.
4. For universities, within or close to the metropole, the colonial project offered a lucrative trade. The system was legitimised not just through evocation of the natural sciences but the active recruitment of social science and the tacit support of the humanities. At issue for the academy is not simply the behaviour of individual academics, administrators or what to now do with past association with benefactors memorialised in statues or named facilities of learning, residence, and sport on university campuses. The complex adaptive nature of the system itself, as an idea and ideal to strive for and maintain, is an altogether more insidious corrosive matter.
5. As T.K. Hunter has observed, ‘ideology is a tough one, because it is something that is simultaneously prominent and subtle, and it is its subtlety that is difficult to dismantle.’⁴ But

Problem or New Direction for Organization Theory (Cambridge University Press, 2021) and *Trust, Accountability and Purpose: The Regulation or Corporate Governance* (Cambridge University Press, 2019). This submission is made in a personal capacity.

¹ Office of the President, *Report of the Committee on Harvard and the Legacy of Slavery*, Harvard University, Cambridge, MA, 26 April 2022, 1.5.2, <https://legacyofslavery.harvard.edu/report>.

² See, for example, Simon Newman and Stephen Mullen, *Slavery, Abolition and the University of Glasgow*, University of Glasgow, 17 September 2018); The Yale and Slavery Research Project, ‘Yale and Slavery in Historical Perspective’, Yale University, New Haven, CT, 28-30 October 2021, <https://glc.yale.edu/events/past-events/conferences/2021-annual-conference>; Advisory Group on Legacies of Enslavement, *Final Report*, University of Cambridge, 22 September 2022, https://www.cam.ac.uk/system/files/legacies_of_enslavement_report_21.09.2022.pdf.

³ Much is lost in the process. Contrast for example, how the humane other-regarding approach to social development pioneered by Adam Smith, *The Theory of Moral Sentiments* ([1759], Penguin Books, 2010) was replaced in economic thought with an instrumental reading of Smith’s *The Wealth of Nations* ([1776]; Penguin Books, 1999), which details what happens when forces of social control are not put in place to curb selfishness and self-interest.

⁴ T.K. Hunter, ‘In the Matter of Worth: The Value of Black Lives and the Law’, in Jim Downes, Erica Dunbar, T.K. Hunter and Timothy McCarthy (Eds), *Reckoning with History: Unfinished Stories of American Freedom* (Columbia University Press, 2021), Kindle Edition (Loc 4236).

dismantle we must do.⁵ This requires disentangling its intellectual roots, from the emergence of slavery itself to its institutionalisation and the reasons why formal emancipation proved a chimera, and not just in the United States. Recent developments in the United Kingdom bring this into sharp relief.

6. The controversy in November 2022 over the repeated questioning of the origins of British-born charity worker at a function in Buckingham Palace by the late Queen's Late-in-Waiting on her origins, for example. occurred as a major report was tabled detailing pervasive institutionalised racism in the London Fire Brigade.⁶ The first Black editor of *Vogue* used an appearance on *Desert Island Discs* (BBC Radio 4) to recount how racism accompanied the elevation, with constant media references to his being Ghanaian born, a subtle shorthand for the othering, which remains the core driver of political contestation. He also reflected how in a late-night visit to the magazine's headquarters in Soho a white security guard – without asking his business at the premises – directed him to the loading bay.⁷ Taken together, the slights reveal how insidious and deeply ingrained evolutionary culture prejudice remains across all levels of British society. In part, this can be traced to the institutionalisation of othering through the law itself.
7. Hunter highlights, for example, the contemporary resonance of the notorious massacre in 1781 of 132 slaves thrown off *The Zong*, an overcrowded vessel sailing from Ghana to Jamaica because of a shortage of drinking water. The owners claimed the loss on an insurance policy. When the insurers refused to pay, the matter was brought to the London courts, where a jury upheld the ownership cartel's right to claim the loss of earnings from the forced jettisoning of the insured 'cargo'. On appeal, the verdict was overturned. Not because of moral qualms but navigational error and the contributory negligence of the crew.⁸
8. This base commodification informed the subsequent development of racial science, which merged anatomy, anthropology, sociology, political science, economics, and statistics. The process began

⁵ Carl Schmidt, *The Concept of the Political* ([1932]; University of Chicago Press, 1996) 18 (noting what happens when an 'economic-industrial-technological' framing a 'humanitarian-moral' conception of progress: 'If a domain becomes central [as he posited the technological one had] then the problems of other domains are solved in terms of the central domain – they are considered secondary problems whose solution follows as a matter of course only if the problem of the central domain are solved.'). While Schmidt is a controversial thinker because of his subsequent affiliation with the Nazi Party in Germany, his framing is critical to the development of 'othering', see David Runciman, 'Carl Schmidt on Friend vs Enemy', in 'History of Ideas', *Talking Politics in Partnership With London Review of Books*, 2021, <https://www.talkingpoliticspodcast.com/history-of-ideas-series-two>.

⁶ Nazir Afzal, *Independent Culture Review of the London Fire Brigade* (London, November 2022, <https://www.london-fire.gov.au/media/7211/independent-culture-review-of-lfb-report>). In a media briefing Mr Afzal, for former chief prosecutor of North-West England called for a national inquiry, citing institutional problems within the National Health Service (NHS) and the British Broadcasting Corporation (BBC), see Diane Taylor and Geneva Abdul, 'Author of London Fire Brigade Report Warns of Racism and Misogyny in other Organisations', *The Guardian*, 25 November 2022.

⁷ Desert Island Discs, 'Edward Enninful', *BBC Radio 4*, 4 December 2022, <https://www.bbc.co.uk/programmes/m001fvns>.

⁸ For definitive account, see James Walvin, *The Zong: A Massacre, the Law and the End of Slavery* (Yale University Press, 2011); see also In Our Time, 'The Zong', *BBC Radio 4*, 26 November 2020, <https://www.bbc.co.uk/programmes/m000pqbz>

as anthropometrics – the measurement of cranial difference, height, and hair and eye colour within and across racial groups. It led inexorably to eugenics.⁹

9. While it is commonplace to point to its practical manifestation in Nazi Germany, the roots of eugenics lie in the United Kingdom, most notably at University College London (UCL). UCL used bequests from Francis Galton, the founder of the movement, to establish a laboratory (1907), then a professorship (1909), and ultimately the first named Department of Eugenics (1913).¹⁰ Following an independent inquiry, UCL dissociated itself from the foundational assumptions, renamed buildings honouring Galton's contribution to science, and issued a formal public apology.¹¹ The first academic beachhead for Galton, however, was not at UCL, instead it was incubated across the Irish Sea at Trinity College Dublin (TCD), the University of Dublin.
10. TCD was to become a willing facilitator in the dehumanising of the individual and subsequent commodification within an overarching system of control.¹² It reached its apogee with the establishment of an Anthropometric Laboratory, a joint initiative between the Royal Society of Ireland and TCD as an outstation for the research agenda pioneered by Galton.¹³ Care was taken to differentiate within the Irish between native, primarily Catholic, and imported stock. Its studies played directly into broader political debate. The allure of science provided the pictorial caricatures that dogged political debate within the island, between it and the metropole and later in the management of race relations in the United States, starting with the Irish and extending to other racial groups.¹⁴ What was needed for this hypothesis was physical evidence and there was no

⁹ Francis Galton, 'Why Do We Measure Mankind' (1890) 45 *Lippincott's Monthly Magazine* 236, 238.

¹⁰ Inquiry into the History of Eugenics at UCL, *Final Report*, 28 February 2020 14 (noting eugenics 'is perhaps more successful than we care and/or dare to admit: in one form or another, it has pervaded law, policy and practice in relation to immigration, family policy, welfare, health care and education.'). The report explicates the three-stage strategy developed by Galton: make eugenics an academic question, be recognised as a subject of study that can deliver practical solutions and be introduced into and inform the national conscience. Part of that process involved Galton providing UCL in 1907 with 1,000 to establish the Galton Laboratory of National Eugenics. On his death two years later, he bequeathed UCL 40,000 to establish a Galton Professor of Eugenics. In 1913 UCL merged the Galton Laboratory with the Department of Applied Statistics to create the Department of Applied Statistics and Eugenics. It became a standalone Department of Eugenics in 1933.

¹¹ University College London, 'UCL Makes Formal Public Apology for its History and Legacy of Eugenics', 7 January 2021.

¹² A small operation was established at Cambridge in 1896 but its impact limited, see John Venn, 'Cambridge Anthropometry' (1899) 18 *The Journal of the Anthropological Institute of Great Britain and Ireland* 140 (highlighting Galton's financing of a project to systematically measure Cambridge men).

¹³ Daniel Cunningham and Alfred Haddon, 'The Anthropometric Laboratory of Ireland' (1892) 21 *The Journal of the Anthropological Institute of Great Britain and Ireland* 35, 35 (noting how Francis Galton 'has given us at every stage of our preparations the greatest encouragement and the fullest assistance'. The Institute's agenda propagated Galton's work and 'stimulated us to endeavour and do likewise in Ireland.'). For a detailed history of the UCL initiative, see Adam Rutherford, *Control: The Dark History and Troubling Present of Eugenics* (Orion Books, 2022); see also the landmark series based on the book, Adam Rutherford, 'Bad Blood: The Story of Eugenics', *BBC Radio 4*, 21 November 2022, <https://www.bbc.co.uk/programmes/m001fd39>.

¹⁴ William Rathbone Greg, 'On the Failure of "Natural Selection" in the Case of Man' (1866) 78 *Fraser's Magazine for Town and Country* 353, 360-361 (contrasting the differential reproductive patterns of how the Scot 'stern in his morality, spiritual in his faith, sagacious and disciplined in his intelligence, passes his best years in struggle and in celibacy, marries late, and leaves few behind him', in contrast to the 'careless, squalid, unambitious Irishman, fed on potatoes, living in a pig-stye, doting on superstition [that] multiply like rabbits or ephemera' For how this played out in political debates over migration, and its political effects in London, Dublin and New York, see more generally L. Perry Curtis, *Apes and Angels: The Irishman in Victorian Caricature* ([1971]; Smithsonian Institution Press, 1997).

compunction about how to collect it. While there is contestation as to whether Alfred Haddon, a founding member of the Dublin laboratory, collected skulls because he shared the overt racial agenda of Galton, or its political application in Ireland,¹⁵ there is evidence of him trading artefacts (in both Ireland and previously the Torres Straits), if not necessarily for financial gain then certainly for professional status.¹⁶

11. TCD is to be congratulated, therefore, for excavating its tangled involvement in racial science, its interaction with political subjugation, and its commitment to tabulate the material benefits this trade brought to the institution. Notwithstanding emergent but clear parameters of how to determine what is at stake – including evaluation guidelines and subsequent decisions within peer-institutions in the United States and the United Kingdom - Trinity's framing, and the flimsy base on which it requests evidence-based responses to two case studies, suggests a missed opportunity.¹⁷ It risks compounding the initial error by privileging instrumental reputational management over institutional learning.
12. The first case study involves requests by islanders from Inishbofin, County Galway, for the return of thirteen skulls pillaged in July 1890 from St Colman's Monastery by Haddon and Andrew Dixon, academics affiliated with the soon to be established Dublin Anthropometric Laboratory.¹⁸ There is no doubt the skulls were stolen. Haddon, admitted as such in a contemporaneous diary entry, which was published in a biography soon after his death.¹⁹ There is no doubt senior academics within TCD were aware of unease on the island about how scientists were disturbing grave sites, a fact publicly canvassed by Charles Browne (another core member of the anthropometric faculty)

¹⁵ Ciaran Walsh, 'Artist, Philosopher, Ethnologist and Activist: The Life and Work of Alfred Cort Haddon' in *BEROSE International Encyclopaedia of the Histories of Anthropology* (Paris, 2022) 7, <https://www.berose.fr/article2641.html?lang=en>. Nonetheless as Walsh concedes, Haddon 'was well aware of the demand for and value of anatomical specimens' (p. 6), collecting them in both Torres Straits (1898) and a subsequent trip to the west coast of Ireland (1890), the matter now under dispute.

¹⁶ Skulls from Torres Strait and given by Haddon to the Natural History Museum in London were returned in 2011, Jonathan Amos, 'Torres Strait Skulls Begin Bone Repatriation', *BBC*, 6 May 2011, <https://www.bbc.co.uk/news/science-environment-13308981.amp>. Four years earlier, Glasgow City Council arranged for the return of five skulls in the Glasgow Museum Collection donated by Haddon (but not collected by him), see 'Museum Skulls Return to Islanders', *BBC*, 18 June 2007, https://www.bbc.co.uk/2/hi/uk/news/scotland/glasgow_and_west/6761813.stm. TCD has not provided evidence as to whether it was aware then, or now, with problems with Haddon's acquisition or trading strategies or how comparator organizations have dealt with it. One presumes this is an oversight in what has been a rushed consultation process.

¹⁷ An international consortium of universities studying slavery had been established under the leadership of the University of Virginia. TCD is not a member (although University College Cork is). **It is recommended that Trinity rectifies this as a matter of urgency, precisely because its own experience can enhance the network, while networking within the consortium can facilitate ongoing research collaboration opportunities.**

¹⁸ Mobeen Hussain, Ciaran O'Neill and Patrick Walsh, 'Working Paper on Human Remains From Inishbofin Held in the Haddon-Dixon Collection at TCD', November 2022, <https://www.tcd.ie/seniordean/legacies/inishbofinTLRWGworkingaper.pdf>. It is unfortunate that the paper is not paginated for ease of cross-referencing.

¹⁹ Alice Hingston Quiggin, *Haddon the Head Hunter: A Short Sketch of the Life of A.C Haddon* (Cambridge University Press, 1942) 70-71.

in a presentation to the Royal Irish Academy.²⁰ Moreover, direct involvement in the initial theft did not stop Dixon (who was a medical student at the time of the Inishbofin grave theft) subsequently rising to the position of Professor of Anatomy at TCD.

13. There the open secret would have been left but for an exhibition in 2012 of photographs taken during Charles Browne's ill-advised second trip to Inishbofin in 1893. The cavalier approach to the material (and people) was noted in an accompanying catalogue. The exhibition prompted the islanders' first formal engagement with TCD for the remains to be returned. It is only now, however, that the issue is receiving considered attention and evaluation by the institution and public scrutiny (notwithstanding how acknowledged concern in United Kingdom museums led to repatriation by the Natural History Museum (2011) in London and the Glasgow City Museums Collection (2007) of cranial specimens originally donated by Haddon.²¹
14. The second case focuses on whether TCD should rename its main library because the honouree, George Berkeley (1685-1753) – a graduate of the college, former fellow and accomplished philosopher – was also a slave owner during a stint in New England (1728-1732) as he sought and failed to establish a college of learning in Bermuda, where Native American students would learn to accept their temporal subjugation for the glory of God.²² The Trinity debate on colonial legacies derives primarily from an emergency motion passed in February 2022 by the Trinity College Dublin Student Union (TCDSU) in relation to this second case.²³ A subsequent open letter to the Provost on 23 August 2022 threatened 'escalated action' by the Students Union in the absence of movement by 30 September 2022.²⁴ Instead, the Students' Union has joined what appears to be a hastily-established Trinity Legacies Review Working Group (TLRWG). Curiously, the Students Union has not once referred to the Inishbofin case. If its delegates on the Working Group – or indeed anyone else – are looking for more nuanced detail on either case from the internal academic review, they are likely to be disappointed.
15. The background papers are vague about the issues at play. In part, this can be traced to the fact the research was neither commissioned by the Review Group nor written to address its criteria. They derive from a separate discrete project on what occurred, not its contemporary reputational impact. More broadly, there are no clear indicators of what evidence Trinity is looking for to guide

²⁰ Charles Browne, 'The Ethnography of Inishbofin and Inishshark, County Galway' (1893-1896) 3 *Proceedings of the Royal Irish Academy* 317-370, 334, cited in Hussain, O'Neill and Walsh (n 18).

²¹ See Amos (n. 16); BBC (n. 16) and accompanying text.

²² Mobeen Hussain, Ciaran O'Neill and Patrick Walsh, 'Working Paper on Berkeley's Legacies at Trinity', November 2022, <https://www.tcd.ie/seniordean/legacies/berkeleyTLRWGworkingpaper.pdf>. Again, it is unfortunate the paper is not paginated.

²³ Kate Henshaw, 'TCDSU to Support Campaign to Rename the Berkeley Library, Trinity News, 22 February 2022; Sean Cahill, 'TCDSU Votes to Lobby to Rename the Berkeley Library', *University Times*, 22 February 2022 (stressing the need to take action against 'Berkeley's continued glorification and amplification [sic]').

²⁴ Caroline Higgins, 'TCDSU Calls for immediate Renaming of the Library', *Trinity News*, 23 September 2022 (noting that until renaming all correspondence will refer to the 'X Library'); see also Samantha Campana-Gladstone, 'TCDSU Have De-Named the Berkeley, Now College Must Follow Suit', *University Times*, 6 September 2022 (noting that re-naming would only be a 'heartening start' to a process of validating women across campus).

submissions, nor articulation of the evaluative criteria it will use. It has signalled, however, a desire to despatch both issues with alacrity.

16. It is reasonable from the published guidelines to assume the Working Group is to consider the first case and make recommendations to the governing Board of the University before considering the second.²⁵ More problematically, it accepts in the terms of reference its decisions will be dependent on who makes a submission.²⁶ Requesting submissions under the imprimatur of the Legacies Review Working Group suggests due process has been followed. It most assuredly has not, or, at least, not demonstrably so. The principles suggest work will be done to help facilitate interested parties on how to make submissions informed by ‘deep-evidence based research’. Moreover, the academic excellence evidenced in the background reports lies in the eye of the beholder. Both reports are littered with inaccuracies.²⁷
17. There is, as noted above, a tension between what the initial research project was designed to examine, and the changed imperatives of the institution. One is shoehorned into the other. The team acknowledge Professor Vincent Brown of Harvard for providing a copy of its naming and de-naming principles,²⁸ a document publicly available since endorsement in December 2021, but does not articulate its rationale. Nor is there evidence either paper was subject to peer-review. The result is the worst of all outcomes. Historical evaluation of the complexities of individual actions, culpability, and the situational context in which this occurred, is overshadowed by reference to international de-naming debates without evaluating either how or why decisions were made (and at times re-made).²⁹

²⁵ Senior Dean’s Office, ‘Trinity College Dublin Launches Legacies Review Working Group’ (Media Release, 25 November 2022), <https://www.tcd.ie/seniordean/legacies/>.

²⁶ Trinity College Dublin. ‘Trinity Legacies Review Working Group (TLRWG) Terms of Reference’, 25 November 2022, <https://www.tcd.ie/seniordean/legacies/TLRWGToR.pdf>.

²⁷ See, for example. Hussain, O’Neil and Walsh (n 22) 1, 4 (noting Berkeley arrived in Rhode Island in 1729; he arrived the previous year); 5 (the proposal to fund a seminary in Barbados is dated 1725; it was 1724). Nowhere does the document assess Berkeley’s contributions to philosophical thought, most notably philosophy of the mind and, more broadly, epistemology; In outlining the response of Yale to institutional benefit from slavery, the document outlines how the Yale School of Divinity has announced a \$20 million endowment to fund 10 social justice fellowships. It omits to mention that the relevant Dean explicitly stated that the School had no affiliation with Berkeley control over his bequest or involvement in decisions on whether to rename Berkeley Hall; 7, referencing the decision by Harvard to fund a \$100 million reparations scheme after earlier reference to Berkeley’s donation to its library suggest a causal connection for which no evidence is proffered. Similarly, in the Inishbofin paper reference is made to Galton’s affiliation with UCL, while Galton funded a laboratory and subsequently a professorship at UCL he was never employed by it. Seligman was employed by the London School of Economics, not UCL, see Hussain, O’Neil and Walsh (n 18) 4. The paper also omits to mention the close connections between Haddon and Seligman, whom it calls Gabriel not Charles, date back to the 1898 Torres Strait, nor Seligman’s controversial racialized history of Africa. In 2020 the LSE formerly changed the name of the Seligman Library to the Old Anthropology Library, a decision made in 2018.

²⁸ Hussain, O’Neill and Walsh (n 22) 9. For the framing and articulation of the Harvard principles, see Lawrence Bacow, *Report of the Committee to Articulate Principles on Renaming* Office of the President, Harvard University, Cambridge, MA (Media Release, 9 December 2021), <https://www.harvard.edu/president/news/2021/committee-to-articulate-principles-on-renaming/>. The report itself can be accessed at <https://www.harvard.edu/president/wp-content/uploads/sites/2/2021/12/Committee-to-Articulate-Principles-on-Renaming-Final-Report1.pdf>.

²⁹ Princeton, for example made the decision to retain the name of the Woodrow Wilson School of Publics and International affairs in 2016, a decision it reversed in 2020. A similar reversal occurred at Yale over Calhoun Hall, named in honour of promoter of Southern segregation and US statesman.

18. The reputational risk for the institution rises because the advisory group for the initial project is chaired by the Chancellor, Mary MacAleese, herself an accomplished academic lawyer with considerable experience in managing complex reconciliation processes. Even if Trinity rules the skulls should be returned – which, to be clear, it should – there is a profound risk that premature closure for ill thought-out reasons short-changes the islanders again. This occurs through a superficial and disingenuous consultation process, one informed by incoherent evidence-gathering. It risks closing rich veins of history, who it is written by, interpreted, and evaluated, not least by and for TCD itself.
19. Perception is fundamental to human experience. The debate on renaming the Berkeley library is equally problematic for this reason. Bishop George Berkeley was one of the most influential philosophers of the eighteenth century.³⁰ He is best known for the aphorism no material reality exists outside the mind. From the Latin to be, *esse*, is to perceive, *percipi*, or be perceived. Everything we perceive about the world determines what we see, and then value, or devalue. The danger of such formulation, for Berkeley himself, lay in succumbing to the ‘common-sense’ practice of slave ownership while awaiting funds to establish the seminary in Bermuda.³¹ The crime here is hypocrisy. Does it, however, invalidate a life’s work? It may do but the life must be evaluated holistically, something the Trinity paper signally fails to do. Erasing history does not confront it, nor minimise the risk of knowledge being misused in the future. It does little to rebuild fractured trust. The truncated timeframe proposed suggests there is little time for serious evaluation of the evidence, the justification of either decision, or the creation of a research agenda that can illuminate. Reckoning is reduced to a transactional gamble on reputational brand management.
20. The multi-faceted debates on colonialism, slavery and their legacy reflect a broader unresolved conflict over the production of knowledge. There is an opportunity for the iron cage of positivism to be broken free from, heralding its own scientific revolution. It is unclear whether TCD is willing to free itself from the Panopticon. What is clear is that normal service cannot continue. In Popperian terms the very premise was falsified in 1709, ironically enough by Berkeley himself through his emphasis on immaterialism. This is, indeed, a reckoning.

Evaluating Evidence

21. In the northern summer of 2015, a student petition called for the renaming of Calhoun College, a landmark residential facility at the heart of the Yale University campus in New Haven. It followed

³⁰ George Berkeley, *Treatise Concerning the Principles of Human Knowledge* (1710). This work was substantially rewritten as a philosophical dialogue, see George Berkeley, *Three Dialogues Between Hylas and Philonius* (1713). For even-handed account of his epistemology, see ‘George Berkeley’, *Stanford Encyclopaedia of Philosophy*, 19 January 2021; see also In Our Time, *Bishop Berkeley*, *BBC Radio 4*, 20 March 2014, <https://www.bbc.co.uk/programmes/b03y36vr> In neither case is the connection to and justification of slavery mentioned.

³¹ George Berkeley, *A Proposal for the Better Supplying of Churches in Our Foreign Plantations, and for Converting the Savage Americans to Christianity by a College to Be Erected in the Summer Islands, Otherwise Called the Isles of Bermuda* (1724). The proposal came because of disillusion with Europe and its prospects, George Berkeley, *Essay Towards Preventing the Ruin of Great Britain* (1721).

the murder by a white supremacist on 17 June of nine African American worshippers at the Emanuel African Methodist Episcopal Church, Charleston, South Carolina, 843 miles to the south. The street on which the church stands is named after John C. Calhoun (1782-1850), a principal architect of the Confederate succession, and unrepentant defender of slavery. Calhoun had graduated from Yale in 1804. He went on to hold a succession of high-level positions at federal level for state and country – Member of the House of Representatives for South Carolina’s 6th District (1811-1817), US Secretary of War (1817-1825), Vice President (1825-1832), Senator for South Carolina (1832-43), US Secretary of State (1844-1845), and a return to the Senate (1845-1850). His political power focused on the principle of subsidiarity. This gave the Southern states the right, and as Calhoun put it, a moral duty to own educate and care for slaves, cognisant of their innate inferiority. Support for slavery, therefore, was not incidental to his career. It defined it.

22. Eighty years after his death Yale disregarded this record, one contested vigorously at the university itself on his passing. It named one of the core residential colleges, critical to the formation of Yale identity, in his honour. Tension periodically flared on campus over this ongoing association with racial intolerance until it boiled over with the Charleston shootings. Following the student petition, the Yale president accepted the need to have a difficult conversation with, and about, history.³² Notwithstanding that the petition accrued more than 1,400 signatures, the Yale Corporation, the governing board, opted to retain the name. The decision prompted uproar on and off the campus. Somewhat chastened, Yale convened a high-profile committee to create a set of overarching principles to adjudicate this and other potential disputes over naming rights.
23. The Yale initiative was the first serious attempt to create a governance framework to deal with the coming reckoning. According to the committee, the ‘central mission of the university is to discover and disseminate knowledge,’ aligned with an ongoing obligation ‘to navigate change’, a position entrusted to the current leadership as ‘stewards of an intergenerational project’.³³ The committee cautioned against the hubris of ‘excessive confidence in moral orthodoxies’ – contemporary or otherwise. History, it concluded, should reflect the facts that should not be forgotten. Amnesia, it concluded, was unsustainable. How those facts are commemorated and memorialised can change. As such, ‘a change in the way a community memorializes its past offers a way to recognize important alterations in the community’s values’.³⁴ What is required, it argued, is a transparent and accountable process. The decision may be unpopular, but it must be reasoned. It must combine

³² Peter Salovey, ‘A Difficult Conversation,’ Office of the President, Yale University, New Haven, CT (Media Release, 31 August 2015), <https://president.yale.edu/president/notes-woodbridge-hall-2013-2019/difficult-conversation>. For original speech, see Peter Salovey, ‘Launching a Difficult Conversation’ (Speech at Freshman Address, Class of 2019, 29 August, 2015), <https://www.president.yale.edu/president/speeches/launching-difficult-conversation>.

³³ Yale University Committee to Establish Principles on Renaming, *Final Report* (21 November 2016; released 2 December 2016), https://president.yale.edu/sites/default/files/files/CEPR_FINAL_12-2-16.pdf.

³⁴ *Ibid* 3.

community input and scholarly expertise across three temporal dimensions and be subject to strict protocols. The principles bear close examination.

- A. Renaming should be exceptional and dependent on the nature of the building, structure or space involved
 - B. Temporal factors to be considered:
 - (a) Contestation during the era of the namesake's life and work.
 - (b) How and why the naming decision was made and whether that reason(s) conflict with the university's mission and values (at the time or now).
 - (c) To minimise risk of imposing contemporary moral judgments these too must be contextualised.
 - C. Obligations for non-erasure of history:
 - (a) Recognition that changing a name is not synonymous with erasing history.
 - (b) All change and no change must not sanitise or distort history.
 - (c) All decisions must adhere to formal processes incorporating both community input and scholarly expertise.³⁵
24. The recommendations were accepted by the University. It authorised a second investigation into the Calhoun controversy. Using the guidelines, the decision was taken to rename the college because of demonstrable breaches across all three temporal domains. The conclusions were definitive. There could be no doubting Calhoun's divisiveness during his lifetime and consternation at Yale itself over his approach to statecraft. Secondly, the decision to bestow the honour was instrumental. It was designed to attract a new cohort of white students from the South. Thirdly, the college system was and remains integral to the formation of identity at Yale. Retaining the name gave implicit legitimacy not only to Calhoun's tactical skill but also to an abhorrent belief system (a view now accepted in Charleston itself, where the 6,000-pound bronze statue of Calhoun that dominated the city skyline and stood in proximity to the Episcopal church where the killings took place, was itself removed on 24 June 2020).³⁶ The guidelines have not been activated since, although one candidate potentially mooted for de-naming is Berkeley Hall, named after the same honouree whose name adorns the main Trinity library. Although the issue has been raised by the student newspaper, no formal request has been submitted to the naming committee.
25. Precedent for removal based on actual slave ownership exists at Columbia University in New York, which removed the name of the founding physician of its medical school, Samuel Bard (1742-1821) from the prestigious residential college that houses medical students.³⁷ Significantly for Trinity in

³⁵ Ibid, 18-23.

³⁶ Associated Press, 'Removed Slavery Backer Calhoun's Statue Still Without a Home', *US News and World Report*, 7 February 2022.

³⁷ Lee Bollinger, 'Announcement Regarding Bard Hall', Office of the President, Columbia University, New York City, NY (Media Release, 28 October 2020), <https://president.columbia.edu/news/announcement-regarding-bard-hall>.

its deliberations, the offending academic owned three slaves, one less than Berkeley.³⁸ For Columbia, it was the fact of ownership not the quantity that left an indelible stain. Similar considerations of support for racism led to the de-naming of the Boalt School of Law at University of California, Berkeley,³⁹ itself an institution named after the Anglo-Irish philosopher's belief in the power of an idea and ideal.

26. In June 2020, Princeton made the decision to rename the Woodrow Wilson School of Public Affairs and residential college, reversing a decision not to in 2016.⁴⁰ Wilson (1846-1924), one of the most consequential US presidents of the twentieth century, and a former president of Princeton itself, as well as Governor of New Jersey, had become soiled goods. Times, it appeared had changed, and so the interpretation of history. In a statement, the Board of Trustees noted 'we have taken this extraordinary step because we believe that Wilson's racist thinking and policies make him an inappropriate namesake for a school whose scholars, students and alumni must be firmly committed to combatting the scourge of racism in all its forms.'⁴¹ In subsequent guidelines, Princeton noted any further decision to de-name must also take into account how other forms of remediation can address the issue without succumbing to the erasure.⁴²
27. Even larger questions surround the role of the university sector in facilitating the expansion of racial science, and its application in pursuit of that dubious ideal. The Columbia affiliated Teachers

³⁸ For personal households in the north-east this is slightly higher than the average, see Office of the President, *Report of the Committee on Harvard and the Legacy of Slavery* (n 1) 62-72 (breaking down ownership of slaves by individual presidents, fellows and overseers, faculty and donors).

³⁹ Gretchen Kell, 'UC Berkeley Removes Racist John Boalt's Name From Law School', University of California, Berkeley, CA (Media Release, 30 January 2020), <https://www.news.berkeley.edu/2020/01/30/boalt-hall-renamed> (arguing Boalt was an active force in ending Chinese immigration through the *Chinese Exclusion Act* (1882). The decision was made at the request of the Law School, consistent with UC Berkeley Name Review Committee Guidelines, <https://www.chancellor.berkeley.edu/task-forces/building-name-review-committee>.

⁴⁰ *Report of the Trustee Committee on Woodrow Wilson's Legacy at Princeton*, Princeton University, NJ, 2 April 2016, <https://www.princeton.edu/sites/default/files/documents/2017/08/Wilson-Committee-Report-Final.pdf>. While the Trustees of Princeton reversed the decision, it was at pains to retain confidence in the report, see Office of the President, 'President Eisgruber's Message to Community on Removal of Woodrow Wilson Name From Public Policy School and Wilson College', Princeton University, Princeton, NJ, <https://www.princeton.edu/news/2020/06/27/president-eisgrubers-message-community-removal-woodrow-wilson-name-public-policy>. What had changed was the politics. Yale has made no comment on whether it should rename itself given its founder's involvement in slave traders, see Graeme Wood, 'Yale does not need to Change its Name', *The Atlantic*, 1 July 2020 (noting the query itself originated with a right-wing commentator designed to cause social-media controversy), <https://theatlantic.com/ideas/archive/2020/07/troll-campaign-rename-yale/613684/>. The importance of wood's account is that it is a rare examination of how outrage can be manufactured (and not for the purposes the outraged intended).

⁴¹ Office of Communications, 'Princeton University Board of Trustees' Decision on the Use of Woodrow Wilson's Name', Princeton University, Princeton, NJ (Media Release, 26 June 2020), <https://www.princeton.edu/news/2020/06/27/president-eisgrubers-message-community-removal-woodrow-wilson-name-public-policy>. The decision was made to de-name the School of Public Policy and International Affairs and a residential college as these were honorifics bestowed by Princeton itself. The highest honour offered to an undergraduate, which derived from a financial gift, will remain the Woodrow Wilson Award because of ongoing legal obligation.

⁴² *Report of the Ad-Hoc Committee on Principles to Govern Renaming and changes to Campus Iconography*, Princeton University, NJ, 29 March 2021, 1 ('Naming decisions must be grounded in the University's mission and core values, complement and supplement other initiatives to achieve equity and inclusivity; be exceptional; [linked to] a 'bold vision for diversifying campus narratives and imagery; and governed by a clear, inclusive and rigorous process'), <https://renamingprinciples.princeton.edu>

College in New York voted on 15 July 2020 to remove the name of Edward L. Thorndike (1874-1949) from the hall that bore his name because of his ardent support for eugenics, and a 'clear, disturbing pattern of extreme prejudice.'⁴³ A lecture from March 1913 at Columbia provides chilling evidence of his approach to learning and ethics.⁴⁴ Similarly, UC Berkeley stripped from its anthropology department any trace of its foundational dean because of his fascination with measurement, the wholesale and unnecessary collection of physical skeletons and a condescending paternalistic approach to its rights of self-determination.⁴⁵ In what is probably the most significant retraction, Stanford University, in neighbouring Palo Alto, erased any formal linkage to its entrepreneurial founding president following the establishment of formal guidelines for analysis.⁴⁶

⁴³ Thomas Bailey, 'Important Announcement From the President & Chair of Trustees, Office of the President, Teachers College, Columbia University, New York City (Media Release, 15 July 2020) <https://www.tc.columbia.edu/articles/2020/july/important-announcement-from-the-president--chair-of-the-board-of-trustees/> ('While Edward Thorndike's work was hugely influential on modern educational ideas and practices, he was also a proponent of eugenics, and held racist, sexist, and antisemitic ideas.'). The Teachers College received a subsequent petition to name the building after a prominent faculty member, Edmund Gordon, Richard March Hoe Professor of Psychology and Education, emeritus. The Teachers College demurred in favour of a potential financial donor, see Thomas Bailey, 'Important Information About Building 528', Teachers College, Columbia University, 23 February 2022, <https://www.tc.columbia.edu/articles/2022/february/important-information-about-building-528/>. The decision is consistent with Teachers College own guidelines on naming, see Office of the President, *Naming Buildings and Faculties*, Teachers College, Columbia University, 19 February 2021, 1, <https://www.tc.columbia.edu/policylibrary/active-policies/Naming-Policy.pdf>.

⁴⁴ Edward Thorndike, 'Eugenics: With Special Reference to Intellect and Character' (1913) 83 *Popular Science Monthly* 125, 138 (Earlier Thorndike claims 'provided certain, care is taken to favor the sane, balanced type of intellect rather than the neurotic, any selective breeding which increases the fecundity of superior compared to inferior men, and which does not produce deterioration in the physical and social conditions in which men live, will serve: at 134). For a vigorous defence of Thorndike, see Richard Lynn, *Eugenics: A Reassessment* (Greenwood Publishing Group, 2001) 26 (quoting favourably Thorndike's view that 'selective breeding can alter man's capacity to learn, to keep sane, to cherish justice or to be happy. There is no more certain and economical a way to improve man's environment as to improve his nature').

⁴⁵ Office of the Chancellor, 'Building Review Committee Recommendation to the Chancellor on the Kroeber Name', 30 October 2020, University of California, Berkeley, Berkeley, CA, https://chancellor.berkeley.edu/sites/default/files/bnrc_krober_recommendation.pdf. The decision was ratified on 26 January 2021. Earlier Berkeley de-named a building housing the departments of political science, sociology and (ironically) ethnic studies honouring the former President of the University of California. the former diplomat, anthropologist and political scientist, David Barrows, because of racism, particularly towards the people of the Philippines, see Office of the Chancellor, 'Building Review Committee Recommendation to the Chancellor on the Barrows Name', University of California, Berkeley, 9 October 2020, https://chancellor.berkeley.edu/sites/default/files/bnrc_barrows_recommendation.pdf. The decision was ratified on 18 November 2020. On the same day, Berkeley announced that LeConte Hall, home of the Department of Physics would be re-named because of links of the LeConte brothers (one of whom a distinguished scientist at UC Berkeley to racism, most notably their families own slave-owning in Georgia, see Office of the Chancellor, 'Building Review Committee to the Chancellor on the LeConte Name', University of California, Berkeley, 25 September 2020, https://chancellor.berkeley.edu/sites/default/files/bnrc_leconte_recommendation.pdf. A further decision is to be made on the status of Moses Hall, which houses the Department of Philosophy and is named after Bernard Moses, a distinguished political economist because of his stated support for racial essentialism, see Office of the Chancellor, Proposal to Un-Name Moses Hall, 26 May 2021, https://chancellor.berkeley.edu/sites/default/proposal_to_un-name_moses_hall_final.pdf. Despite this detailed record, the TCD Working paper erroneously states the university is working towards reconciliation alone. It highlights a single opinion piece in a community paper for unease at Berkeley. There is no evidence of any traction within UC Berkeley itself about name, as with Yale, see Wood (n 39).

⁴⁶ Stanford renamed Jordan Hall, the home of the Department of Psychology at the latter's request, in 2020 along with a statue of Louis Agassiz, who was Jordan's mentor at Harvard, see, Chris Peacock, 'Stanford Will Rename Campus Spaces Named for David Starr Jordan and Relocate Statue Depicting Louis Agassiz', *Stanford News*, 7 October 2020, <https://news.stanford.edu/2020/10/07/jordan-agassiz/>. For justification of the decision and process behind it, see Advisory Committee on Renaming Jordan Hall and Removing the Statue of Louis Agassiz,

David Starr Jordan was instrumental in building the institution. Bolstering eugenics to deal with migrants, if necessary through forced sterilization, was critical to his success. There could be no hiding behind the actions of wayward academics. Similar imperatives governed the UCL decision referenced above in its determination that eugenics evidenced moral obloquy (arguably the most definitive renunciation of a field and its heritage).⁴⁷

28. On the 26 October 2020, the President of Harvard University convened a committee to establish its own framework governing re-naming.⁴⁸ There was a plea to account for the totality of a person's contribution to society. As the committee got to work, it engaged with peer-institutions including Yale but also Stanford and Indiana, which had also re-named buildings honouring David Starr Jordan, its president before his move to the West Coast because of the insidious links with eugenics.
29. On 9 December 2021 Harvard released its governing principles.⁴⁹ In line with Yale, there is a presumption against renaming. If actions or beliefs are abhorrent this could only be considered following 'a thoroughly researched and documented request,' thereby rebalancing how and when a proposal can proceed to more detailed consideration. As with Berkeley,⁵⁰ Harvard requires a de-naming proposal to be self-standing. It is not enough to virtue signal. A case must be made.
30. What differentiates the Harvard principles is less the content but its contextualisation of the problem. As with Yale, Harvard cautions against hubris and the empty promise of condemnation. With regards to process, whether subject to school or university processes all must operate under 'the president's oversight in all instances'. If a school matter decision power rests with the relevant Dean after referral to the president. At university level 'the president would bring the recommendation to the Corporation'. Naming and renaming are, therefore, conceived as part of a 'wider reckoning'.⁵¹
31. In a subsequent landmark report the university concluded misconduct was not merely the result of individual fault. It rejected an entire ecosystem. As well as the beneficence of benefactors, the

Office of the President, Stanford University, Palo Alto, CA, 14 September 2020, 2, <https://campusnames.stanford.edu/wp-content/uploads/sites/14/2020/10/Jordan-report.pdf>; for original framing, see *Principles and Procedures for Renaming Buildings and Other Features at Stanford University*, <https://campusnames.stanford.edu/wp-content/uploads/sites/14/2018/03/Stanford-Renaming-Principles-final.pdf>.

⁴⁷ *Inquiry into the History of Eugenics at UCL* (n 10), 27 ('To redress past complicity, UCL must critically engage with this institutional history, in a way that ensures all UCL staff and students are exposed to it and have multiple opportunities to learn about it.')

⁴⁸ Office of the President, 'Charge to the Committee to Articulate Principles on Renaming', Harvard University, Cambridge, MA (Media Release 26 October 2020), <https://www.harvard.edu/president/news/2020/charge-to-the-committee-to-articulate-principles-on-renaming/>.

⁴⁹ Lawrence Bacow, *Report of the Committee to Articulate Principles on Renaming* Office of the President, Harvard University, Cambridge, MA (Media Release, 9 December 2021), <https://www.harvard.edu/president/news/2021/committee-to-articulate-principles-on-renaming/>. The report itself can be accessed at <https://www.harvard.edu/president/wp-content/uploads/sites/2/2021/12/Committee-to-Articulate-Principles-on-Renaming-Final-Report1.pdf>. For detailed internal review, see John Rosenberg, 'Harvard Articulates Principles for "De-naming"', *Harvard Magazine*, 9 December 2021.

⁵⁰ Office of the Chancellor, *Building Name Review Process*, University of California, Berkeley, n.d., <https://chancellor.berkeley.edu/building-name-review-committee/process>.

⁵¹ *Report of the Committee on Harvard and the Legacy of Slavery* (n 1).

university profited from its own investments in slavery and the modernization of the Southern economy. More problematically, was what the report terms its ‘intellectual leadership’ in race science, which ‘promoted eugenics, the concept of selective reproduction premised on innate differences in moral character, health and intelligence among races’.⁵² The degrading emphasis on anthropometrics included measuring its own student base, an initiative explicitly authorised by the then President, Charles William Eliot, echoing the earlier study at Cambridge.

32. From the beginning there is an open atonement: ‘We now officially and publicly – and with a steadfast commitment to truth, and to repair – add Harvard University to the long and growing list of American institutions of higher education, located in both the North and in the South, that are entangled with the history of slavery and its legacies’.⁵³
33. The apologies are not limited to the university sector but also come from those who channelled finance to it, including at Harvard itself. Charles Davenport, who was to become one of the most influential academic policy entrepreneurs in the international eugenics movement was educated at Harvard (AB 1889; AM 1890; PhD 1892) and worked as an instructor there for a decade before travelling on London to meet and secure the support for Francis Galton for the development of the Eugenics Records Office, a sprawling initiative funded by the Carnegie Institution for Science on which Davenport was to serve as a director.⁵⁴ Such was his standing Davenport, a close collaborator with David Starr Jordan at Stanford invited a group of German eugenicists to take part in Harvard’s tri-centenary celebrations, which coincided with the launch of the Harvard Irish Measurement Project, itself a project co-funded by the Irish government.⁵⁵
34. This summary of decisions on the reckoning occasioned by the failure to address institutional racism shows that there are clear pathways available to address past culpability but only if the investigation is holistic, transparent, and governed through clearly defined protocols. The

⁵² Ibid. The links between race science, anthropometrics and eugenics, are further discussed in detail (pp. 32-43). Most notable is an 1875 essay penned by Oliver Wendell Holmes Sr, then Dean of the Medical School, in which the noted anatomist cites approvingly the assertion by the British scientist Francis Galton that ‘in most cases, crime can be shown to run in the blood’ (p. 32).

⁵³ Ibid, 5.

⁵⁴ For the relationship between Davenport and Jordan see *Advisory Committee on Renaming Jordan Hall and Removing the Statue of Louis Agassiz* (n 46) 22-23; see more broadly, Thomas Leonard, *Illiberal Reformers: Race, Eugenics and American Economics in the Progressive Era* (Princeton University Press, 2016). In 2020 a statement appeared on the Carnegie Institution for Science by its president apologizing for its financing of eugenics research, as it made Carnegie ‘complicit in driving decades of brutal and unconscionable actions by governments in the United States and around the world. As president of the Carnegie Institution for Science, I want to express my sincere and profound apologies for this organization’s past involvement in these horrific pseudoscientific activities’. see Eric Isaacs, ‘Carnegie Institution for Science Statement on Eugenics Research’ (n.d), <https://carnegiescience.edu/carnegie-institution-science-statement-eugenics-research>. For contemporary lessons of the saga, see William Schambra, ‘Carnegie’s Midnight Confession’, *Philanthropy Daily*, 12 January 2021, <https://www.philanthropydaily.com/carnegies-midnight-confession/>.

⁵⁵ Ciaran O’Reilly, ‘Harvard Scientist Seeks Typical Irishman: Measuring the Irish Race 1888-1936’ (2022) 143 *Radical History Review* 89. The article, the sole peer-reviewed article from the Legacies Project, argues that Irish study, co-funded by the Irish government was a throwback to the 1890s. This downplays the entrenched role of eugenics in the academy and policy in the United States, very much still a live issue when the study was launched. O’Reilly is correct, however, in stating it was designed for application in US politics.

underpinning principles are tabulated in Figure 1 below. They can be used to help TCD develop a reasonable and reasoned contextualisation of its own tangled involvement.

35. In sharp distinction to the somewhat plaintive response of the Senior Dean managing the review process, Professor Eoin O’Sullivan,⁵⁶ it is not difficult. No one is asking or expecting TCD to reinvent the wheel. Indeed, there is an opportunity, even now, for the institution to move ahead of the curve (as the Harvard approach demonstrates, building on principles first articulated by Yale, Stanford and Princeton). Similarly, the UCL approach in debunking eugenics offers wider opportunities to refocus the debate on what knowledge is. The unresolved question is whether there is the confidence and intellectual maturity to accept but only mistakes in application but fundamental errors in navigational devices.

Table 1: The Evolution of Standards on Naming and De-Naming

	YALE	STANFORD	PRINCETON	HARVARD
Policy Initiated	1 Aug 2016	19 January 2018	Sept 2020	26 Oct 2020
Policy Release	2 Dec 2016	Dec 2018	29 March 2021	9 Dec 2021
Slavery	X			X
Eugenics		X		X
Presumption to retain	X	X	X	X
Linkage to other initiatives			X	
Explicit connection to values		X	X	
Nature of space	X	X		X
Requirement for evidence in initial request			X	X
Centrality of offensive behaviour to life as a whole		X	X	X
Contestation at time	X		X	X
Relation through service/financial contribution		X		X
Harmful impact on community (students, staff, and faculty).		X	X	X
Ongoing community identification		X		
Strength of evidence	X	X	X	X
Prior consideration	X	X	X	X
Opportunities for mitigation and non-erasure	X	X	X	

⁵⁶ Grainne Ni Aodha, ‘Trinity Considers What to Do With 400-year-old Skulls Stolen From Inishbofin Island’, *Irish Examiner*, 2 December 2022, <https://www.irishexaminer.com/news/arid-4102034.html>.

36. In his interview with the Press Association, Professor O’Sullivan stated the Inishbofin case was chosen because of how clear cut the issue is: the skulls were stolen.⁵⁷ Echoing the working paper, he claimed the issue raised complicated (but unexplored) legal issues. There is no public evidence that TCD has sought this legal advice. Moreover, TCD’s position stands in marked contrast to a written (and pointed) response by the Minister of Tourism, Culture, Arts, Gaeltacht, Sport and Media, Catherine Martin, as late as 24 November 2022:

I recognise that there is growing awareness internationally and among the public of the need to address the spoilation, looting and illicit trade of cultural heritage objects, as well as the restitution of the same. In relation to the specifics of the question, however, the material mentioned is held in Dublin University Trinity College. My department has no role in the governance of the University. It is also noted that the exhumation of the remains was in the 19th century, therefore predating the 1922 Monuments Act, and as a result falls outside the remit of the National Museum of Ireland.⁵⁸

37. This does not foreclose TCD holding extensive consultation with the National Museum of Ireland (NSI) to ensure any repatriation, while not bound by the guidelines can be consistent with it. It is pleasing to see that the NSI is represented in the TCD Working Group, and in a position to offer non-binding advice. As important is the need for engagement with the Inishbofin community on how and when repatriation can occur, who within TCD should facilitate the transfer, and the institution’s representation at any public reburial and commemoration service. If it has been engaged in these discussions, it should disclose them. Likewise, if relying on legal ambiguity it should disclose its position, and any shifts that may have occurred over time either at the level of the Office of the Provost, or with individual faculties. Given the seriousness of the acknowledged violation the university should offer the representation of the Provost and the Chancellor for both the handover and the reburial. While the governance issues are likely to take some time, it should be preceded by a formal apology, not simply for the theft in Inishbofin and other locations in Ireland and overseas but the uses of the collection to advance racial science. This will enable trust to be rebuilt.
38. It is notable, for example, that the Anthropometric Laboratory was created in 1892 with Francis Galton’s active encouragement. As such, it long predates the institutionalisation of a laboratory at University College London in 1907, the year in which the Belfast Eugenics Society was formed – itself an indication the movement from science to policy was already deeply embedded in Irish politics. It is a legacy TCD, with cause, has reason to express regret about, and shame over. Forms of wording for this apology already exist, as the UCL and Harvard example show.
39. To be more than performative, TCD should conduct an extensive audit of how anthropometrics was used to inform and influence the trajectory of Irish politics. Scientific research does not exist

⁵⁷ Ibid.

⁵⁸ Catherine Martin, ‘Burial Grounds’, Written Answers (Questions to Tourism, 175), Dail Eireann Debate, Dublin, 24 November 2022.

in a vacuum. Here again the framing offered by Professor O’Sullivan in his interview with the Press Association is, to say the least, unfortunate. He claimed the reasons for the theft was linked not to commercial gain but ‘straightforward science [at the time], trying to identify characteristics of different peoples and one way you could do that was to identify and measuring [sic] different skull types’.⁵⁹ The skulls were a useful addition to the Dublin Anthropometric Laboratory and its Irish investigations, which continued with a subsequent visit to the island in 1893. Moreover, the Dublin Anthropometric Laboratory based its entire research agenda on Galton’s strategy to create, embed and legitimise a research agenda to influence policy. It is a salutary reminder of the warning by the philosopher Iris Murdoch that what we think determines what we see.

40. For Murdoch, ‘while the task of philosophy is rich and fertile conceptual schemes which help us reflect upon and understand the nature of moral progress and moral failure’,⁶⁰ we should be mindful that ‘a smart set of concepts may be a most efficient instrument of corruption because ... we are anxiety-ridden animals. Our minds are continually active, fabricating an anxious, usually pre-occupied, often falsifying veil which partially conceals the world.’⁶¹ This insight brings us neatly to George Berkeley, and the question of whether to rename the library, for which Table 1 above is directly relevant. In all of the United States universities surveyed, there is recognition that renaming should be a exceptional occurrence. The same should hold for Trinity, not least because of Berkeley’s importance not simply as a philosopher but his long-standing relationship with the institution as a former student but career as a fellow and librarian.
41. Reference to his own slaveholding past is not even mentioned in the main encyclopaedic resources, most notably that administered by Stanford. Inconvenient truths cannot, however, be wished away. The unresolved question is whether his sojourn in the United States is enough to invalidate his career or contribution to knowledge. Alternatively, can his own fallibility provide an opportunity to impart a salutary lesson? Irrespective of the final decision on whether to retain or rename, TCD has an obligation to communicate clearly how and why it has arrived at its conclusion.
42. What is clear is that Berkeley was by no means out of step with the tenor of his times. Support for abolition in the United Kingdom, for example, was only galvanised in the aftermath of the *Zong* massacre referenced above (long after Berkeley’s death). Second, while Berkeley himself owned slaves, his scheme failed and involvement in American higher education limited to donating his library between Harvard and Yale. His active involvement in empire is limited to poetic verses that inspired the trustees of what was to become the University of California. Following his return to Dublin in 1732, he played no further active role in debates on slavery. This is in sharp distinction to John Calhoun at Yale, the longstanding practice of slaved ownership by Samuel Bard at Columbia, or visceral demonisation of Chinese migrants by John Boalt, yet honoured at the School

⁵⁹ Ni Aodha (n 56).

⁶⁰ Iris Murdoch, *The Sovereignty of the Good* (Routledge, 1970) 46

⁶¹ *Ibid*, 82.

of Law at the University of California, Berkeley. None of this is to excuse Berkeley's own involvement. It does, however, require exercising judgment rather than relying on moral certainties (issues highlighted by Yale and Stanford). By no means can Berkeley be seen as an ongoing entrepreneurial player in the slave trade beyond the misguided and failed Bermuda experiment.

43. The Princeton guidelines point to a possible compromise, which allows for the retention of the name, while contextualising its history, including TCD's active self-serving involvement in naming it after Berkeley in the first place. When the library was named, it was done for base commercial motives. Here the background paper performs a useful function.⁶² In the hope of securing financial support from benefactors in the United States, TCD pointed to Berkeley's role in advancing higher education in the America, a proposition it knew or ought to have known not to be true. Here TCD must take responsibility for its own actions.
44. The compromise is to return to the modernist masterpiece its colloquial name on campus, the New Library, with, in parenthesis, 'Formerly the Berkeley Library'. This is much more than symbolic. It automatically raises questions as to why it was known by that name, and why the name was now changed, questions that must be addressed through a prominent exhibition at the library entrance. History should not be erased. It must be confronted. This simple act of renaming 'The New Library (Formerly the Berkeley Library) takes the institution far beyond performativity. It honours one of the most important aphorisms in eighteenth century philosophy and its anchoring at Trinity. It also points with humility how ideas can corrupt, including the progenitors themselves, and those who sought to exploit without understanding his legacy, which includes TCD as an institution.
45. As with the apology in relation to Inishbofin, this must be accompanied by an in-depth funding of a research agenda that jettisons certainty in relation to human behaviour in favour of pragmatic solutions. These must be based on a normative repurposing of the mission of the university and its role as a custodian of knowledge. In so doing TCD safeguards the possibility of progress, and its own position. Without it, apologies in either case are merely performative. Renaming a problem without addressing its fundamental assumptions is a confidence trick. As the old Count tells his nephew Tancredi in the famous Italian novel, *The Leopard* (1957), 'if you want things to stay the same you have to change', a updating of the 1849 advice dispensed by Jean-Baptiste Alphonse Karr in his appropriately named journal, *Les Guêpes* [The Wasps]: *Plus ça change, plus c'est la même chose* [the more that changes, the more it is the same thing].

⁶² Hussain, O'Neill and Walsh (n 22).