The Belfast Agreement:

A Normative Political Analysis

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1. Introduction

A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust (Rawls 1971:3).

The Belfast Agreement

On Good Friday of 1998, the British and Irish governments and eight political parties in Northern Ireland from across the political spectrum signed up to the Belfast Agreement (BA), or the Good Friday Agreement as it is often referred to as. The signatories recommended that the people of Northern Ireland and the Irish Republic endorse the Agreement by referenda, something which was achieved in both jurisdictions on May the 22nd of that same year (Mitchell 2001:30). The Agreement was, if not the end of the so-called Peace Process, a significant step in the right direction for a society that since the outbreak of what is often called the Troubles in 1969 had seen about 3700 dead and 40 000 injured due to political violence (numbers from Smyth and Hamilton 2004:18-19). Jonathan Tonge (2002:182) describes the BA as "the culmination of exhaustive multi-party, intergovernmental and bilateral talks" and that it "reflected hard bargaining among historical enemies, allied to compromise".

Subsequent Developments

Though Northern Ireland has been a more peaceful place since 1998, political violence did not immediately cease, and criminality linked to paramilitary organizations and controversies surrounding decommissioning have represented significant problems. The main political institutions set up by the BA have been suspended on several occasions, and from October 2002 until May 2007 the devolved Assembly was permanently suspended and direct rule from London was exercised. It did succeed through various processes of negotiation (for a good and updated account see O'Kane (2007:149-180)) to restore devolved government in Northern Ireland in May 2007. Importantly, the Democratic Unionist Party (DUP), which did not sign up

to the BA in 1998 and is now the largest party in Northern Ireland, has agreed to participate in devolved government together with the Irish republican Sinn Fein (SF) in accordance with institutional arrangements only slightly modified from the original form set out in the BA.[1] In conclusion, near unanimous consent or at least compliance has been achieved on the BA as the basis for politics in Northern Ireland. That is if one measures consent by the electoral support for the political parties that now endorse power sharing. Thus, for the time being, criticizing the BA on grounds of workability does not seem to provide such a forceful argument.

Academic Criticism of the Agreement

The challenges of implementing the BA have coincided in time with more theoretical and academic debates concerning the premises that the Agreement rests on and the principles that underlie it. Rupert Taylor (2006:217) claims in the article *The Belfast Agreement and the Politics of Consociationalism: A Critique* that "the Belfast Agreement (1998), as a consociational[2] settlement, rests on and promotes an ethno-national group-based understanding of politics that is inherently illiberal – with the result that space for a more deliberative form of democracy around a common citizenship agenda is foreclosed". Taylor (2006:218) is not mainly preoccupied with the problems of implementation and its causes: "The real cause for concern, however, is not so much that the Agreement has proved hard to implement, but rather that there are processes integral to consociational politics that are inimical to liberal democracy". By conforming to consociational principles, he thinks that the BA "accepts and legitimates the two ethno-national communities – unionist and nationalist – reading of the conflict and seeks to promote a form of politics that treats them as fixed, autonomous and equally valid". Taylor (2006:217) criticizes political scientists and "elite level policy makers" for accepting both such a reading of the

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[1] Paul Bew (2009:244) concludes that the political institutions currently in place in Northern Ireland "are not different in any meaningful sense to those established under the Belfast Agreement".

[2] The consociational model of democracy is a theory of democracy for divided societies, first and foremost associated with the works of Arend Lijphart. See in particular Lijphart (1977).

conflict and the conclusion that consociational institutions represent the best remedy, and that they also reject "a common rights-based resolution" on grounds of it being unrealistic.

1.1 The Project

While Taylor sees the Agreement as "inherently illiberal", this project argues that evaluating the BA by means of a normative political approach deeply rooted in the political tradition of modern liberalism does not yield such a conclusion. In short, I will argue that a type of liberalism that bases itself on principles of equality and individual autonomy can be used to defend most of the Agreement's content as liberal answers to the particular circumstances of Northern Ireland. An examination of the Northern Ireland conflict and the political history of that state supports the liberal credentials of the BA as its institutional arrangements address and secure the equality and autonomy of the people living under them better than other plausible alternatives.

A Normative Approach to the BA
However, the author of this project and Rupert Taylor agree on one thing concerning the BA, and that is the type of analysis that is most intriguing. Like Taylor, I do not focus on explaining the causes of success and failure in implementation, but rather on what the BA "rests on and promotes". I address a debate mainly concerned with the nature of the content that was agreed to in the BA, and more specifically with the question of whether this was the content that *ought* to have formed the basis for the governance of Northern Ireland seen from a liberal perspective.

The answers to "ought-questions" can be called normative beliefs or claims, and normative analysis amounts to "systematic examinations of the content of such beliefs and the premises on which they rest" (Malnes 1997:100, my translation). Normative

political theory/philosophy[3] is a well established discipline as such and does not need a general justification for its existence if one accepts that normative questions can have right or wrong or at least better or worse answers. However, I do think taking a normative approach to a real life and fairly successful peace agreement demands, if not outright justification, then at least substantial clarification. A normative approach in such a case must, as I see it, show itself to be at least a potential contribution to justice and stability in the real world case of Northern Ireland. At a minimum, it must not contribute in making the situation worse by, for example, demanding that standards are met that, although desirable, nevertheless under the circumstances are unreasonable or unrealistic. In the next chapter, I outline an understanding of political theory's role that takes these concerns seriously.

Northern Ireland and Liberal Political Theory

The normative analysis or evaluation of the BA is to draw on knowledge of the conflict it addresses and the moral content of modern liberal political theory. Of course, as Rawls (2007:13) points out, there is no general agreement on what the central thesis of liberalism is. But as I will argue, John Rawls and Ronald Dworkin provide in their works some of the most compelling modern versions of liberalism. This kind of liberalism has been termed "strongly egalitarian" (Nagel 2003:63), and its advocates are sometimes referred to as "'social democrats'" (G.A.Cohen quoted in Kymlicka 1989:10). However, no one would seriously deny that Rawls and Dworkin are liberal political theorists. In any case, it is mainly their type of political morality I seek to use as a standard for judgment on the question of the liberal credentials of the BA. When presenting and discussing this standard, I also draw on the contractual tradition in liberal theory. In this respect, T .M. Scanlon's (1982) *Contractualism and utilitarianism* will be the main resource.

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[3] As Lindensjö (1997a:200-1 and 1997b:212-14) remarks, terms like "political philosophy" and "political theory" are often used synonymously, and attempts to establish a coherent and rational way of separating the two, have not been very successful. I will use these terms interchangeably as different authors engaged in the same type of enterprise vary in the way they term their own work and the work of others.

So far so good, but as will later be discussed and argued in more detail, the Northern Ireland conflict gives rise to important normative questions on the drawing of political boundaries and especially the relations between majority and minority groups within a political entity. Kymlicka (1989:3) claims that the issue of minority rights has been completely neglected by Rawls and Dworkin. He shares, however, their basic political morality and has used it, as I see it, with a high degree of success to establish a liberal approach to minority rights (Kymlicka 1989; 1995a). It might be said that Kymlicka has managed to prove that Rawls actually meets the challenge Rawls himself has acknowledged as legitimate:

> *Justice as fairness, and other liberal conceptions like it, would certainly be seriously defective should they lack the resources to articulate the political values essential to justify the legal and social institutions needed to secure the equality of women and minorities.* (Rawls 2001:66)

In short, it is a type of liberalism first and foremost associated with Rawls and Dworkin that forms the standard of judgment on the BA's liberal or illiberal nature. Kymlicka supplements this standard through his application of liberal theory to the issue of minority rights. But as Kymlicka (1995a:1) warns, there are no simple answers to conflicts, and "every dispute has its own unique history and circumstances" that matter to what counts as "fair and workable" solutions. My aim is to use the resources provided by these liberals and combine it with solid background knowledge of the Northern Ireland conflict. Doing that, I will argue, provides a defense of the Agreement as justifiable as seen from a liberal point of view in a Northern Ireland context.

1.2 Research Question and Outline

The research question in this project is short and simple:

Is the Belfast Agreement illiberal?

The discussion is mainly one within the liberal family of political theory, a tradition I count both myself and Rupert Taylor as adherents to and have briefly pointed to previously. The question of whether liberalism is the appropriate political morality is left mostly untouched, but I believe that it is inevitable that the arguments provided do give rise to reflections on that question as well.

Remarks on Scope and Focus

The BA is a substantial document both in terms of pages and what it covers. Since I seek to contribute to the debate on the BA concerning the type of critique provided by Rupert Taylor, it is necessary to focus on those aspects of the Agreement most relevant to this debate. However, when I later present the BA, a brief outline of the entire text is provided, before turning more in detail to the parts in particular focus in the analysis. The brief outline is meant to offer the reader a possibility to make up her own mind on whether my choice of focus is an appropriate one and to offer a general context to the specific aspects of analysis.

Outline of the Thesis

The introductory chapter has so far introduced the BA and a debate concerning its liberal credentials. The ambition to refute this charge of illiberality through normative analysis has been stated. In chapter two, I will establish a theoretical and methodological basis for the normative evaluation of the Agreement by means of liberal political theory and defend what I see as the core principles and content of liberalism. The challenges of conducting research on a society that has experienced conflict are also tended to. In chapter three, I provide an interpretation of the Northern Ireland conflict needed in order to make informed judgments on whether the BA is a liberal solution to it. In chapter four, I present the Agreement and go on to evaluate the parts relevant to the debate on its liberal or illiberal nature. Finally, in chapter five, I provide a summary of my conclusions that together support a label of the BA as a liberal and honorable settlement for Northern Ireland. I also make a few remarks on recent developments and the lessons that might be learned from the Northern Ireland approach to conflict resolution.

2. Methodology and Theory

This chapter starts out with some reflections on the proper role of normative analysis of a political agreement in a society that has experienced serious conflict. I then turn to a method or technique of normative argument that is central in the works of John Rawls, reflective equilibrium. I try to demonstrate how this approach can be a useful guideline in the way one thinks of and conducts normative argument. Thereafter, an argument for what I see as the core moral content of modern liberalism is made in order to establish a standard for evaluating the liberal credentials of the BA. I start out with the general principles of equality and autonomy and subsequently move towards how these principles relate to the more specific context of societies where political boundaries and majority-minority relations are issues of contention. Finally, some challenges of conducting research on a society in conflict are discussed.

2.1 Normative Analysis Applied to "the Real World"

"Contemporary accounts of justice, democracy and rights can hardly avoid being read as programmes for action", Margaret Canovan (1996:136-7) writes. At the same time, she points out that it is harder than ever before to defend a strictly utopian approach to political theory, either in the form of an "intellectual exercise" or an appeal to fellow human beings to "repent of their sins" without considering the prospects for this actually happening. This project seeks to evaluate a fairly successful peace agreement from a liberal point of view. To me it seems of great importance that this "intellectual exercise" does not ignore or dismiss considerations of stability and workability in its judgments or recommendations.

Political Theory as "Realistically Utopian"
John Rawls (2001:4-5) sees one of the roles that political philosophy might have as "realistically utopian". It entails that it should probe "the limits of practicable political possibility". Rawls (2001:13) later adds that so-called ideal theory, as expressed by

the realistically utopian, has a potentially important role to play when engaging in "nonideal theory" concerned with "difficult cases of how to deal with existing injustices", in that it helps us "clarify the goal of reform" and to see which wrongs are the most serious and therefore our first priority to correct. The task for philosophers is therefore to ask and answer such questions as what a just democratic society looks like if we assume "reasonably favorable but still possible historical conditions, conditions allowed by the laws and tendencies of the social world". This, I think, expresses a sensible view on the proper role of empirical insights in normative theory and analysis because it allows room for locating the proper goals of politics, while not amounting to pure wishful thinking. Indeed, a number of scholars have in various ways pointed to the potential benefits of empirical and normative political science informing each other, or more defensively put, the dangers in not informing one another's projects (Shapiro 2002; Barry 2002a; Føllesdal 1996b). As I see it, political theory striving to be realistically utopian in this way has a good chance of securing such benefits and avoiding such dangers.

"Legitimacy as Justifiability" – Bridging the Utopian and the Realistic?
It is perhaps difficult to pinpoint exactly where the utopian and the realistic cease to be of relevance to one another. However, I believe that justification through normative argument aimed at those which something concerns can contribute to legitimacy and therefore to a form of acceptance and stability. Andreas Føllesdal (2006:441-468) provides interesting reflections on this theme when he discusses legitimacy in an article concerning the academic debate regarding how to approach the so-called "legitimacy deficit" of European integration. He introduces the concept of "legitimacy as justifiability". It is a normative concept as it expresses a view on legitimacy that is often linked to the notion of "justifiability among political equals", which means that legitimacy is "an issue of whether affected parties would have or could have accepted it, under appropriate choice conditions". This clearly echoes a contractual view on justification, a view that is prominent in the liberal tradition. Furthermore, it is the degree to which justifiability can be seen as linked to

compliance, in that compliance can be seen as one indicator of whether people believe that the institutions in question are actually normatively legitimate that makes normative argument relevant to real world politics. I therefore see it as potentially meaningful to conduct a normative political analysis drawing on liberal political theory on the BA. It is my hope that if good enough arguments can be provided, then they might contribute to compliance for other reasons than "apathy, cynicism or fear", and perhaps even active endorsement of political arrangements. If I succeed, is of course up to the reader to judge. But being realistically utopian and trying through normative argument to offer good reasons for the BA's legitimacy, as seen from within liberal theory, forms the rationale behind this project's approach.

2.2 Reflective Equilibrium and Justification

It is worth noting from the outset that both the epistemological status of moral statements and the question of normative method are not subject to any widespread agreement (Semb 2000:12). I will not go in depth on whether normative statements can in fact be true or what that actually entails, but rather focus on how one can go about in the process of justification within the field of normative political theory.

Introducing the Method

The method of reflective equilibrium has been used and advocated as a "coherence account of justification" in various areas of inquiry such as inductive and deductive logic, ethics and political philosophy (Daniels 2003 [online]). In its most basic form, the idea is that when our considered judgments or convictions about something do not fit with the implications of a normative principle, we are to move back and forth between the two levels (principle and judgment) adjusting and modifying at both levels until reflective equilibrium has been reached (Semb 2000:19). The method is a central part of Rawls' approach to justification in his works (Scanlon 2003:139-167).

What to Make of Our Beliefs on Justice

Rawls (1971:46) assumes that under normal circumstances persons develop "a sense of justice", which is a skill of "judging things to be just and unjust, and in supporting these judgments by reasons". I believe most people daily make judgments on what they believe to be just and unjust, and that in many cases reasons are brought forward supporting these judgments. But how should one perceive the status of these various judgments people make? In the philosophical literature, there are views concerning our normative judgments or "beliefs" that range from them being "direct perceptions of some independent and objective moral facts" to them simply being "subjective preferences" (Dworkin 1977:159).

Accepting the latter view renders it meaningless to treat some normative beliefs or judgments as having the potential to be any more relevant or correct than any others in relation to just institutions (Malnes 1997:102). Accepting the former view might compel us to make metaphysical commitments that might be hard to defend. However, the idea of reflective equilibrium provides a "middle ground" where one can avoid having to state whether one adheres to some form of ethical realism or subjective preference view on what moral beliefs are about. This is because "justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view" (Rawls 1971:21).

Considering the purpose of most political theory, and more specifically this project, the task is not primarily seeking to establish objective moral truth, but rather the more practical aim of deciding which political institutions one should prefer when confronted with a limited set of alternatives. This does not deny the possibility that there is some solution to the Northern Ireland conflict that amounts to the best solution there is. In this project, however, I simply stick to a more modest enterprise of making judgments on the BA and some plausible alternatives based on the best reasons that can be provided at the moment of decision. Indeed, Rawls and "methodological Rawlsians" seldom clarify which if any "'deep' epistemological theories of justification" they adhere to (Norman 1998:280), probably because the

procedure of reflective equilibrium does not assume that there is one correct moral conception" (Rawls 1999a:289-90). It only requires that one revises with "conviction and confidence" judgments that we believe are inconsistent with principles that are compelling, and continue "to affirm these principles when it comes to accepting their consequences in practice" (Rawls 1999a:289).

Remarks on Considered Convictions or Judgments

There are aspects to keep in mind when it comes to the reliability of the moral judgments one makes. Rawls (2001:29) understands "considered convictions" or "considered judgments" as judgments that are made under the most favorable conditions possible for using "our powers of reason and sense of justice". Therefore, judgments made when for example emotionally unstable or when there are strong personal interests in a specific outcome should not be counted as considered judgments as well as the obvious cases of judgments that are made hesitantly or with little confidence (Rawls 1971:47). Norman Daniels (1979:258) also emphasizes the importance of having adequate information about what is being judged in the process of designating judgments as considered. I think this last point is especially relevant for this project, and it forms the rationale behind the chapter interpreting the Northern Ireland conflict.

Reflective Equilibrium – Narrow and Wide

The basic form of the method of reflective equilibrium only entails what is called a "narrow reflective equilibrium". The reason is that only inconsistencies between a set of considered judgments and a certain principle or principles are sorted out (Daniels 1979:258; Rawls 2001:30-31). Being consistent is of course in itself something to strive towards, but when conducting a normative analysis one should seek to bring as many reasons as one can to support arguments and submit them to challenges from alternative views. It is in this respect the method of wide reflective equilibrium seems more promising than the notion of a narrow reflective equilibrium.

This method, according to Daniels (1979:258), "is an attempt to produce coherence in an ordered triple of sets of beliefs held by a particular person, namely, (a) a set of considered moral judgments, (b) a set of moral principles, and (c) a set of relevant background theories". One therefore goes beyond mere consistency between and among principles and judgments if one for example can use the theories (c) to show that the principles (b) are better than alternative sets of principles by reasons that are somewhat independent of (b)'s fit with the considered moral judgments (a). It is, however, a precondition that the relevant background theories offer such independent support for there to be any improvement in the justification of a principle in contrast to narrow equilibrium where (c) is not in the picture at all (Daniels 1979:259). Daniels (ibid.) suggests that a way to show that such support from background theories is independent and that the theories are not just "accidental generalizations of the considered judgments" is to make sure that the background theories are not just "reformulations of the same set of considered moral judgments involved when the principles are matched to moral judgments". Semb (2000:21) believes that providing such independent support for a moral/normative principle gives us more reasons to accept it, and furthermore that it is a strength that these reasons are at different levels of generality. It is difficult to disagree with this conclusion, and as far as the limits within which this project must confine itself allow for using reasons from different levels of generality, it is an ideal that will be followed.

Rawls and Wide Reflective Equilibrium

To demonstrate with a more concrete example the difference between narrow and wide reflective equilibrium Rawls is a good case in point. Rawls (2001:31) points to the reaching of narrow reflective equilibrium as a process where one merely has looked (in his case) for the conception of justice "that called for the fewest revisions to achieve consistency". Wide equilibrium is for him reached when alternative conceptions of justice, and the arguments for them, have been thoroughly considered before all judgments on all levels of generality are then brought in line with each other. This process has submitted the conception of justice to potentially many

revisions and gone through a broad process of reflection. Rawls (1971:49-50) does admit that it would be near impossible to examine all potential alternative conceptions of justice and the arguments for them even if one knew of them all (which is also open to doubt), but he suggests and employs a strategy of studying and considering those conceptions that are well known in the philosophical tradition in addition to those who occur to one in the process. Through such an approach, Rawls holds that his "justice as fairness" can be understood as defending that his two principles would be preferred in the original position to the alternative conceptions of justice like utility and perfection; "and that these principles give a better match with our considered judgments on reflection" than the alternatives. His conclusion is therefore that "justice as fairness" brings one closer to the ideal of wide reflective equilibrium. Daniels (2003 [online]) remarks that Rawls in seeking wide reflective equilibrium has in the process responded to "considerable critical pressures on the original beliefs" through "searching deliberation about what is right". T. M. Scanlon (2003) clearly lends support to such an interpretation of the method and Rawls' use of it, namely a deliberative one. I take deliberation to be a mode of reasoning that is particularly open to taking many considerations and perspectives into account and giving them a fair hearing. I think such an approach improves analysis of difficult normative questions.

Cautionary Remarks

I am not, however, claiming that I will achieve wide reflective equilibrium among all my beliefs at all levels of generality on just or legitimate solutions to conflicts in divided societies or Northern Ireland specifically. It is attempting to follow the logic and insights of such a method that is of value. I therefore expect that drawing on the method will improve the way I will argue in favor of certain principles and judgments at the expense of alternatives, and thus lead to a more well-supported answer to the research question. Ideally, one should hope to arrive at a point similar to Daniels' (2003 [online]) description of "an optimal equilibrium", that is "when the component judgments, principles and theories are ones we are un-inclined to revise any further because together they have the highest degree of acceptability or credibility for us".

As Rawls (2001:31) points out, "the most reasonable political conception for us is the one that best fits all our considered convictions on reflection and organizes them into a coherent view. At any given time, we cannot do better than that".

2.3 Liberalism

In this section, I present and argue in favor of a certain type of liberalism that is later used as a standard for evaluating the liberal credentials of the BA. It is essentially an argument for a type of liberalism that I will defend as expressing what our most deeply held considered convictions of political justice are or should be on due reflection. The central ideas used are from the works of Dworkin, Rawls, Scanlon and Kymlicka, but other theorists are on occasion drawn on. I also introduce a contractual perspective because it is a useful tool often used in liberal theory to bring out and refine liberal political morality. Towards the end of this section, the issues particularly relevant to political boundaries and majority-minority relations are discussed.

Liberalism in My Own Words

I start out with what I see as the main characteristics of the liberal view that will be elaborated on in the following sections. In the subsequent arguments underpinning and specifying it, the people to whom I am intellectually indebted for my views are given due credit and reference. In my view, the normative starting point of all questions political has to be the people who are affected by political decisions and thus their interests have to be taken into account. Any plausible account of political theory with that starting point also has to recognize that these people should be seen as, and accordingly treated as, equals. Seeing members of a political community as equals and their interests as the focus of politics should lead one to see the purpose of political arrangements as one of enabling each individual member of society to pursue a course in life that he or she deems as meaningful as long as this does not involve violating other people's status as equals. Together with the political community's responsibility for such enabling of each member comes a corresponding demand on

each individual to take responsibility for the choices made within that societal framework. I believe this general view expresses the core of the most promising strands of liberal political theory.

Why People Should Be the Starting Point and Focus of the Political

The best argument for claiming that politics should be about the people whom politics affects is the absurdity of trying to deny that it should be so. Ronald Dworkin (1983:33) captures this neatly by stating that when people are invited to participate in politics, it is done on the premise that in politics it matters what happens to those "whose politics it is", and it would not make sense for anyone to accept an invitation if this premise was not implied. Of course, this does not mean that politics is an enterprise which is always characterized by this feature, but when making normative arguments for or against a political course of action or regime, Dworkin's point is hard to argue against. No one would willingly participate in a joint venture if that project had no regard for one's most fundamental interests. What happens in someone's life is undoubtedly one such fundamental interest for all human beings. The fact is that historically those movements that have fought for democracy have done so by advocating a principle of popular control together with political equality (Beetham 1999:6). I think this illustrates the deeply held conviction in democratic thought that people cannot be ignored in politics. Popular control simply makes it more difficult to disregard people's interests. One could say that democrats, if not properly invited to politics, have sought to write the appropriate invitation themselves.

Why Political Equality Is a Basic Principle

Accepting as settled that in politics it should matter what happens to those "whose politics it is" does not by itself explain or establish a principle of viewing and treating all members of a political community as equals. It is logically possible to imagine a political decision or institution being grounded on concern with what happens to the members of the political community, but at the same time applying criteria that distinguish between the members as to what degree concern is given. Consider as an example the old system of local council elections in Northern Ireland where only

home owning ratepayers could vote, thus excluding about 300 000 citizens from this part of the franchise, while still allowing them to vote in Stormont and Westminster elections (Tonge 2002:21).

However, if one is to take the normative idea of democracy seriously, it is hard to imagine any justification for a political system that does not in some meaningful sense of the word regard citizens as equals within it. Democracy itself should not be seen as a contested concept even though there are many different political systems in the world that probably all could be labeled democracies. It is the principles of popular control and political equality that define the concept of democracy, and institutions are thus only democratic to the degree that they realize those principles in a given context (Beetham 1999:4-5). The fact that few would admit to have beliefs contrary to at least an abstract notion of equality, "equal concern and respect" (Dworkin 1985:191), I think demonstrates equality's position as a principle most would have trouble rejecting as fundamental to their political morality.

Therefore, I think it is uncontroversial when Rawls (2001:19) grounds his "conception of the person" as free and equal in "the way citizens are regarded in the public political culture of a democratic society". He simply states what democrats believe the citizen should properly be seen as. The natural conclusion is that if a political theory accepts democracy as a fundamental principle, something I submit it must for anyone's plausible allegiance to it, political equality becomes a necessary part of that theory. Many or perhaps most theories actually include such a premise, but rather disagree on its specific implications. Dworkin (1983:24-5) has suggested that many and diverse political theories can be and have been presented as based on what he calls "the abstract egalitarian thesis". It holds that "from the standpoint of politics, the interests of the members of the community matter, and matter equally". The challenge is to fill this commitment with more specific content.

The People's Politics and Equality in Contractualism

I believe the following general and classical statement of how contractualism can perceive moral wrongness is well suited to demonstrate contractualism's commitment to the abstract egalitarian thesis as well providing a path towards specifying liberal political implications:

> *An act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement* (Scanlon 1982:110).

Applied to political argument this account clearly secures that the focus of politics is on the interests of those living under political institutions through the fact that an argument that gave a person's well-being no weight could reasonably be rejected by that person (Scanlon 1982:119). No agreement can be considered morally binding if it can be rejected on such clearly reasonable grounds. People's status as equals is also built into such contractualism for two reasons. First, because everyone is given a veto on agreement it makes them equals in this respect. Second, the agreement must be "unforced", meaning that coercion is unacceptable and that no one can be forced to accept a proposal for agreement due to an inferior bargaining position (Scanlon 1982:111). Most people's moral convictions clearly rule out straightforward coercion as acceptable when proposing mutually binding political structures. However, I submit that most have equally strong beliefs that rule out the more subtle coercion that can be applied to those in a weaker bargaining position. As Rawls (1971:141) puts it, "to each according to his threat advantage is not a principle of justice". Ruling out coercion in these two forms would eliminate some of the most significant sources of inequality that exist in real world political systems. Thus, it should accordingly be an important principle underpinning normative political argument.

Comparability of the Impact on the Interests of Individuals

Contractualism, as argued, incorporates the fundamental principles defended so far. In addition, it points to another feature of moral argument. Since contractualist morality relies heavily on "what it would be reasonable to accept, or reasonable to reject,"

some system of comparability becomes necessary to make such judgments meaningful (Scanlon 1982:113-14). Applied to a political context, Føllesdal (1996a:62-3), following the contractualism of Scanlon (1982),[4] holds that "liberal contractualism takes as its subject alternative rules and practices, and seeks to assess them by means of their impact on individuals' interests", that is, of the individuals affected by those rules or practices. Obviously, the need for comparing such impact is necessary if a meaningful judgment on the reasonableness of rejecting a principle, institution, or a set of such, is to be made. To illustrate, surely if a principle assigns a burden to a person, it would still be unreasonable for that person to reject it if all alternative principles would assign much greater burdens on others (Scanlon 1982:111). Comparability is a necessary part of moral argument in politics that assesses reasonableness.

How Do Interests Count? A Matter of Moral Argument Itself

Assessing and comparing the impact on individuals' interests is not enough when arguing for or against political institutions or principles. One must also have an accompanying account of what interests people have as well as judgments on how much and how these interests should count in arguments on reasonableness. The substantial question of what interests people have will be addressed presently, but first a few general remarks are in order about how exactly interests are perceived and weighed in contractualist moral argument. Contractualism of the kind discussed here would, as stated above, reject an argument that gave a person's well-being (certainly an important interest) no weight because it could reasonably be rejected by that person. However, it does not follow that a person is justified in doing something (or proposing political institutions that would allow her to do so) in order to satisfy an interest in well-being by appealing to the "intensity" of the desire to satisfy that interest (Scanlon 1982:119).

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[4] Føllesdal (1996:62 and 81n12) also cites Rawls (1971) and Charles R. Beitz, *Political Equality.* Princeton, N.J.: Princeton University Press (1989) as advocates of such contractualism.

Clearly, most people's desire for ice-cream does not warrant government subsidies for ice-cream no matter the intensity of desire involved. Other forms of government subsidies would on the other hand be accepted by many or most in many cases where there is neither no intense desire nor many who share that desire involved, even if such subsidies come at the expense of ice-cream subsidies. What matters are interests that others can accept that another person has a legitimate interest in, or to be more precise, what matters are claims that could not be reasonably rejected by others. To be able to decide what this entails the weight that an interest has in moral argument must be based on "a conception of morally legitimate interests", and that conception must itself be a product of moral argument (ibid.). What a contractual approach to politics must do then is to provide a suitable index that can define and demonstrate what kind of interests that can reasonably be considered as relevant (Føllesdal 1996a:63-4), as well as determining the weight they should have in political argument. In the following, it is argued that the most important interest that people have which should also be mutually recognized as a valid ground for claims on political institutions leads one to liberal conclusions on legitimate political institutions. It does so because of the role that particular interest assigns to a certain interpretation of the interest people have in autonomy.

Establishing the Role of the Interest in Autonomy in Justifying Political Institutions

The starting point is a claim that one particular interest is the most important for all people. I would also hold that not only is it the most important interest we have as human beings, it is also an interest that it would be unreasonable to reject as a basis for any person to make claims on the form political institutions should take. The interest in mind is that of "leading a good life" (Kymlicka 1989:10) or "having as good a life as possible" (Dworkin 1983:26). As human beings, the good life is something we have beliefs about, reflect on what it consists of, and we plan and act on how to achieve it. Rawls (2001:18-19) describes it as a moral power that at least citizens of a modern democracy can be thought to have, that is, "to have, to revise,

and rationally to pursue" projects in life based on what we believe would achieve a good life. "The capacity for a conception of the good", he calls it.

Leading a good life, however, must be distinguished from simply "leading the life we *currently believe* to be good" because we must admit that what we currently deem as worthwhile and valuable life projects very well might be based on false premises or judgments. That this is the case is demonstrated by our continued reflections in life at important crossroads even when we can predict the outcome of particular choices in that situation. What troubles us in those situations and make us reflect is the possibility of the project pursued being the wrong one, not simply a calculation of the best route to fulfilling the goals of that particular project. This can only mean that "our essential interest is in having a good life, not the life we currently believe to be good" (Kymlicka 1989:10-11).

But why should political institutions secure individual autonomy if people's essential interest is in having a good life, something they very well may be mistaken about how to achieve? Would it not be reasonable to reject claims for autonomy by people who are clearly pursuing misguided projects? It would seem more logical (if still sticking to equality) to advocate what Dworkin (1983:28) labels "the totalitarian concept of equality", meaning that government should aim at people having genuinely good lives without regards to each person's own view on the life she is forced to live. Is then a liberal like Rawls (1999b:283) denying that having a genuinely good life is a person's most fundamental interest when he maintains that "justice as fairness" views individuals "as beings that have a capacity for forming, adopting, and changing" plans for life, and that they "give priority to preserving their liberty in these matters", and when he goes on to claim that "people are assumed to have a highest-order interest in how all their other interests, even their fundamental ones, are shaped and regulated by social institutions"? At least he is denying that it as a good idea that government or anybody else for that matter, encroach into or take over their reasoning about and pursuit of the good life.

There are several reasons for rejecting such paternalism as serving the fundamental interest of having a genuinely good life. One is that just as any individual can be mistaken about the good life, so can government. Consider also the problem of finding an appropriate procedure to decide what the government's favored view on the good life should consist of. The main argument against paternalism, however, holds even if government really did know and was able to adopt and enforce/promote the correct view on the good through its political institutions. That argument is that it is only possible to pursue the interest of having a genuinely good life if it corresponds with people's own beliefs "about what kind of life is good" (Dworkin 1983:28). With this "endorsement constraint" (Dworkin 1983:29) in place, paternalism simply does not serve people's most important interest because this interest cannot be satisfied by outside intervention, so to speak. To illustrate the point, a hypothetical Northern Ireland example can be used. For argument's sake, assume that Greek Orthodox Christianity is the religion that actually provides the best way for all in Northern Ireland to live genuinely good lives. Accordingly, the government forces all citizens to participate in the practices of that confession. Would that make any individual who genuinely believes in the Protestant or Catholic variety of Christianity, or any other religious or moral doctrine other than the state's confession, have a better life?[5] The answer is obviously no.

Individual autonomy seems after all to have a role in the pursuit of the genuinely good life, and the interest in having such a life might be reformulated as really one of getting beliefs about value right and then acting on them (Kymlicka 1989:13). However, such an interpretation points to a multifaceted concept of individual autonomy as relevant to serving the interest of having a good life. I believe three aspects can be identified. First, it is required that people are free and able to pursue the course in life they at present believe to be the best one because any life project must be endorsed by the person embarking on it in order make her better off. Second,

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[5] A similar example used by many liberals is one of praying, which may be a valuable thing to do, but it requires that a person thinks it is worthwhile (Kymlicka 1989:12 and 19n2).

because people can be moved by reflection or other factors to change their beliefs, the same freedom and opportunity must apply after such revision. These two aspects by themselves would justify claims to a number of rights, liberties and opportunities in a political system. But since the essential interest also includes getting one's beliefs right, all factors that influence people's reflection on the good life become a matter of importance to them. Thus, the range of options available and known to people and whether they are given the opportunity to examine these intelligently are relevant concerns (Kymlicka 1989:13; 18-19).

In this light, the claims that were attributed to Rawls (1999b:283) above start making more sense. People have a "highest-order interest" in how all their other interests are shaped and regulated by social institutions, and the exercise of the capacity for a conception of the good (all aspects of it) is an activity in which it is essential to preserve one's liberty. One should of course recognize that the "highest-order interest" is fundamentally one in having a genuinely good life and not the capacity for a conception of the good and the things that influence it (Dworkin 1983:26), but these interests are, as hopefully made clear above, intimately linked, and I see no reasons of substance to criticize Rawls for his choice of words.

A Brief Outline of Institutional Principles and Structures for a Liberal State
Giving a complete account of principles and structures for a liberal state that perceives its citizens and their interests as argued above would amount to an entire project or even several projects. Nevertheless, some brief comments are needed. Such a state would certainly secure a specific list of liberties, basic rights and opportunities for each citizen, and securing in this context means that an individual is to have these even if arguments of the general good or perfectionist ideals come into conflict with them (Rawls:2005:6).[6] The specific form of this list would not be based on an idea of maximizing each individual's liberty. Liberals like Rawls (2001:44-5) and Dworkin

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[6] It would of course be interesting and appropriate in line with the idea of wide reflective equilibrium to confront this liberal principle of priority against utilitarian and perfectionist alternatives. However, for the purposes of this project, Rawls' (1971) arguments against utilitarianism and perfectionism are simply considered as fixed points.

(1977:266-278) are very clear that liberty as such has no priority or special status in justification. I follow Dworkin (1985:189) in that "the fundamental liberties are important because we value something else that they protect", and that is not "the commodity of liberty". It is rather those things that promote the interest in leading a good life and each citizen's status as an equal that "makes the list". In addition, each is to be secured "adequate all-purpose means to make effective use of their liberties and opportunities" (Rawls 2005:6). One could perhaps use the words "strategic goods" instead, but the general idea is that since people differ in their conceptions of the good, they are bound to disagree on the value of different goods for distribution. So as not to intentionally favor people with specific conceptions, a liberal therefore focuses on goods that are "necessary for a broad range of life plans" (Føllesdal 1996a:64).

It is not my main priority to make a complete list of rights, liberties and opportunities, but the liberal state of the kind envisioned here would include the traditional civil and personal liberties to guarantee the right to pursue even unorthodox projects free from various legal sanctions. And it would be concerned about its citizens' ability to make intelligent choices and have access to several views on the good life, and thus focus on education and secure liberties such as freedom of expression, the press and artistic freedom (Kymlicka 1989:13). I do not think the list I would end up with would be too different from the one Rawls (2005:291) provides in *Political Liberalism*: The basic rights and liberties (that are to be equal) are "freedom of thought and liberty of conscience", "the political liberties and freedom of association", "the freedoms specified by the liberty and integrity of the person", and "the rights and liberties covered by the rule of law". The basic rationale is in any case to secure those rights, liberties and opportunities needed to secure equality and autonomy. However, in the final part of this section I clarify my position on basing liberalism on the value of autonomy because liberals like Rawls (2005) have come to doubt whether autonomy is an appropriate concern on which to ground political institutions and arrangements.

Brief Remarks on Egalitarian Liberalism

A few remarks must also be made about why Rawls and Dworkin, as mentioned in the introductory chapter, often are referred to as egalitarian liberals. I believe this is due to the consequences they draw from taking the autonomy and equality of individuals seriously. The kind of morality this project adheres to can be illustrated by Dworkin's (1985:206-7) defense of equal shares of resources for each citizen. This principle holds that each citizen should be permitted to use no more than an equal share of the total resources available in a society. It does not mean, however, that constant redistribution should take place at any time inequalities occur because this would disregard the results of choices people make. It matters when assessing if someone has had an equal share of resources what that person has contributed in terms of the amount of resources available to all. The inequalities that should warrant redistribution, however, are those that arise not as a result from choices made by an individual, but circumstance. The proper measure for the resources each should have is for Dworkin the share they would have if it were not for "differences of initial advantage, luck, and inherent capacity", all which have nothing to do with choice. It is on this basis that the results of market allocation of resources should be corrected through redistribution. Rawls (1971:102) has a similar approach when justifying his famous "difference principle" in that inequalities that arise due to "contingencies" are only allowed if they are to the benefit of the "least fortunate". In short, the liberal egalitarian idea, that the genuine choices that people make are the only permissible bases for accepting that citizens have different amounts of resources at their disposal to pursue the good life, expresses the liberal evaluative standard this project relies on. Arbitrary circumstances or "contingencies" do not justify inequalities. As I now turn to the question of minority rights in liberal theory, this distinction plays an important role.

Liberalism, Political Boundaries and Minority Rights

In the following chapter, I provide a more detailed interpretation of the Northern Ireland conflict. The partition of Ireland and the majority-minority relations that have characterized the Northern Ireland state are central themes in that discussion. Here, I

take a more general look at how modern liberalism has approached such issues more generally. In the modern liberal tradition, state neutrality or anti-perfectionism have been important principles applying to political institutions, meaning that the state should not intentionally promote one or a few conceptions of the good (Kymlicka 2002:218). Perhaps it is no wonder then that a prevailing liberal approach to pluralism within political entities has been to rely on the typical liberal catalogue of individual rights. As long as people are free in their private lives to hold, maintain and express any attachment they prefer regarding their identity, including ethnic and national identity, the state should not respond with anything else than "'benign neglect'" to such identities. State and ethnicity should simply be separate. Ethnicity has no role in "the distribution of rights, resources and duties", and accordingly no legal or state recognition of such groups are warranted (Kymlicka 1995a:2-4).

Will Kymlicka (1989; 1995a) has challenged this view from within a liberal framework. In short, he argues that individual freedom (autonomy) requires "access to a societal culture". Also, the bond that most of us have to our own culture is very deep and gives rise to a legitimate claim to keep that bond (Kymlicka 1995a:76-107). Regarding the first point, he notes that when people reflect on and make choices in life this is not done in a vacuum, but rather in "a context of choice" where the options available are determined by the cultural heritage of that context. Liberals should be concerned with these "cultural structures" because their content determines the range of options available and the possibility of intelligently examining questions of value (Kymlicka 1989:164-5).

It is important to note that Kymlicka (1989:177-8) does not believe that liberals like Rawls and Dworkin have said little about the rights of minority cultures because they ignore the importance of a secure cultural context to making meaningful choices. It is rather that they have worked with "a simplified model of the nation-state". That is, a model where a political community is one and the same as one single cultural

community.[7] In such a community, all have access to this single cultural membership as a sort of "public good". Once it is recognized that many societies are culturally plural, it becomes much harder to claim that all citizens have an adequate protection of their culture, a basic precondition for their autonomy. This is because in one important respect the state cannot be neutral. Governments do have to decide on what language(s) to use in public institutions, how internal boundaries are drawn, which public holidays to have and what state symbols to use (Kymlicka 1995a:108). It is simply impossible not to make decisions on what societal culture(s) that will be supported (Kymlicka 1995a:111). Regarding Northern Ireland specifically, the location of the external boundaries is also morally relevant. Generally, it can be said that which side of a border an individual finds herself can have profound consequences for freedom, welfare, identity, and in some cases even survival (Buchanan 2003:231).

A natural objection is that while all citizens should have a right of access to a secure and rich cultural structure, it does not follow that this has to be the culture they currently feel attached to. "Why not let minority cultures disintegrate, so long as we ensure their members have access to the majority culture" (Kymlicka 1995a:84)? In what resembles a contractual approach to this question, Kymlicka (1995a:85-6) claims that while it is not impossible or unimaginable that people can "move between cultures", access to one's own culture is generally something one can expect people to want, and that it is not reasonable to expect anyone to forego that general wish. It is possible to leave one's culture, but it cannot be reasonably expected that people do so. This argument also leads me to consider it a matter of circumstance rather than choice when people find themselves belonging to a minority due to the drawing of political boundaries.

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[7] Canovan (1996:13) claims that many political theorists rely on and take for granted a view of political communities as nation-states, but that this assumption is seldom made explicit.

To clarify, what is meant by culture in this discussion does not refer to a kind of group characterized by a set of very specific shared moral values similar to what was earlier referred to as a conception of the good. What is in question are societal cultures of the type that share such things as language and a history which is then the relevant "meaningful context of choice". For most people this culture is their nation within which there is most likely widespread disagreement on more particular questions of value (Kymlicka 1995a:92-3). An additional factor that supports measures to ensure people's secure access to their own societal culture, meaning their national culture, is this culture's importance to the self-respect and identity of individuals. If that culture is in decay, "is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuit less likely to be successful" (Margalit & Raz 1995:87). A liberal like Rawls (2001:59) has emphasized the importance of institutions in society securing the "social bases of self-respect" because it is essential for individuals if they are to be able to pursue their projects "with self-confidence". Since how one's national culture fares or is held in esteem in a society is closely tied to this self-respect, it seems obvious that liberals should be concerned with how political institutions influence and treat such cultures.

Kymlicka (1995a:113) concludes that liberal equality demands that all national groups that want to maintain themselves as a distinct culture should have the opportunity to do so. Since the majority national group in a democracy always through its majority position will have its societal culture supported and has the power to protect interests related to culture in legislative processes, suitable rights for national minorities are warranted to secure the same benefits and opportunities that the majority enjoys. Minority rights thus perceived are simply compensations for unequal circumstances. But all kinds of minority rights are not necessarily consistent with liberalism. A useful set of terms to explain what kind of rights a liberal can and cannot support is that of "'internal restrictions'" and "'external protections'". The former are not justifiable from a liberal point of view as they involve measures to protect a culture through restricting internal dissent from members. The latter can be defended in liberal terms

as they refer to a type of rights that seek to protect a group from the impact of decisions made by the larger society (Kymlicka 1995a:35). The appropriate degree of protection should be limited to compensating for unequal circumstances, not to install the minority as oppressors of the majority.[8] In any case, it is this kind of liberal justification of minority rights described here that provides the evaluative standard against which the arrangements of the BA are to be judged.

Some Clarifying Remarks on Autonomy-Based Liberalism

I take it for granted that all liberals see the kind of autonomy that secures the pursuit of currently held beliefs and the right not to be punished or disadvantaged for pursuing projects when beliefs about the good are revised as uncontroversial grounds to justify a political regime. It is the last aspect of autonomy that was described earlier that is the source of controversy. As Føllesdal (1996a:63-4) puts it, the "interest, in critical assessment and improvement on one's existing conception of the good is not shared by all". He also believes that good reasons cannot be given to all that such critical distance to one's own beliefs is of value. The question in liberal and contractual terms becomes if institutions proposed based on an interest in this kind of autonomy can be reasonably rejected by some.

The defense for maintaining the importance of this kind of autonomy in political argument comes in two parts. First of all, the view defended here holds that political institutions should be concerned with the development of the ability to critically examine conceptions of the good. It does not, however, endorse any kind of forced critical distance to one's ends or punish people who choose not to engage in critical revision of their beliefs. There are indeed good reasons to ask if any liberal actually tries to justify such forced critical assessment, even though a liberal like John Stuart Mill has been accused of doing so. But liberal institutions do tend to make such

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[8] See Kymlicka (1989:245-52) on how this liberal approach to minority rights cannot be seen as justifying apartheid.

autonomy possible (Barry 2002b:119-20), and I see no reason to regret it and maintain it as one of several arguments for such institutions.

Secondly, once forced critical distance to one's beliefs is ruled out, I believe that it becomes necessary to ask if not most or even all would include autonomy as critical reflection on the good as an important and legitimate interest that can be reasonably accepted as justifying claims for the form political institutions should take. It is after all an idea that is widely shared by citizens of Western democracies, and those who reject it tend to be small groups that demand institutions that restrict individuals' opportunity to critically reflect on inherited beliefs and act according to new values if they come to endorse such. Some relevant examples are the Amish and Hutterites (Kymlicka 2002:243).

As long as a system of political institutions does not directly force individuals to critically examine their beliefs or unduly disadvantage them for failing to do so, I cannot see in light of the widespread belief in most Western democracies in the importance of such autonomy that institutions should not be formed in a way that facilitates an ability to reflect on value, and that such institutions can be justified with reference to this interest, among others. The case at hand concerns a Western democracy and there is no evidence that hostility to individual autonomy is on the political agenda in Northern Ireland today. I therefore see it as unproblematic to apply the kind of liberalism I have defended here to the BA. And generally there is little evidence that conflicts between national minorities and majority groups are about the minority wanting to establish a political order that rejects individual autonomy (Kymlicka 2002:338).

2.4 Research and Conflict

Studying and researching conflicts bring forth some methodological challenges. For example, hypotheses about the real underlying causes of a conflict are very hard to test, not in the sense that it would be hard to find empirical data that would support

one, but rather that one is not in a position to control for alternative explanatory variables, and therefore cannot definitively falsify the hypothesis in question or its rivals.[9] What remains are often alternative explanations where the choice of one among many is based on considerations of reasonableness, and consequently parties to a conflict take great interest in influencing considerations of reasonableness made by outsiders (Butenschøn 1998:252). In the case of Northern Ireland, explaining the conflict by drawing parallels with other well known conflicts to build up one's own interpretations and viewpoints has been a popular exercise both to gain internal and external support (McGarry 2001:3). Winning the debate on how to correctly describe a situation both sets the premises for subsequent arguments and conclusions and limits the scope of considerations on whether certain outcomes are likely and more importantly for this project, if they are legitimate (just) (Butenschøn 1998:252).

A common strategy to avoid the problems connected with the testing of hypotheses in the social sciences is to try to emulate the experimental setting by employing the comparative method,[10] but even then we cannot fully escape having to make judgments based on reasonableness. What, for example, are the correct criteria for holding something as "similar" or "different" (Butenschøn 1998:253)? Butenschøn (ibid., my translation) states that:

> *In the social sciences we ultimately cannot escape that we a) have to argue that our description of the situation at hand that forms the basis of our analysis is both reasonable and fruitful, b) that these arguments will be more or less problematic because their validity can always be doubted from alternative points of view, and c) that the validity always will be a matter of dispute if there are strongly conflicting interests attached to the conclusions.*

The researcher must, based on her hopefully fruitful and reasonable description of the situation no matter how disputed by others, go about with evaluating hypotheses and

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[9] Indeed, it is quite seldom that we in the social sciences at all deal with data that can be directly manipulated by the researcher as the experimental method requires (Smelser 1973; Lijphart 1971).

[10] On the comparative method in general see for example Lijphart (1971).

claims. The theoretical insights of her discipline should then serve as criteria of validity in relation to hypotheses and claims (Butenschøn 1998:254). I will organize my methodological strategy around some suggested answers to questions that arise from Butenschøns's three propositions on social science research just outlined as "a", "b" and "c".

Arguing for a reasonable (first part of "a") case description should be based on an awareness of alternative points of view ("b") and it must deal with the fact that strong and conflicting interests are linked to the possible conclusions ("c") when defining the "true nature" of the Northern Ireland conflict. The arguments proposed for my case interpretation should therefore address and discuss at least the main existing accounts of the conflict as well as taking into consideration the dangers that are connected with scientific inquiry into a field where strong motivations exist that might produce accounts and interpretations that are not merely evidence-driven. Given my inevitable dependence on secondary sources, I must be aware of the conflicting interests that have shaped historical accounts of Northern Ireland. In addition, for the case interpretation to be fruitful as well as reasonable, it must be relevant to the research question. The remaining part of this chapter will be dedicated to an elaboration on how the concern about strong political interests connected with academic research should be understood and tackled in the case of Northern Ireland. Also, I will highlight the importance of relying on a multiple number of sources as well as upholding a principle of scientific research as a public process even when one has an awareness of how to deal with politically biased sources.

Dealing with the Contested History of Northern Ireland
Tonge (2005:9) makes an interesting point when he states that "part of the problem with formulating a solution for the difficulties of Northern Ireland is the extent to which the history of Ireland is itself contested". This is an important reminder that Irish history is not only relevant for historians, but also for social scientists who want to say something about the politics of Northern Ireland today. One tradition in the writing of Irish history has been to organize it around a nationalist perspective or

alternatively in direct opposition to it (Boyce and O'Day 1996:13). Likewise, two of the schools of thought on research on the Northern Ireland problem can be named with political labels, namely "traditional nationalist" and "traditional unionist" (Whyte 1990:114). Aughey (2005:8) points to the dangers of "presentism" in the narration of history, "a reading of the past that already assumes the present". Political manipulation becomes a real threat if the past is selectively constructed: "in order to justify what we want to do in the present this is what the past *must* have been like". This is a challenge for both historians and social scientists alike. It is therefore a timely question that Boyce and O'Day (1996:3) ask related to what has been called "revisionism and revisionist controversy" in the writing of Irish history: "What, if any, part should an academic historian play in the political uses of the past?" I have no better suggested remedy to avoid accepting history or political science accounts written with a primary agenda of justifying present ambitions than to affirm that "evidence is, and remains, the basis of the discipline of history" (Boyce and O'Day 1996:12) and clearly also for political science. This is not to say that evidence a priori cannot be said to support an Irish nationalist or British unionist interpretation of Irish history or the Northern Ireland conflict, but it reminds us that scientific research must as far as possible try to avoid the danger of letting political agendas unduly influence what evidence we use (and do not use) and how we interpret it.

Ottar Dahl (1973:75-6) highlights the need to scrutinize the conditions surrounding the origins of an historical account in order to be able to judge its credibility. Such scrutiny must among other things include evaluation of both the ability and willingness of the person giving the account in telling the truth. It is my view that such considerations are appropriate not only for researching historical sources, but also when using the work of historians, political scientists or other academics in building a case interpretation for a social scientific purpose. And it will therefore serve as a methodological guideline for me in the use of secondary literature on Irish history and political interpretations of the Northern Ireland conflict.

Research as a Public Process and the Use of Multiple Sources

Furthermore, in the process of arguing for my case interpretation, I will draw on a number of different authors of Irish history and interpretations of the Northern Ireland conflict subject to the scrutiny just outlined. A thorough effort will be made to provide an extensive and accurate list of references to secure an opportunity for any reader to also critically examine my sources to judge if I have been true to my methodological program of relying on appropriate and unselective evidence. The combination of drawing on a wide range of sources as well as conscientiously referring to them is meant to contribute to both the possibility of testing how reliable my procedure is, and also to provide the best conditions for increasing the validity of my conclusions and the ability for others to judge on this. Indeed, King, Keohane & Verba (1994:8) stress the importance of public procedures in scientific research so that the reliability of data can be assessed and for "the scholarly community" to be able to judge the validity of what has been done. Robert K. Yin (2003:98) points to a better chance for reaching more convincing and accurate conclusions and findings when relying on a plurality of sources. He refers to this as "data triangulation". I agree with these methodological recommendations and will try to conduct myself accordingly.

3. An Interpretation of the Northern Ireland Conflict

The rationale of this chapter is to develop an argument on how the Northern Ireland conflict should be properly understood in the context of serving as an informed basis for judgments on normatively legitimate political institutions for Northern Ireland. Rupert Taylor's (2006) depiction of how supporters of the BA view the conflict will serve as an initial hypothesis on the nature of the conflict, and the conclusion takes the form of assessing how far it holds. In the following, knowledge of basic facts about the political history of Northern Ireland is taken for granted and the level of detail when scrutinizing alternative interpretations is restricted to allow sufficient room for other parts of the project.[11]

Brief Remarks on Sources

John Whyte's *Interpreting Northern Ireland* (1990) is substantially relied on in the building of this case interpretation. Whyte's book is to my knowledge the most thorough analysis of academic work on the Northern Ireland conflict produced. He wrote as a political scientist, yet drew on not only works of political science, but also history, sociology, economics, anthropology, geography, law, and social psychology. In this sense, he was a model example of a researcher employing "data triangulation". I supplement Whyte's work with several newer accounts by leading scholars in the field to make the presentation and argument more comprehensive and fully updated where needed. An important source of survey data and interpretation of such will be Fahey, Hayes and Sinnott's (2006) book *Conflict and Consensus*, that makes use of a wide range of surveys[12] on values and attitudes in Northern Ireland and the Irish Republic conducted over time.

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[11] For a more detailed version of the argument, see Worren (2008). Good general introductions of basic facts on the Northern Ireland conflict are provided by Tonge (2002) and Mulholland (2003).

[12] The data of the study comprises of among others: The European Values Study (1981,1990, 1999-2000), European Social Survey (2002-2003), Eurobarometer Surveys, etc. For a full account see Fahey, Hayes and Sinnott (2006:234-6).

Taylor's Hypothesis on What BA-Supporters Believe

Taylor (2006:217) claims that "two core mutually reinforcing ideas" are behind the BA. One is that consociationalism is the only democratic remedy available to solve the conflict. The other refers to the nature of the conflict: "Northern Ireland is deeply, indeed irrefutably, divided between two competing ethno-national communities". This view holds that the conflict is between a Protestant and a Catholic community, which are seen as constituting "intractable ethno-national groups with distinctive and different cultural traditions, values and needs". "The categories of 'Protestant' and 'Catholic' are taken to be synonymous with Ulster unionist and Irish nationalist politics" respectively. The political parties representing these national aims are seen as "locked into a power struggle to maximise group interests".

3.1 Interpretations of the Northern Ireland Conflict

John Whyte (1990:114) suggests a classificatory scheme that sorts interpretations of the conflict into categories based on who the researcher sees as the main antagonists. Four pairs of antagonists are identified where authors have tended to see one of the pairs as the most important, yet often acknowledging the additional significance of one or more of the other pairs. The pairs are as follows: "Britain v. Ireland", "Southern Ireland v. Northern Ireland", "Capitalist v. worker", "Protestant v. Catholic within Northern Ireland". On this basis, he proposes four labels to describe four types of "basic interpretations" of the Northern Ireland problem: "traditional nationalist", "traditional unionist", "Marxist" and "two-community, or internal-conflict". McGarry and O'Leary (1995:6) operate with similar labels categorizing analyses of the conflict when they state that "most explanations of Northern Ireland which are not nationalist, unionist or Marxist are overwhelmingly endogenous in their foci for explanation".

Nationalist, Unionist and Marxist Interpretations

The traditional nationalist interpretation of the Northern Ireland conflict is in a nutshell that "the people of Ireland form one nation", and that "the fault for keeping Ireland divided lies with Britain"(Whyte 1990:117). The traditional unionist interpretation formulated in a similarly short fashion is that "there are two distinct peoples in Ireland, unionist and nationalist (or Protestant and Catholic)" and that "the core of the problem is the refusal of nationalists to recognize this fact, and to accord to unionists the same right of self-determination as they claim for themselves". This view is accompanied by a diametrically different view on the role of Britain. Great Britain is seen as an ally, albeit an unreliable one that is seen to be too soft on nationalists (Whyte 1990:146).

Marxist analysis of the Irish and Northern Ireland conflict comes in many versions (Whyte 1990:175-193). In its oldest version, where the revolutionary James Connolly stands out as the most prominent advocate, the conflict was mainly seen as a struggle between employer and worker. National independence through a break with the British Empire was seen as paramount, as the Empire was seen to be the most resolute upholder of capitalism. A problem with his analysis was, however, that the Protestant working class in Ireland wanted to maintain the link with Britain, but if partition could be avoided and independence gained, Connolly believed that class politics would replace the national issue. When partition became reality, the goal of Marxists was to undo it. Later, Marxists focused on the colonial aspects of the situation, and that of a capitalist class in Northern Ireland keeping the working class divided through sectarianism and "differential discrimination", which meant exploiting both Protestant and Catholic workers, but giving Protestants slight but visible advantages over Catholics. Thus Protestant workers were locked into an alliance with their bosses rather than fellow workers. Other Marxists came to focus on how nationalists in the South stirred up the Catholics in the North against the northern state, and viewed this as the obstacle to working class unity.

The Internal-Conflict Interpretation

The school of thought that can be broadly referred to as internal conflict approach or interpretation distinguishes itself from the previous perspectives by its insistence that endogenous factors to Northern Ireland are those that are most important when explaining the conflict. The three previously outlined approaches see the problem mainly as a British, Irish or capitalist responsibility, in other words a focus on exogenous factors (Whyte 1990:194). As referred to earlier, internal conflict interpretations can also be labeled "two community" interpretations, thus making it clear that the opposing communities within Northern Ireland are the protagonists in focus. Put simply, one can say that such analyses see Northern Ireland as the unit of analysis, being "a distinct political, economic and cultural system" (McGarry and O'Leary 1995:5). Most internal conflict interpretations do acknowledge the importance of outside factors such as Britain and the Republic, but mainly through their impact on internal conflict through the two communities' different attitudes to the two states. Events in the early years of the Troubles, such as the re-emergence of the IRA, the arrival of the British Army and the introduction of direct rule from London, can help explain why most theorists of the internal-conflict school, though insisting on the primacy of endogenous factor, have not ignored exogenous factors in their work (Whyte 1990:194-5). Within this tradition, perspectives such as "classical pluralist theory" which has explained the conflict as due to a lack "of a balanced distribution of conflicting interests", mainstream consociational theory, and integrationist theory that focuses on transforming divided societies, have all been popular approaches to the Northern Ireland conflict and have been predominantly internally focused (McGarry 2001:14-18). On the other hand, some have worked from a perspective that can be labelled "linkage theory" and have focused more specifically on how exogenous developments have been linked to internal developments in Northern Ireland (McGarry 2001:18-20). One is left with a clear impression of diversity when surveying the field of academic work in the internal conflict tradition.

3.2 Testing the Hypothesis – An Evaluation of the Perspectives

Testing "Taylor's hypothesis" must be done in several steps. So far, I have mainly looked at what the different perspectives claim rather than submit them to evaluation. In terms of popularity, John Whyte (1990:202) found that the internal-conflict interpretation emerged as the one subscribed to by most academics when looking at the period from the outbreak of the Troubles to the end of 1989. Before that time, considering that publications were significantly fewer in number, they could almost without exception be classified as either traditional unionist/nationalist or Marxist interpretations. In terms of evaluation, Whyte (1990:205) offers the following comments:

> *The drawback of the traditional nationalist school is that it took insufficient account of the separate identity of Northern Protestants. The drawback of the traditional unionist school is that it took insufficient account of the community divide within Northern Ireland. The limitation of the Marxist approach is that its practitioners have been unable to agree among themselves on what conclusions to draw from their method. A limitation of the internal-conflict school is that though there is agreement in broad terms on the nature of the problem, there is no agreement on the nature of the solution.*

These substantial but brief remarks serve as a starting point for a more elaborate evaluation. Being subscribed to by most academics is of course in itself not a sufficient indicator of establishing truth, or less ambitiously put, plausibility. First, it needs to be addressed in more detail why the traditional nationalist and unionist interpretations have declined in popularity and decide whether these reasons are sufficient to dismiss them. Thereafter, the same procedure is followed for the Marxist perspectives. It will be shown that these perspectives do have some merit, but they nevertheless cannot be seen as self-standing alternatives to some form of internal conflict or two communities interpretation. They can, however, cast light on important dimensions of aspects of the conflict regardless of how one concludes on the importance of endogenous and exogenous factors. Therefore, the following sections

are dedicated to establish what the most credible internal-conflict interpretation should include and how far this corresponds to the initial hypothesis.

The Limits of the Traditional Nationalist Interpretation

The main weakness of the traditional nationalist perspective is its underestimation of the distinct and enduring, yet changing (this is returned to in more detail), identity of an overwhelmingly Protestant unionist community. There are many reasons to attribute the existence of this identity to more than the influence of British policy over the years. True, both Catholics and Presbyterians participated in the 1798 rising to sever links with Britain, but at some point after this, the Protestants in the northeast of Ireland became solidly in favor of remaining part of Britain (Whyte 1990:123). Three historians, David Miller, Alvin Jackson and James Loughlin, have researched in depth the attitudes of unionists in the period after the Act of Union of 1800.[13] Although they do not agree on how best to describe unionist ideology in terms of how attached it was to the British link, they do agree that British manipulation cannot account for the fact that there existed a distinct and strongly held Ulster unionism that did not share the aims of Irish nationalism (Whyte 1990:127-9).

I find it an important indicator of the strength and independence of this identity that 450 000 men and women from Ulster signed a declaration, "the Solemn League and Covenant", pledging themselves to oppose Home Rule[14] for Ireland through "using all means which may be found necessary to defeat the present conspiracy" (Mulholland 2003:19; Walker 2004:34-5). The "present conspiracy" the Covenant refers to was the Liberal government's bill on Home Rule for Ireland that was introduced and passed in the House of Commons in 1912. The Liberals were dependent on the votes of the Irish Parliamentary Party (IPP) in the Commons, and the IPP "traded" support for Home Rule from the Liberals with voting for the

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[13] The Act of Union abolished the Irish parliament and gave Irish representatives a small proportion of seats in the UK parliament and formally established the Union of Great Britain and Ireland (Mulholland 2003:7-8; Tonge 2002:5).

[14] A Home Rule for Ireland bill was introduced to the Commons in 1886 by Prime Minister Gladstone and defeated. In 1893 a similar bill was passed by the Commons, but defeated in the House of Lords (Mulholland 2003:16-17).

Government's budget as well as ensuring the passing of the 1911 Parliament Act, which limited the House of Lord's right of veto. The passing of the 1911 Parliament Act made Home Rule for Ireland likely to be enacted by 1914, as the House of Lords could now only postpone it (Knirck 2006:27-8). It is the nature of Ulster unionist opposition to these events that I think illustrates their deepfelt distinctness from nationalist Ireland, and that is why it cannot be accounted for in full with reference only to British manipulation. Not only did 450 000 people sign up to use all means against Home Rule, but the Ulster Unionist Council in September 1912 devised a provisional government for Ulster that was to take control of the Province if Home Rule became law. In addition, the Ulster Volunteer Force was set up and armed through extensive importation of weaponry, making an organized and disciplined political army out of the already many unionist volunteers who had been secretly training to oppose Home Rule if necessary (Walker 2004:36-7). These expressions of organizational strength and the willingness to rebel against their own government do in my opinion make it too simple to attribute divisions in Ireland to British manipulation even though the Ulster unionists did receive support and encouragement from the Conservative Party, and especially its leader at the time, Bonar Law. As Alvin Jackson (2004:7) puts it, Home Rule became "a central point of differentiation between British Liberals and Conservatives".

The Limits of the Traditional Unionist Interpretation
The above account might lead one to see the weaknesses of the traditional nationalist interpretation as a strong argument for accepting the corresponding unionist interpretation. However, it does not follow from this that partition in order to accommodate this distinct majority identity present in the northeast of Ireland proved problematic only because Irish nationalists in the South refused to accept self-determination for unionists. Such an analysis overlooks factors like the precise location of the border, the presence of a significant non-unionist minority, and the practices of the Northern Ireland state once established (Whyte 1990:162-9). I will return to the last point because it is relevant for further purposes than pointing out the

weaknesses of traditional unionist interpretation. For now, I focus on the aspects of the non-unionist minority and the location of the border.

Of the six counties included when Northern Ireland was created in 1920, two of them, Fermanagh and Tyrone, had a nationalist majority population. Only Antrim, Armagh, Derry/Londonderry and Down had a unionist majority. Today, Antrim and Down are the only two counties that with any certainty can be said to contain a unionist majority population (Tonge 2006:16). The results from the last all-Ireland Westminster election in 1918 show that in the counties that became Northern Ireland, nationalist parties won 30.9 per cent of the votes in contested seats, 19.1 for Sinn Fein's radical secessionist platform, and 11.8 for the more moderate and autonomy-seeking IPP (McGarry and O'Leary 1995:39). In other words, a significant minority of non-unionists was present within Northern Ireland from its creation and it is growing in numbers and proportion. Seeing Northern Ireland as a natural consequence of self-determination for unionists only denied by the southern Irish is a too facile and one-dimensional perspective.

The Limits of Marxist Perspectives

Of the Marxist perspectives, the colonial interpretation seems to have some merit based on the fact that Scottish and English settlers did come to Ulster in the seventeenth century, just like they did to America. Furthermore, opinion polls in Great Britain have shown a majority opinion of wanting Britain to withdraw from Northern Ireland, suggesting that Northern Ireland is not seen as an integral part of the country (Whyte 1990:178). This view has endured in Great Britain, although with a certain decline in later years (Tonge 2002:207). However, acknowledging the colonial aspects of Northern Ireland does not imply that immediate British withdrawal, or more dramatically, repatriation of descendents of settlers, are either solutions to the problem or in the latter case a morally defendable measure. As I have argued, the identity of Protestants in Northern Ireland is unlikely to change dramatically in the case of British withdrawal and forcefully removing a people that know no other home based on events in the seventeenth century would be both unreasonable and immoral.

What a colonial perspective can contribute to is a further understanding of why there are divisions in Northern Ireland today and how they have manifested themselves historically. Indeed, many scholars with a comparative focus have pointed to how the establishment of "settler control systems" and initial dispossession of natives have contributed to intensify divisions in societies such as Ireland, South Africa, Algeria, and Rhodesia (McGarry 2001:20-22). It is also worth noting that seeing Britain as totally committed to an imperialist retention of Ireland does not seem supported by the fact that the Irish Free State was granted even greater autonomy than envisaged by Home Rule at a time when Britain militarily was in a position of being able to keep the whole of Ireland (McGarry and O'Leary 1995:359). The end of the Cold War has also given stronger credibility to the claim of British neutrality that was clearly formulated by Secretary of State for Northern Ireland Peter Brooke, in 1990, that Britain had no selfish strategic or economic interest in Northern Ireland (Duffy 2005:236). But as argued, aspects of British colonial policy have had an impact on divisions that exist today.

As a response to Marxist interpretations in general, the main objection, as I see it, is that it is too simple to attribute problems merely to economic factors and the agendas of the ruling class. I agree with McGarry and O'Leary (1995:71) when they state that "treating national, ethnic and religious discourses as 'superstructural', epiphenomena of economic structures and ruling class interests, is classical historical materialism, but it does not advance understanding of Northern Ireland". Evidence of differential discrimination has certainly been shown (Whyte 1990:61-4), but not in the systematic fashion that one would have expected if this had been an all out conspiracy by the ruling class. And even if this were historically true, what would the economic interests of capitalists today stand to gain from the current divisions, yet they remain? I will, however, return to the impact that discrimination has had on the conflict as seen from an internal conflict point of view.

There is also much to be said for the point of view that the working classes themselves have been even more sectarian and nationalistic than their own co-religionists in the middle and upper classes. This suggests that if the Protestant working class severed ties with the middle class leadership of unionism, they would probably not move towards the Irish nationalism adhered to by many in the Catholic working class, but more likely move further in the opposite direction (Whyte 1990:181). Fahey, Hayes and Sinnott (2006:66-7) have found that the main predictor of holding a British identity among Protestants is that of social class. Working class and lower class non-manual workers are "significantly more likely to choose a British identity than their service class counterparts". It simply does not hold up to scrutiny that working class Protestants would be instinctively Irish or nationalist if cut loose from their more well-off co-religionists. Divisions in Northern Ireland cannot be wholly or even mainly be explained by economic or colonialist factors.

A Protestant and Unionist Majority and A Catholic and Nationalist Minority?
Having to a large degree established the limitations of the now less popular perspectives, I turn directly to confront the initial hypothesis that clearly expresses a variant of internal-conflict and more specifically two-communities interpretation and see how far it holds.

Religion
That Roman Catholicism and Protestantism are the two dominating religious groups in Northern Ireland is beyond doubt. Fahey, Hayes and Sinnott (2006:36) estimate on the basis of survey data that about 40 per cent of the population claim to belong to the Roman Catholic Church, while different Protestant churches can claim the allegiance of about 44 per cent. 14 per cent claim to be non-affiliated, leaving only a very small number to non-Christian religions and those who do not want to answer questions on such a subject. When those who were now non-affiliated were asked if they had ever belonged to a denomination, 40 per cent of those had been Protestants, either Anglican or Presbyterian, 18 per cent had been Catholic, and 35 per cent had also previously been non-affiliated (Fahey, Hayes and Sinnott 2006:39). In a European

context, despite secularization having started to have an impact, Ireland, North and South remain "among the most Christian parts of Europe and among the most committed to institutionalised religious activity" (Fahey, Hayes and Sinnott 2006:54-55). What needs to be explored is how this religious make-up of Northern Ireland relates to other aspects of personal identity.

The Protestants

Right before the outbreak of the Troubles, a survey on national identity showed that 20 per cent of Protestants thought of themselves as "Irish", 39 per cent preferred the label "British", and "Ulster" identity was indicated by 32 per cent (Whyte 1990:67). When the question on national identity was replicated in a survey in 1978 after many years of violent conflict, a clear trend emerged. Two-thirds of Protestants now preferred "British" as a label for their national identity, with only 20 and 8 per cent now indicating "Ulster" or "Irish" respectively (Whyte 1990:68). This trend of decline in Ulster and Irish identity with a corresponding rise of British identity among Protestants has not been reversed since (Fahey, Hayes and Sinnott 2006:62). By 1986 the "Irish" category on self-perception of national identity had dropped to 3 per cent, and even later, Mulholland (2003:147) wrote that only one in fifty Protestants see themselves as "Irish". From 1989 on, the option of "Northern Irish" was introduced, and has attracted some support among Protestants and the picture in 2003 was one of about 20 per cent claiming Northern Irish national identity while almost 70 per cent preferred British (Fahey, Hayes and Sinnott (2006:62-4).

So how does this picture translate into what can be called "political identity"? A survey conducted in 1999-2000 estimated that 66 per cent of Protestants viewed themselves as "Unionist", only 0.7 per cent as "Nationalist", and 33.3 per cent as "Neither" (Fahey, Hayes and Sinnott 2006:76). This actually represented a low point for Unionist political identity among Protestants and the typical proportion before and after 1999-2000 has been at around 70 per cent or above (Fahey, Hayes and Sinnott 2006:77-8). The group that perhaps can be said to have the character that the hypothesis suggests all Protestants have, namely Protestants that are both British and

unionist, is estimated at comprising 53 per cent of Protestants (Fahey, Hayes and Sinnott 2006:83). As for the so-called "national question", or what can be called "constitutional preference", the trend among Protestants has been one of stability. From 1978 to 2003, no less than 88 per cent have indicated that they prefer Northern Ireland to remain in the UK, with a high point of 95 per cent in 1989 (Fahey, Hayes and Sinnott 2006:94).

The Catholics

When looking at the same aspects relating to Catholics in Northern Ireland another picture emerges. The same 1968 survey referred to above had 76 per cent of Catholics seeing themselves as Irish, 15 as British and 5 as Ulster in terms of national identity (Whyte 1990:67). In the case of trends within the Catholic community, there has not been a dramatic turn as in the Protestant case towards British identity. Allowing for the effect of "Northern Irish" being introduced, "there is no strong trend up or down in the choice of either an 'Irish' or 'British' identity among Catholics in Northern Ireland (Fahey, Hayes and Sinnott 2006:61-2). About a quarter of Catholics tend to choose "Northern Irish", while almost two-thirds prefer "Irish" (ibid.).

Moving to "political identity" among Catholics, 57.7 per cent see themselves as "Nationalist", 0.5 as "Unionist", and 41.8 "Neither" (Fahey, Hayes and Sinnott 2006:76). The proportion of Catholics who conforms to the hypothesis of being Irish and nationalist amounts to 45 per cent (Fahey, Hayes and Sinnott 2006:83). And looking at the constitutional question, keeping in mind that comparisons over time are complicated due to different wordings and options being presented to respondents as well as changing political circumstances,[15] a solid majority of Catholics tend to favor a united Ireland. But a significant minority wants Northern Ireland to remain in the UK. Over time, the per cent has generally been somewhat over 60 for a united

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[15] See Fahey, Hayes and Sinnott (2006:90).

Ireland, while remaining in the UK has declined a bit and stands at about a quarter of the Catholic population (Fahey, Hayes and Sinnott 2006:94).

Compared to Protestants, Catholics generally tend to be slightly less Irish and nationalist than Protestants tend to be British and unionist. However, it is striking that so many of them actually hold on to an Irish national identity and a preference for a united Ireland. Consider the following argument: There remained outside the borders of Northern Ireland a substantial number of Protestants that became citizens in the Irish Free State and later the Republic. This was a result of not all Protestants on the island residing in the six counties that became Northern Ireland. It can be argued that the precise boundaries of Northern Ireland were a compromise between securing a large enough Protestant majority[16] and that of creating an economically viable entity (Walker 2004:46), and this can explain both the "exclusion" of a number of Protestants, and the "inclusion" of a number of Catholics and nationalists. But more importantly, many of these "Southern Protestants" were active participants in the fight against Home Rule for Ireland. Today, however, "as far as Protestants in the Republic of Ireland are concerned, attachment to an Irish identity is more or less universal" (estimated at 94.4 per cent) (Fahey, Hayes and Sinnott 2006:60). Northern Catholics have certainly responded differently in the case of national identity than Southern Protestants when it comes to conforming to the majority identity.

The Non-Affiliated

The so-called non-affiliated are not so easy to track over time since they have not figured in many of the older surveys, but in the contemporary context some observations can be made as to how they respond to the same issues as their more religious co-citizens. The most favored national identity among the non-affiliated is British, but not as dominant as among Protestants. From a high of around 60 per cent it is more recently been closer to 40. There is also a substantial proportion preferring

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[16] Tonge (2005:257), though himself not an advocate of unionist or nationalist interpretations of the conflict, describes the principle behind the creation of Northern Ireland in less sugar coated language as "sectarian headcounting".

the "Northern Irish" label, and although numbers have varied, it would be safe to say that slightly below 30 per cent has been a typical figure. "Irish" has stood at somewhat above 10 per cent, with a recent rise to around 20 (Fahey, Hayes and Sinnott 2006:63-4). To sum up for all groups, "national identity is strongly differentiated by denominational group, though it is also far from uniform within each group. One the one hand, as one might expect, Catholics lean strongly towards an Irish identity, Protestants lean towards a British identity, and the non-affiliated are mixed" (Fahey, Hayes and Sinnott 2006:61).

"Political identity" also sets the non-affiliated apart, where between 1989 and 2003 slightly above or under 70 per cent have claimed to be "Neither" ("Unionist or "Nationalist"), while "Unionist" has been the second most popular label fluctuating between 20 and 30 per cent, and "Nationalist" a clear third often well under 10 per cent (Fahey, Hayes and Sinnott 2006:76-80). As for the non-affiliated and the constitutional question, there is not that much material in terms of tracking changes over time, but a survey from 1999-2000 suggests that this group solidly favors remaining in the UK (75.7 per cent), while a united Ireland has some, but not much support (12.1) (Fahey, Hayes and Sinnott 2006:90). However, before reaching preliminary conclusions it needs to be clarified what significance religion has other than correlating strongly with other forms of identity. Does religion cause these divisions?

Some Clarifying Remarks on Religion

From what has been established so far, Northern Ireland seems like a very religious place and religion seems significant for other parts of people's identity. However, I will emphasize that data suggest that religious commitment per se does not explain the divisions apparent in other forms of identity. I think Fahey, Hayes and Sinnott (2006:232) put it sensibly when they claim that "this conflict is not about religion but rather is one in which religious denomination is the dominant ethnic marker". Support for such a view is suggested by the fact that "lukewarm Catholics and Protestants are no less polarised in their identities than those with stronger commitment to their faith.

The non-affiliated also show signs of being divided in their identity according to whether they are ex-Catholic or ex-Protestant" (Fahey, Hayes and Sinnott 2006:221).

Identity and the Political Parties

Since I am concerned with an agreement that was negotiated between the political parties of Northern Ireland, it is natural that some observations are made about how some of the aspects of identity are related to the support for different political parties in Northern Ireland. Tonge (2005:82) makes a comment related to a feature of the presentation above, namely the significant number of Protestants, Catholics and non-affiliated that claim to be neither unionist nor nationalist. He remarks that "the large segment of the population that claims to be neither unionist nor nationalist either vanishes or changes its mind at elections". The party that claims to be "neither unionist nor nationalist", the Alliance Party of Northern Ireland (APNI), has never in any election received more than 14.4 per cent of the vote (local council election 1977) and the general picture has been well under 10 per cent with a downward trend (Tonge 2005:89).

As for religion, none of the other main political parties have any denominational titles in their names like a number of parties in other European countries have, and if the politicians representing them have a religious agenda, "they have done a good job of concealing it, from their followers as well as from others" (McGarry and O'Leary 2004:185). The four largest parties in Northern Ireland are two unionist parties, the Ulster Unionist Party (UUP) and the Democratic Unionist Party, and two nationalist parties, the Social Democratic and Labour Party (SDLP) and Sinn Fein. There are of course important differences within each bloc, indeed within each party in some cases, as to what kind of British unionism or Irish nationalism they advocate. But upholding the Union is one of the main goals of the two parties with "unionist" in their name, and achieving a united Ireland is important to both the SDLP and Sinn Fein. Interestingly, when looking at what religious denominations the various parties draw support from a very polarized picture emerges. It reflects the above mentioned feature that almost no Catholic would espouse a unionist political identity and almost

no Protestant a nationalist identity. Ian McAllister (2004) has, based on a pooled sample from surveys covering the period 1989-1999,[17] identified the support for the UUP and the DUP as 99 per cent Protestant, and the support for the SDLP as 97 per cent Catholic and 3 per cent Protestant, and finally Sinn Fein's support as 99 per cent Catholic. The same numbers for the APNI suggested support as 68 per cent Protestant and 32 per cent Catholic. Considering that the "big four" on average poll 80-90 per cent of the vote (for a list of elections since 1982 see Tonge 2006:174), my interpretation is that it supports the claim that Catholic and Protestant in Northern Ireland are ethnic markers just as much as a description of religious affiliation in the region. Also, I believe Mitchell (2001:28-29) is justified in describing the party system in Northern Ireland as an "ethnic dual party system", where "fierce party competition exists within the context of an overall bipolar constitutional cleavage". Politics has been dominated by "ethnic parties, which seek only the support of the electorate on 'their side' of the constitutional divide".

Preliminary Conclusion

The initial hypothesis that Northern Ireland is deeply divided between two competing ethno-national communities, where Protestant and Catholic are taken to be synonymous with unionist and nationalist politics, needs some modification in order to grasp the reality the evidence so far suggests. However, it is significant that a description provided by a critic (Taylor) about what his opponents believe nevertheless seems to capture some features of the Northern Ireland conflict that a reasonable case interpretation cannot ignore. Most people in Northern Ireland count themselves as either Catholic or Protestant and even though the groups are clearly not static monoliths with some form of collective consciousness, religious denomination seems to a large degree to coincide with adversarial national identities, political identities and preferences on the constitutional question. The main and dominating political parties, whose raisons d'être are based largely on their approach to the

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[17] Excludes minor parties and independents, and respondents reporting 'other' or 'no religion' (McAllister 2004).

constitutional question, draw near exclusive support from only one of the two religious groups.

Therefore, I think a slightly reformulated version of the initial hypothesis can serve as a reasonable case interpretation of Northern Ireland and its conflict: Northern Ireland is dominated by two religious traditions, the Roman Catholic and various strands of Protestantism. Catholics tend largely to hold an Irish national identity, a majority of them hold a nationalist political identity, and a solid majority of them would prefer Northern Ireland to become part of a united Ireland. Protestants, on the other hand, tend to hold a British national identity, a larger majority of them than Catholics who are nationalist hold a unionist political identity, and they are overwhelmingly in favor of Northern Ireland remaining in the Union. Religion, however, seems more to be an ethnic marker in the contemporary context rather than a direct cause to these divisions. What is particularly telling about the contrasts of the two religious traditions is the almost non-existence of Protestants who are Irish nationalists, and the corresponding lack of Catholics who claim to be unionists, which also seems reflected in the support for the various political parties. The Catholic case is perhaps especially interesting since a substantial minority of Catholics actually hold a constitutional preference that is in line with the aims of unionist political parties. That aspect leads us to the last factor I believe must be incorporated into a reasonable conclusion of the case interpretation, the Northern Ireland state's practices and perceptions of it before the BA.

The Politics and Perceptions of the Northern Ireland State
I have established that there are two religious traditions dominating Northern Ireland and that these also tend to translate, though not uniformly or causally due to aspects of religious doctrine or belief, into opposing national and political identities as well as preferences on the constitutional question. But since the main concern is with political institutions for such a society, there is one additional aspect that cannot be ignored and that is political institutions and policies in Northern Ireland before the BA and the population's perception of those. The type of regime that was practiced in Northern

Ireland after its creation has been, like much else in Northern Ireland, the subject of conflicting interpretations. What can be said with certainty is that between 1921 and 1972, when direct rule from Westminster was introduced, the UUP won all the elections and as a result held executive power (and legislative) throughout this period (Lijphart 1999:33). In 1929, the electoral system was changed from proportional representation (PR) to one of single-member plurality, thus ensuring an even stronger position for the UUP (McGarry 2004:328). The civil rights movement protested against a number of state policies, especially against how these disadvantaged the Catholic minority. However, the issue of the extent of and how deliberately the regime discriminated against Catholics has been answered differently by different commentators.

Whyte (1990:168) sums up the evidence of several accounts he has scrutinized as "the picture is not black, nor white, but grey. The verdict is quite sufficiently damaging to the unionist regime". Tonge (2002:24) also takes a similar point of view when he judges "the orthodox view" on discrimination to "lie somewhere between these two poles". Also, a persistent pattern that Whyte (1990:65-6) has noted, and actually counts as more important in explaining the conflict than the fact that discrimination against Catholics has been established as fact, is the division between the communities in believing whether this discrimination actually exists. This is a point to which I shortly return. However, one of the defenses used against accusations of discrimination among the minority of unionists who indeed admitted that such existed was that the Catholics themselves were to blame due to their refusal to accept the legitimacy of the state and their loyalty to the southern government which was seen to lead to self-exclusion (Whyte 1990:168; Tonge 2002:26-7). Although I cannot go into detail about the validity of such an argument, I think it is important to note that an ever present feature of the Catholic community in Northern Ireland is that a majority has always rejected violence and especially the Church hierarchy has spoken out against the Irish Republican Army's (IRA) violence as immoral (Tonge 2002:106). Consider the concrete example of the IRA's reason for abandoning their Border Campaign that lasted from 1956-62. It was the hope of the IRA leadership that

nationalists in Northern Ireland would be inspired and rise up against the state. This did not happen, and when the IRA called off the campaign it cited the lack of interest and engagement form northern nationalists as a reason for ending it (Moloney 2002:50-51). Another significant aspect of the Border Campaign is that not only the Northern Ireland state responded with the introduction of security measures such as internment to counter the IRA violence, the government in Dublin also introduced internment and military tribunals to break the IRA (ibid.). All this suggests that the self-exclusion argument hardly can be seen as a legitimate justification for a state that allowed discrimination to take place.

It has been established then that substantial discrimination affected the minority religious group in Northern Ireland, a fact that in itself is damaging for any political regime. However, in terms of understanding the conflict it is arguably of even greater significance that this feature of the state is another and very significant area of difference in opinion between Catholics and Protestants in Northern Ireland, and some argue at least as substantial a difference as can be seen regarding national and political identities. Surveys conducted as far apart in time as 1968 and 1986 which concerned equality of opportunity and fair treatment both showed that around 70 per cent of Protestants and a corresponding proportion of Catholics held opposing view on whether Catholics were disadvantaged in Northern Ireland (Whyte 1990:66). These surveys, the first concerning treatment generally of Catholics and Protestants, and the second regarding equality of opportunity in the job market specifically, show the significant differences in perceptions of the Northern Ireland state's treatment of different groups. There is especially one area where the institutions of the state are perceived differently most dramatically by Catholics and Protestants. That is in the case of policing and criminal justice.

Whyte (1990:87) comments on a poll from February 1985 where 87 per cent of Catholics disapproved compared to only 8 per cent of Protestants when asked the question "do you approve or disapprove of the use of plastic bullets by the security forces as a weapon during riots?", that "this is the sharpest division that I have found

on any question in any opinion poll held in Northern Ireland". And he adds that the polarization might in reality be even greater due to a general tendency of surveys in Northern Ireland to overstate moderate points of view. The plastic bullet example might be an extreme one, especially considering that several Catholic children had been killed by plastic bullets not too long before the survey was conducted, but when looking in general at survey evidence, it is evident that Catholics and Protestants disagree substantially on issues that broadly can be termed as lying within the sphere of law and order. The issue of security policy divides the groups even more than the constitutional issue, according to Whyte (1990:88). An indicator of more recent date shows that as late as 1997, 64 per cent of Catholics thought that the Royal Ulster Constabulary treated Protestants better than Catholics, while only 15 per cent of Protestants shared this view. To sum up, the point of all this is simply that together with the conclusion presented above one must add some important features to the description and interpretation of the case, namely that the Northern Ireland state has had a legacy of discrimination against its minority, a legacy of monopoly of political power for one political tradition, and that one of the most profound differences between the two communities is how they perceive the effects of state institutions and policies.

4. Evaluating the Belfast Agreement

So far I have established a methodological and theoretical framework and an interpretation of the conflict that the BA addresses. This chapter evaluates the Agreement and asks whether it is illiberal. I start out with a brief outline of the entire BA both to give the reader a possibility to assess whether my subsequent choice of focus is appropriate and because the Agreement cannot be adequately evaluated if one does not take into account its overall structure and content. I then turn to a more thorough account of Rupert Taylor's critique of the BA and present more in detail the institutions it is aimed at. The last part of the chapter is the evaluation that deals both with the institutions particularly of concern to Taylor and the criticisms of them. I will also bring in aspects that Taylor largely ignores because part of my disagreement with him rests on what he does not consider in his critique. I also consider some alternatives to the BA as I believe such challenges from other arrangements can strengthen the defense of the Agreement and the conclusions made in the evaluation of it.

4.1 A Brief Overview of the Agreement

The BA (The Stationary Office Limited 1998)[18] starts out with a "Declaration of Support" the participants in the negotiations all stand behind, and which expresses some overarching commitments in relation to the Agreement as a whole and the basis on which politics in Northern Ireland are to be conducted from now on. These are among others: commitments by the participants to democracy and non-violence, human rights protection, acknowledgment of the equal legitimacy of different political aspirations and the successful working of all the arrangements under the Agreement. This part is followed by another section labeled "Constitutional Issues".

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[18] All references from now on simply read: BA 1998.

Here the participants express their support for the two governments'[19] joint understanding of how to deal with the issue of the border. This includes statements at a highly abstract level on the right to self-determination as well as outlines of practical solutions to give effect to and interpret the more general commitments that will be part of a new "British-Irish Agreement" (BIA) replacing the "Anglo-Irish Agreement" (AIA) from 1985.

Then follows "Strand One" of the Agreement which sets out the new democratic institutions for devolved government in Northern Ireland, most importantly "the Assembly" and an "Executive Committee", the latter led jointly by the "First Minister" (FM) and the "Deputy First Minister" (DFM). "Strand Two" relates to the establishment of a "North/South Ministerial Council" (NSMC) consisting of representatives with executive authority in Northern Ireland and in the Irish Republic. They are to come together in this forum "to develop consultation, co-operation and action within the island of Ireland – including through implementation on an all-island and cross-border basis – on matters of mutual interest within the competence of the Administrations, North and South". "Strand Three" creates a "British-Irish Council" (BIC) that is to be comprised by representatives of the two governments and representatives of devolved institutions in the UK, current and future. The main purposes are: exchange of information, discussion and if possible agreement on co-operation, common policies and actions in areas of mutual interest. Also, the two governments agree to establish a standing "British-Irish Intergovernmental Conference" (BIIC), a bilateral forum for the Governments. The Irish Government's "special interest in Northern Ireland" is recognized under these provisions, and therefore there will be regular meetings in this forum where the Irish Government "may put forward views and proposals" on "non-devolved Northern Ireland matters".

After the three strands, there is a section called "Rights, Safeguards and Equality of Opportunity". The section is divided into two parts, the first dealing with human

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[19] This phrase always refers to the British and Irish governments.

rights issues and the second with economic, social and cultural issues. Regarding human rights, in addition to a general commitment to "mutual respect", "civil rights" and "religious liberties" for all, it is emphasized that due to the particular history of Northern Ireland, "the parties affirm in particular" a number of rights: "free political thought", "freedom and expression of religion", "to pursue democratically national and political aspirations", "to seek constitutional change by peaceful and legitimate means", "to freely choose one's place of residence", "to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity", "to freedom from sectarian harassment" and "of women to full and equal political participation". Furthermore, the British Government commits to complete incorporation of the European Convention on Human Rights (ECHR) into Northern Ireland law, a human rights commission for Northern Ireland is to be set up, the Irish Government commits to strengthen the protection of human rights in the Republic by various measures, co-operation between Northern Ireland and the Republic on human rights is envisaged and finally there are some remarks on measures to handle issues of victims from the conflict. Regarding economic, social and cultural issues, strategies for economic development are outlined together with strategies particularly aimed at "eliminating the differential in unemployment rates between the two communities". There are also some provisions for the recognition and promotion of the diversity of languages in Northern Ireland with a special focus being given the Irish language. Lastly, the issue of symbols and emblems in public settings is recognized as sensitive, and a future awareness of how such an issue must be handled to "promote mutual respect rather than division" is emphasized.

Following these sections is one on the decommissioning of the weapons of paramilitary organizations, directly followed by a new section regarding security arrangements in Northern Ireland and the path to normalization of these. Then there is a section addressing policing and the criminal justice system pointing to reviews in both areas. It is here that the future Patten Commission is envisaged which has led to a number of changes to policing in Northern Ireland. A section on prisoners follows that outlines the two governments' scheme for the release of prisoners connected to

paramilitary organizations that abide by ceasefires. The last section, "Validation, Implementation and Review", relates to the process of implementation of the BA and the roles of the governments, the participants, and the institutions set up in this process. It also outlines the procedures for reviewing aspects of the Agreement. Last but not least, the Irish and the British governments agree to sign the new BIA, replacing the AIA from 1985. This new agreement is annexed to the BA, and likewise the BA is to be an annex in this agreement. Here the governments recognize what the parties have agreed to in the BA (or the "Multi-Party Agreement" as they call it) and agree to the earlier mentioned text on constitutional issues, to support and where appropriate implement the provisions of the BA and to take the legislative steps required by the Agreement.

4.2 Taylor's Critique and the Agreement

In the introduction, Taylor's (2006:217) starting point was introduced: The BA, "as a consociational settlement, rests on and promotes an ethno-national group-based understanding of politics that is inherently illiberal – with the result that space for a more deliberative form of democracy around a common citizenship agenda is foreclosed". Furthermore, he was not mainly concerned with problems of implementation, but rather "processes integral to consociational politics that are inimical to liberal democracy". And he thinks that the BA "accepts and legitimates the two ethno-national communities – unionist and nationalist – reading of the conflict and seeks to promote a form of politics that treats them as fixed, autonomous and equally valid" (Taylor 2006:218).

In his critique, Taylor (ibid.) has a "list" of aspects that he claims "can be shown to have worked to encourage and reward those who pursue strategic ethno-national group calculations and interests – and to have thereby reinforced and politicized ethno-national group divisions – in ways that run counter to promoting liberal politics". These are: "group designation in the Assembly", "executive formation",

"and the electoral system", all of which are parts of the BA that have contributed to labeling it as a consociational agreement. I first turn to presenting these arrangements more in detail before turning to the charges leveled against them.

Group Designation or Community Designation

The first aspect Taylor (2006:218) uses in his argument is the use of "group designation" in the Assembly (BA 1998: Strand One). Group designation takes the form of every elected Member of the Legislative Assembly (MLA) stating his or her political identity as "unionist", "nationalist" or "other" at the first meeting the Assembly holds. This designation serves as the basis for special voting procedures that come into play for all decisions that are "key decisions". The special voting procedures are that of "parallel consent" and "weighted majority". The former entails that a key decision must be supported by a majority overall and a majority of both unionist and nationalist designations to be passed. The latter requires a 60 per cent overall majority and at least 40 per cent in favor within both the nationalist and the unionist bloc. Some decisions, such as "election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations" are defined in advance by the BA as "key decisions", but any 30 members can trigger the special voting procedures to be applied to any decision. This aspect is clearly consociational as it embodies the principle of "mutual veto" (Lijphart 1977:36-8).

Involuntary Coalition or Grand Coalition and Proportionality

The next feature on Taylor's (2006:219) "list" is the manner in which the parties are entitled to ministerial power in the Executive based on their proportion of MLA's in the Assembly (BA 1998: Strand One). He calls it "involuntary coalition". The Executive is led jointly by the FM and the DFM elected on a cross-community basis with up to ten ministers responsible for a department that together with the FM and the DFM then constitute the Executive Committee. The ministerial posts are allocated proportionally to the parties based on their number of seats in the Assembly by means

of the d'Hondt formula.[20] This aspect of the BA relates to and can be seen as interpretations of two classical consociational features, namely that of "grand coalition" and that of "proportionality" (Lijphart 1977:25-36 and 38-41).

The Electoral System – Proportional Representation with Single Transferable Vote (PR-STV)

Taylor (2006:219) is also critical of the specific type of electoral system that is used in elections to the Assembly, PR-STV (BA 1998: Strand One). The most important thing to note is that this is one possible system for following the consociational recommendation of proportionality because the outcome due to the number of candidates to be elected from each constituency is more proportionate in relation to people's votes than a winner takes all system with only one candidate elected from each constituency. Tonge (2006:174) remarks that generally, "STV produces a highly proportional result". More specifically, PR-STV in Northern Ireland entails that from eighteen different constituencies (the already existing Westminster constituencies) six MLA's are to be elected (Mitchell 2001:31). Voters do not choose party lists, but rank individual candidates in line with their preferences. To be elected, a candidate needs 14.3 per cent of the vote, what is often referred to as "the Droop Quota" (O'Leary 2001:57). The special feature of STV-systems is that a candidate does not have to reach the quota on first preferences in order to be elected. The superfluous votes of successful candidates are transferred to other candidates in accordance with the voter's lower preferred candidates. This process goes on until six candidates are elected.

Criticisms of the Three Consociational Aspects

Taylor (2006:218-19) holds that the veto, provided for the two main groups through group designation and the special voting procedures, "locks individual politicians into group thinking" and that it amounts to unequal rights because those who designate

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[20] This entails that one divides votes, or in this case MLA's for each party, by the divisors 1,2,3,4 and so on until all ministerial posts are filled, and the party with the highest coefficient at any time is entitled to the next ministerial post. The most common alternative to d'Hondt is Sainte-Lagüe's formula, which starts out with the divisor 1.4 (Elklit 1997:284).

themselves as "other" do not "carry meaningful weight" when it comes to key decisions. National identities are privileged over individual identities, he claims. He uses an example from 2001 when three Alliance Party MLA's temporarily changed designation from "other" to "unionist" in order to secure sufficient support for the institutions under the Agreement. By doing this, they were forced to "'lie' about their self-identity" for politics to continue in Northern Ireland.

The form executive formation takes in the BA is criticized by Taylor (2006:219) because it has proved to be unsuccessful in building the collective character that executive bodies are meant to have. He sees it as "sharing out power without collective cabinet responsibility". Taylor is concerned that an executive thus formed insulates itself from "effective opposition" and censure, and that ministerial accountability becomes a problem due to party elites assigning themselves "spheres of ministerial control". The result is that the Executive becomes "'a series of political silos loosely connected by weekly meetings'". He sees politics at the executive level as less about power sharing and more of a competition for ministerial power to be used for asserting the rights of the respective communities that the parties represent. Furthermore, Taylor believes that PR-STV has not been effective in regards to have a moderating influence on politics in Northern Ireland and that tactical voting across community lines has not been significantly encouraged by this system. He rather sees evidence of a strengthening of "communal bloc voting" and points to the electoral success of the radical parties (Sinn Fein and DUP) on each side of the divide at the expense of the moderate parties (UUP and SDLP) and the non-aligned (APNI and the Northern Ireland Women's Coalition).

Summing up the charges against these three consociational arrangements, Taylor (2006:220) sees them as privileging "the 'natural' pre-given ethno-national group categories" and a kind of politics that is about winning and losing for the respective communities. He claims that the principle of an individual right to freedom of association is violated because not only are there categories of "unionist" and

"nationalist", the category of "other" becomes a group designation due to the impossibility of exiting from group designation as such.

Non-Consociational Aspects Criticized

Taylor (2006:220-2) is also concerned with, and treats similarly to the three consociational features, two additional aspects that cannot easily or at least directly be attributed to or identified as recommendations from classical consociational theory. These are the BA's solution to the constitutional question, which I will loosely label as the aspect of "self-determination", and that of the BA's "equality agenda".

The Constitutional Question – The BA and Self-Determination

Under the telling heading "Constitutional Issues", the BA (1998:2-4) includes commitments from the British and Irish governments which the Northern Irish parties endorse related to the constitutional status of Northern Ireland. Here, what has been called the "principle of consent" is stated and defined. The two governments "recognize that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent", meaning a majority in both jurisdictions. Northern Ireland's place in the Union is in other words made contingent on the wishes of the majority of its people (and that of the Republic), as both governments pledge to bring forth legislation to bring effect to the wish of the majority should it change from the current pro-Union majority. Furthermore, it is affirmed that regardless of which government that at any time exercises sovereign power over Northern Ireland, this government will exercise its power "with rigorous impartiality on behalf of all the people". For instance, it is a right regardless of constitutional status that the people of Northern Ireland can identify and "be accepted as Irish or British, or both" and as a result can hold either citizenship or both. Draft legislation to make these commitments come into effect is attached; perhaps the most

famous of these being the Irish government's proposed changes to Articles 2 and 3 of the Irish Constitution,[21] a practical step in recognizing the principle of consent.

Taylor on the BA and Self-Determination/the Constitutional Question

Taylor (2006:221-23) holds that the BA as such is hostile to deliberative politics because it encourages bargaining based on fixed group interests. He is also critical of the role that elites, that is the two governments with US support and Northern Ireland party leaderships, played in predetermining the ethno-national character of the problem addressed. Taylor sees the two referenda as not being evidence of "wide ranging deliberation in the civic public sphere", but rather as addressing an elite-level bargain sold by "spin-doctoring and obstructionism". The point of introducing this general criticism is that Taylor sees the handling of the constitutional question as a prime example of foreclosing deliberative politics. His objection is that the mechanism of majority decision to determine the question of sovereignty over Northern Ireland posed as a single-choice option ignores wider trends regarding national sovereignty. Taylor points to increased "global interconnectedness" as having reduced the significance of national sovereignty and borders generally, and that in Northern Ireland specifically, "the importance and capacity of central government involvement is being put into question, with governance becoming multilevel and multiform". Also, he suggests that rather than posing a single question to be decided by majority vote, a common citizenship agenda should be sought through democratic deliberation because it is a better method for resolving important and/or seemingly intractable political questions. Taylor sees the role of civil society as potentially constructive to promote social integration and beneficial to the advance of democracy, but sees the BA as not having contributed to positive developments in this regard.

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[21] The changes to the Constitution that the Republic's electorate endorsed in the referendum signified a change from defining Northern Ireland as part of the "national territory" to one of an aspiration for Irish unity (Coakley 2001:235).

The Equality Agenda – Group Based?

The final feature I will present that Taylor (2006:220-1) sees as problematic is what he calls "the equality agenda". In order to understand this properly, the criticism is introduced together with the aspects that fit under this heading. His main problem with these arrangements is that they tie "equality to group membership" and that they are "unambiguously couched in the language of 'two communities'". The features he has in mind are: "anti discrimination legislation and public policies that advance 'mutual respect' (such as governing the use of symbols and emblems) as well as 'parity of esteem' for cultural difference (such as support for the Irish language)". These aspects, according to Taylor, tie "equality to group membership". This is not only problematic because it like other features of the BA seems to make "gains and losses assume zero-sum form amongst unionists and nationalists". But also because "the idea that the 'two communities' can be treated equally flies in the face of prior acceptance of the conflict as being intractable". "Equal recognition requires one to adopt a universal standard of value against which groups can be equally judged", Taylor holds. He continues, "in any case, it is not even established that as to *why* ethno-national groups should be treated equally – after all, and the history of Northern Ireland bears this out, some might be oppressive".

Taylor (2006:221) specifically points to a paragraph from the BA in arguing how the Agreement ties equality to group membership. Under the previously mentioned section on human rights, the BA (1998:17, para. 4) invites the Northern Ireland Human Rights Commission:

> *to consult and to advise on the scope of defining, in Westminster legislation, rights supplementary to those in the European Convention of Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:*

- *the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and*

- *a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.*

Taylor's Conclusion

Taylor (2006:223) concludes his critique by claiming that the BA "is hardly 'the product of an imaginative consensus of the citizen's autonomous wills'", but that this is precisely the standard that should apply to the future of Northern Ireland. He holds that seeing it as a given fact that the conflict is about irreconcilable ethno-national interest is not progressive in light of his belief that "the social world is created and constructed by the debates that we have about it" and not "simply tied to the 'nature of things'". Taylor thinks that consociational politics is being less respected and people are disengaging from it in Northern Ireland, and he cites poll data that suggest that 35 per cent count themselves outside the categories of unionism and nationalism. Also, he sees signs of deliberation emerging among "'hardliners'" in the loyalist and republican camps.

Taylor welcomes a deliberative approach to Northern Ireland politics and believes it would promote understanding, toleration, broader perspectives and public-spirited attitudes. Deliberation would in itself encourage people to express their interests in "public interest terms". He suggests "deliberative opinion polling, citizens' panels and juries, public issue forums, and multi-option electronic referendums" as appropriate initiatives. Furthermore, he wants the BA to be succeeded by a "'Deliberation Day'", a "civic holiday" where people could meet in smaller and larger groups to deliberate on issues of concern, and thus "enable citizens to forge a common destiny". Taylor suggests that one of the tasks for such deliberation would be to design the framework for a "constitutional convention" similar to Philadelphia in 1787. Here, elected delegates would meet "to determine the future form of government". The relevant question to ask would be: "'What is good for the political future of us all?'"

4.3 Evaluation of the Agreement

I start out with a general reply to three broad themes in Taylor's critique. The first theme is the belief that deliberation is a better solution to the conflict than the BA which is charged with being hostile to the deliberative ideal. Second, deliberation should be held around "a common citizenship agenda", and third, the BA accepts and legitimates the ethno-national character of the conflict. My response to these themes forms an important background for how I then approach the evaluation of the particular institutions of the BA and the corresponding criticisms. In this evaluation, I start out with the three consociational features before turning to the question of self-determination and the equality agenda. Following these sections, I try to challenge the BA from the point of view of a few selected alternative solutions. In the final chapter, a conclusion that sums up the evaluation is made. I hold the Agreement as a whole to be an honorable compromise that does not warrant claims of illiberality.

A General Challenge to Taylor's Critique

A main part of Taylor's argument is that deliberative politics would in some sense provide a better solution to the Northern Ireland conflict, and that the BA is a settlement that works against such virtuous practice envisioned in the deliberative ideal. I do agree that deliberation is a positive ideal for political processes. From around 1990 the deliberative ideal has gained popularity among theorists at the expense of "'vote-centric'" or "'aggregative'" models of democracy. In other words, the view that democracy is about a procedure of how to make fixed individual preferences translate into public decisions has been challenged by a model which argues that democratic legitimacy also requires public debate where persuasion, reason-giving, development of consensus or alternatively formulations of honorable compromises are integral parts of the political process (Kymlicka 2002:290-91).

I believe that such ideals alone do not provide the answer to what just institutions look like in the Northern Ireland or any other context as seen from a liberal perspective. The reason is that, and most deliberative democrats agree on this,

"consensus is at best a happy but occasional by-product of deliberation, not its presupposition or goal – deliberating about our differences is not the same as eliminating our differences". Therefore, even deliberative democrats cannot do without a procedure for voting and elections to decide those issues where disagreement remains even after deliberation (Kymlicka 2002:292). It is a weakness in Taylor's argument that he does not provide specific alternatives in terms of such procedures in his argument. The BA must be judged not only on its effects on deliberative politics, but also on how it as an institutional structure positions citizens when it comes to decisions where no consensus is reached.

A related problem that the Northern Ireland case provides for Taylor's approach is his call to deliberation around "a common citizenship agenda". In this, he simply disregards the question of what citizenship this refers to and which people are to participate in this deliberation. Democracy does not give a clear cut answer to the drawing of political boundaries (Kymlicka 1995b:1), and thus to who belongs to a political community. The case interpretation demonstrated that political boundaries and conflicting claims of self-determination are central to the Northern Ireland conflict, and that partition of the island became the solution, although a contested one. One cannot ignore this background by simply telling people to deliberate around a common citizenship agenda. At the heart of the dispute in Northern Ireland lays a disagreement on what the relevant constituency is that should be entitled to decide on the border. A decision must be made on who the relevant people are who should determine this (Canovan 1996:17) and according to which procedures. The BA answers these questions; something I believe is an achievement in itself. These answers must of course be evaluated, but a critique that does not address these underlying issues does not give plausible reasons to reject the Agreement. The purpose of much normative political argument, as referred to earlier, is often aimed at choosing the best alternative available at the time of decision. A forceful challenge to any set of political institutions must therefore provide better and plausible alternatives.

When it comes to the critique of how the BA can be said to accept and legitimate the ethno-national character of the conflict, it is necessary to refer back to the case interpretation and the remarks made on how especially national identities give rise to considerations of minority rights in liberal theory. As became clear in the case interpretation, an important part of the conflict concerns the resulting relations between two dominant ethnic groups after the partition of Ireland. The ethnic markers of Protestant and Catholic translate into a pattern of adversarial identities in terms of politics and nationality. From a liberal perspective I have argued that it is unreasonable to demand from individuals to give up their national identity or culture, and that people's autonomy depends on access to a secure societal culture. I cannot therefore follow Taylor in what I see as an attempt to wish away the fact that people in Northern Ireland hold different national and political identities. If a minority is disadvantaged in a political community in terms of access to their preferred societal culture, then compensatory measures must be considered which aim at rectifying this inequality in circumstance. These measures, however, must not result in the restriction of freedom for members of the minority in the name of protecting a culture, but rather be remedies that put members of the minority on equal footing with the majority in terms of having a fruitful context of choice and a secure sense of self-identity. This was presented earlier as a distinction of internal restrictions versus external protections, the latter being the liberal approach to minority rights. In the following evaluation, the general responses of this section form an important background when responding to Taylor's critique and assessing the BA.

4.3.1 Evaluation of the Three Consociational Features

The three consociational features of the BA in focus here are distinct institutional solutions, yet closely linked in terms of what they express in terms of democratic institutional approach. Therefore, the following evaluation includes both arguments that apply to all of them and arguments related specifically to each institution.

Grand Coalition – the Executive Committee

The grand coalition, which the Executive Committee in the BA is a variant of, is the most important characteristic of consociational democracy. This model is often contrasted with regimes where the government enjoys only bare majority support and has a large opposition in parliament (Lijphart 1977:25). The main argument relevant to Northern Ireland used to explain why plural societies generally should prefer a grand coalition constituting the executive branch of government is that some sort of grand coalition is the only institutional framework that guarantees that the minority is not permanently excluded from government. Such exclusion is the inevitable result of other institutional solutions in societies where there are two segmental parties or alliances of parties of unequal size (Lijphart 1977:30). The case interpretation made it clear that exclusion was exactly what happened in Northern Ireland and the effects of a permanent one-party unionist and Protestant regime were not only securing the societal culture of the majority, but arguably also discrimination and inequality for those not part of the dominant group.

Access to one's preferred societal culture and this culture's chances of being a fruitful context of choice, require the political power to control or affect political decisions. An inclusive approach to executive power, securing the representation of both national groups, thus seems to represent the only democratic solution to guarantee such political influence for the minority. The majority will always have its interests protected under democratic institutions. The minority, however, is in cases like Northern Ireland dependent on institutions that do not permanently exclude them from power.

In terms of democratic values generally, it is a perfectly legitimate view that as many people as possible rather than just a majority should be involved in governing and have their interests responded to (Lijphart 1999:1-2). It can of course be argued that a government versus opposition model is not exclusionary in itself because in many societies majorities and minorities change (Lijphart 1977:29). But in societies like Northern Ireland where this has not happened so far and is not likely to change in the

foreseeable future, it seems obvious that one should opt for a model that does not permanently exclude a minority as long as that model is equally acceptable from a democratic point of view.

The arrangements concerning executive power in the BA arguably also contribute to the self-respect of Catholic and nationalist people in Northern Ireland, an important precondition for any individual to pursue her life projects with confidence. Under the current regime both Sinn Fein and the SDLP have been secured ministerial posts due to the entitlement to such positions of parties reaching a certain number of MLA's rather than a system of government versus opposition where minimum winning coalitions often occur. The system also guarantees a nationalist to be elected as DFM (given the procedure of election and the electoral strength historically and at present of the two nationalist parties). The self-respect argument is no small point considering the effects of majority rule by one single party from 1921-72. No Catholic held a cabinet post until 1968 (no nationalist did before the BA) and the only piece of legislation passed initiated by a nationalist in the Northern Ireland parliament was the Wild Birds Act in 1931 (McGarry 2004:328). One should remember that an important rationale behind the creation of the Northern Ireland state was to secure a permanent majority of Protestants within its borders. As I see it, executive power for both the unionist and nationalist political tradition is one among several features in the Agreement that breaks with the tradition of Northern Ireland being an exclusively Protestant and unionist state. Having a stake in the top tier of that state's institutions should not be underestimated as a contributor to self-respect in addition to the more practical necessity of access to political influence.

In response to the criticism that the Executive Committee lacks the collective character that executive bodies are meant to have, I question whether any substantially different institutional arrangement could secure such collective character without inevitably resulting in the exclusion of the minority national group. There is much to be said for how the Agreement in addition to ensuring that executive power is shared by the representatives of the two national communities, or indeed

representatives of any political movement with a certain degree of electoral support, has provisions for accountability and scrutiny of ministers without the threat of excluding parties that have substantial popular support. Through the "Pledge of Office" which all ministers must take (BA 1998: Strand One, para. 23; Strand One, Annex A), they commit to: using only peaceful and democratic means, serving everyone in Northern Ireland equally, participating in preparing a program for government, operating within that program when it has been agreed to by both the Executive Committee and the Assembly, "and to support, and act in accordance with, all decisions of the Executive Committee and Assembly". Also, a minister can be removed from office by the Assembly through voting on a cross-community basis (BA 1998: Strand One, para. 25). Furthermore, although not formally part of the Agreement, the Assembly has instituted a practice of not letting the chairs of Assembly committees be drawn from the same party as the minister responsible for the corresponding area of policy (Adshead and Tonge 2009:41). There are then clearly provisions for collective and individual responsibility for ministers, however, within a framework of guaranteeing a permanent place for all political traditions receiving sufficient popular support.

Group or Community Designation
What the system of group designation does together with the special voting procedures is in reality to provide a veto (as defined by the procedures of "parallel consent" or "weighted majority") on certain decisions first and foremost for nationalist MLAs, but also for unionists in the event that nationalists and others would constitute a majority. There is nothing inherently illiberal in demanding more than a simple majority for making important political decisions. Indeed, an important part of liberal morality is to protect certain interests of individuals from majority decisions altogether. Why else would it be a defining feature of liberalism, as earlier outlined, to give priority to certain rights, liberties and opportunities? Again, it is also a perfectly legitimate view of democracy that as many people as possible rather than just a majority should be involved in governing and have their interests responded to and it

breaks with the tradition of one-party and one tradition domination of Northern Ireland politics.

I do not share Taylor's concern that this system locks politicians into group thinking. Rather than locking politicians into group thinking, it can be argued that the presence of such a veto power provides a "feeling of security" because it together with the grand coalition amounts to "a complete guarantee of political protection" of one's interests. Such security is arguably an incentive to be concerned with the welfare of the entire political community because the veto makes it unnecessary to be overly concerned with a struggle for "ascendancy" (Lijphart 1977:36-7). I think it is a basic good for Northern Ireland society that the minority of today can feel secure as a minority and that if demographical or other changes lead to a new majority, a similar system should be held in place to ensure the security of that minority as well. It simply takes away the anxiety of relying on numerical superiority to have one's national group protected.

On a related note, Brendan O'Leary (2004a:367) has argued that a logic of "'double protection'" should be advocated, meaning that the type of protection enjoyed by northern nationalists under the BA should also apply to British unionists in the event of a future united Ireland. He believes this is an idea that the Agreement does not preclude. I agree, and believe that the BA's (1998:2) commitment to "rigorous impartiality" and "parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities" regardless of which government that has jurisdiction, demonstrates the support for the double protection logic. It should perhaps, however, have been articulated more clearly in the text what institutional arrangements that would ensure this commitment.

Community Designation and "Others"
The critique Taylor makes in regards to the possibly problematic role the group designation system assigns to the group of "other" and that it specifies the two other relevant designations as "unionist" and "nationalist" is one that I do not want to

dismiss easily. Nevertheless, I do not see how the BA could do without a mechanism that requires more than a 50 per cent majority for important decisions made by the Assembly. The record of unrestrained majority rule in Northern Ireland is too problematic for that to be an acceptable solution. However, both McGarry (2004:343) and Tonge (2005:147), who in general are supportive of the Agreement, have expressed a preference for scrapping the community designation system in favor of a system that simply requires 60 (McGarry) or 65 (Tonge) per cent majorities for important decisions. This would perhaps serve the purpose of protecting the nationalist minority of today and a possible unionist minority of tomorrow (McGarry ibid.) while avoiding the naming of groups with special veto rights.

I am not convinced that Northern Ireland in the present would be served well by allowing key decisions to be made with for example all unionists and others and only a small percentage of nationalist MLAs voting in favor, even if this amounts to 60 or 65 per cent of MLAs. As argued, Northern Ireland was created to at least allow for the political dominance of one tradition, a dominance that disadvantaged first and foremost an ethnic group (Catholics) which to a large degree is comprised of individuals with a different national and political identity (Irish and nationalist) than the majority. The advantage of community designation is that it secures political influence for both national traditions, something which cannot be guaranteed even by demanding supermajorities for important decisions. I think community designation can be defended on liberal contractual grounds because the burden this system can be said to assign to those individuals who are neither unionist nor nationalist does not by any means outweigh the legitimate benefits it provides individuals who are nationalist. An important premise in arguing this point is to show that Taylor's claim that the BA violates the individual right of freedom of association is patently false, and that the institutions of the Agreement do not privilege pre-given ethno-national group categories.

First of all, all votes in the Assembly are counted equally regardless of the MLAs communal designation and most decisions only require ordinary majorities. Even

when the special voting procedures come into play, an overall majority (parallel consent) or 60 per cent (weighted majority) is needed in addition to a majority or 40 per cent of unionists and nationalists. In other words, the group of "others" is far from excluded from the democratic process. The system of communal designation would of course be perverse if it allowed small minorities to block any decision supported by an overwhelming majority, but this is clearly not the case in Northern Ireland. It rather secures meaningful influence for a large minority.

As the previous chapter noted, the parties who represent unionism and nationalism regularly poll between 80 and 90 per cent. The average percentage of MLAs who designate themselves "other" has been 7 per cent after the Assembly elections of 1998, 2003 and 2007. While there is a trend that unionist and nationalist parties have increased their dominance at the expense of other parties, this trend preceded the institutions of the BA (Tonge 2005:256). The Agreement cannot therefore be seen as causing this development. This rather suggests that most people in Northern Ireland see the politics of unionism and nationalism as essential to their political preferences irrespective of the current institutional regime. The last remark also points the attention to the electoral system. I think the use of PR-STV is relevant when discussing whether the system of community designation is justifiable, and it is of course due a general evaluation of its own as a consociational feature of the BA.

PR-STV and Community Designation and PR-STV in General
I submit that PR-STV as a proportional system of elections gives people the best conditions possible under which to let their genuine political preferences decide their vote rather than tactical considerations. Having elections conducted through proportional representation not only ensures minority representation, it also permits the segments in society to define themselves (Lijphart 1995:281). In other words, it does not favor unionist or nationalist or any other kind of parties. Neither does any other electoral system provide a lower threshold for any political preference to gain representation. Indeed, McGarry (2004:343) holds that "voters in Assembly elections are less likely than are voters in Westminster elections to consider voting for a new

party a waste of time". The overall effects of PR-STV elections in Northern Ireland have in practice shown to give a picture "of high proportionality" (Adshead and Tonge 2009:110). Given that unionist and nationalist parties thoroughly dominate under such a system, it must be taken as an indicator of the importance of unionism and nationalism to most people in Northern Ireland. The minority veto through group designation therefore seems as an appropriate arrangement under the circumstances to secure political influence for individuals of both the majority and minority national group. It should be perceived as an arrangement to protect the interest in access to a societal culture that people feel attached to and have a legitimate interest in holding on to. In practice, community designation simply ensures that important decisions have majority support in addition to substantial support from the two national groups which most people identify with as expressed freely through the ballot box.

It is interesting that Taylor criticizes the electoral system of PR-STV for its lack of moderating influence and the strengthening of communal bloc voting. I have already pointed to how PR-STV has proved to yield highly proportional results and that it is a system that does not favor any particular political party or ideology, but is rather a facilitator of minority representation and provides favorable conditions for the emergence of new parties. It is hard to see Taylor's criticism as anything but an expression of dissatisfaction with the outcome of Northern Ireland elections rather than a criticism that can be said to undermine the liberal credentials of the system itself. I believe a system which does nothing to favor any particular outcome is very much in line with a liberal outlook on politics. Individuals are given no other incentives to decide their vote than their own judgment on what candidate and party they believe best further and represent their interests.

Finally, I believe there are reasons to modify Taylor's claim that PR-STV has lacked a moderating influence. The system can facilitate moderation within political parties. In Northern Ireland this has clearly been the case with Sinn Fein. Before the Peace Process, the party received almost no lower preference transfers from SDLP voters. After the party moved away from advocating violence as a legitimate political

strategy and joined the constitutional political process, it has not only surged in first preference votes, but also become the natural second choice for SDLP voters (Adshead and Tonge 2009:118). One could also argue that the DUP also has moderated itself, going from outright opposition to the BA, to leading the Executive Committee jointly with Sinn Fein and participating in all-Ireland structures. The current hegemony of the traditional "extremes", Sinne Fein and DUP, cannot therefore be seen as an unequivocal expression of lack of moderation in Northern Ireland politics under PR-STV.

4.3.2 Evaluation of the BA and Self-Determination

It is a challenge to provide clear-cut answers to whether the BA's handling of self-determination and the constitutional question is liberal. Buchanan (2003:231) has noted that political theory in general, including liberal accounts, "has remarkably little to say about the ethics of creating and changing boundaries", but at the same time, "which side of a boundary people find themselves on can have profound consequences for their freedom, their welfare, their identity, and even their survival". It is a dilemma that important interests are at stake for individuals while liberal theory, and even democracy itself as noted above, does not give a kind of unambiguous moral guidance one could have wished for.

While there are good reasons to be critical of the precise manner in which the Northern Ireland state was created, other forms of partition, the retention of the whole of Ireland in the UK, or a united Ireland are all answers to political boundaries that could have been or can be criticized for similar reasons. An entire project could be devoted to scrutinizing the pros and cons of these and perhaps other possible boundary and sovereignty arrangements, but I very much doubt that one of them could be proven superior to all others through drawing on democratic and/or liberal theory. I have no better strategy than simply look at what the BA provides in terms of answers to the question of self-determination and judge them through the lenses of individual autonomy and equality in the Northern Ireland context. This strategy acknowledges

that the question of political boundaries is important in terms of impact on the interests of individuals while it is realistic in terms of how clear an answer theory can provide.

The Principle of Consent and the Irish Dimension

The BA (1998:2) speaks of a right to self-determination "for the people of the island of Ireland alone". However, cementing the principle of consent through defining the two jurisdictions that are to exercise this right through referenda is clearly a recognition and accommodation of an important unionist demand. The Union is secure as long as political preferences and demography remain roughly unchanged in Northern Ireland. Instead of "Irish self-determination", Tonge (2005:47) has suggested the term "partial codetermination", reflecting Northern Ireland's self-standing right to decide on its own constitutional future under the agreed procedure regardless of the result of any vote in the Irish Republic. As previously argued, under democratic institutions the societal culture of individuals belonging to the majority is secure simply in effect of their majority status. I think this fact was acknowledged by the Irish and British governments and can explain why it was recognized by policy makers on both sides that an "'Irish dimension'" had to be part of the BA. This dimension had to "reflect the identity of northern nationalists and acknowledge, via institutional means, the desire of the majority of the people of the island for Irish unity" (ibid.). It is the various measures under the Irish dimension in the Agreement that I think balance the principle of consent's favoring of unionists and can go a long way in meeting Taylor's critique of the BA's handling of the constitutional question.

In short, I will argue that there are features of the Agreement that do not ignore trends regarding national sovereignty, but rather employ them creatively in its institutions. And using the language of liberal egalitarianism, I hold that many of the arrangements supplementing the principle of consent aim at rectifying inequalities this principle results in. Inequalities of circumstance are addressed and sought compensated for through the Irish dimension and a focus on bi-nationalism generally.

Since the principle of consent secures Northern Ireland's place in the Union and the majority position of British unionism for the foreseeable future, it becomes necessary to assess how other political institutions address the inevitable disadvantages this principle causes individuals who are neither British nor unionist. The consociational features already discussed are of course important because they secure political influence for those belonging to the minority. In addition, however, the BA (1998:2) recognizes the equal legitimacy of the political aspiration of a united Ireland to that of unionism, as well as noting specifically that in Northern Ireland it is a right to identify oneself "and be accepted as Irish or British, or both", which includes the right to hold both citizenships. These are clearly provisions of symbolical importance that break with the tradition of Northern Ireland as an exclusively Protestant and unionist state, and they are arguably contributing to the self-respect of those who see themselves as Irish and/or nationalist.

On a more practical political level, the establishment of the North/South Ministerial Council is another step in the direction of making Northern Ireland less exclusively British by bringing an all-Ireland dimension to Northern Ireland politics. O'Leary (2004b:272-3) describes the Council as creating "a new confederal relationship that is all-Ireland in nature". The relationship is confederal because it involves the voluntary delegation of powers and functions from separate sovereign jurisdictions, and it therefore falls well short of a form of a federal united Ireland or British-Irish joint sovereignty. It nevertheless represents an all-Ireland dimension to Northern Ireland politics. Adshead and Tonge (2009:192) sum up some of the practical results of the NSMC's role in all-island cooperation. Under the remit of the NSMC, six new cross-border implementation bodies were established. The policy areas they represented were food safety, inland waterways, trade and business development, language, aquaculture and marine matters, and special EU programs. Also, cooperation was agreed regarding agriculture, education, environment, transport, health and tourism. To give an idea of the extent of all-Ireland cooperation, numbers from 2005 can be cited. That year saw 846 million Euros spent on all-island activity. National programs accounted for nearly half of this, but 37 per cent was through North-South bodies and

the areas of cooperation agreed to in the BA. The rest was provided through EU programs.

The NSMC and all-Ireland cooperation in general clearly modify the force of Taylor's charge that the BA ignores trends regarding national sovereignty, and it provides more practical solutions to accommodating disagreements about the border than the vague call to deliberation around a common citizenship agenda. There are few reasons to believe that national sovereignty any time soon will cease to be the primary organizing principle of world politics, and thus the question of boundaries and sovereignty has to be agreed in some manner also regarding Northern Ireland. The principle of consent is one such agreement. What the BA does is to accommodate, through drawing on the opportunities that trends in national sovereignty provide, those that lose out on their primary preference regarding the jurisdiction they want to be under. While Northern Ireland for the foreseeable future remains securely in the Union with Great Britain, the Agreement secures an all-Ireland dimension through the NSMC. The importance of this all-Ireland dimension in the Agreement is demonstrated on the very first page of it. Here, the participants not only commit to work for the success of all the institutions, but it is specifically noted that the Assembly and the Council are "so closely inter-related that the success of each depends on that of the other" (BA 1998:1, para. 5).

The British-Irish Council and the British-Irish Intergovernmental Conference
Two other institutions are worth mentioning under the discussion of self-determination and the approach to differing preferences on national sovereignty. The BIC, whose inclusion in the BA was strongly advocated by unionists (Tonge 2002:188), provides a forum for bringing together the British and Irish governments as well as representatives of devolved institutions in the UK. This brought an "East/West balance" in the Agreement against the NSMC and also reflected the need for a forum of the "post-devolution era" of the UK (Aughey 2005:91). In addition to balancing the all-Ireland aspects of the BA with a British dimension in the current circumstances, O'Leary (2001:62) has argued that the BIC can be seen as an

institution through which unionists could be provided a link to the UK in the event of Northern Ireland becoming a part of the Irish Republic. As I see it, the BIC is therefore another feature of the Agreement that provides current and possibly future modification to an either/or logic of national sovereignty, accommodating and reflecting the diverse identities that people in Northern Ireland hold.

Finally, the BIIC can be seen as another way in which the minority national group is secured a connection to its preferred nation state in that the Irish government has a consultative role in all non-devolved matters regarding Northern Ireland. As referred to above, the special interest of the Irish government in Northern Ireland is acknowledged in the text of the BA. This feature is not new, as it resembles the right of consultation granted under the Anglo-Irish Agreement in 1985, and it falls far short of joint sovereignty, but it is remarkable in the sense that no other foreign government has been "granted such privileges over London policy-makers within their own jurisdiction since the Danegeld was paid" (O'Leary 2004c:223). Indeed, from the early seventies, it became clear that an institutionalized role for the Irish government would have to be included in any deal for nationalists in Northern Ireland to enter talks (O'Kane 2007:4).

A Liberal Approach to Self-Determination
Overall, I believe there are good reasons to label the BA's approach to self-determination as liberal. It is realistic in the sense that it provides a concrete answer to the constitutional status of Northern Ireland and the terms under which it can be changed rather than avoid the question by referring to deliberation with no institutional specifics. However, the Agreement supplements the principle of consent with institutions that address the fact that the political boundaries this principle cements for the foreseeable future, results in a national majority and a significant national minority. As I have argued, it would be unreasonable to demand someone to give up their national identity. It is rather a legitimate interest to hold one's preferred identity and be guaranteed access to a secure national culture. Furthermore, I think it is reasonable to view the fact that people end up as part of a majority or minority

nation due to the drawing of political boundaries as a result of circumstance and not their own individual choice. The institutions discussed in this section should be seen as addressing the inequality in circumstance that the political entity of Northern Ireland entails for its citizens and contributors to their self-respect. While one might argue that joint sovereignty between Britain and Ireland would provide the most equitable solution between the national groups in terms of accommodating conflicting national aspirations, this would be a solution that has no support among unionists and would require a very complex set of political institutions (Tonge 2002:202). The strength of the BA is its wide support among people from many traditions combined with giving institutional recognition and expression to Northern Ireland as Irish as well as British both in the current context and if one in the future sees a change in constitutional status.

4.3.3 Evaluation of the Equality Agenda

Taylor is critical of measures often referred to as the equality agenda in the BA because he believes them to tie equality to group membership. On this issue I think it is essential to note all those aspects of the Agreement that deal with equality through a strengthened focus on individual human rights without any reference to group membership, as well evaluating those particular features Taylor is concerned with. It is therefore worth restating some of the contents from the brief overview earlier presented. The BA (1998:16-18) is clear in affirming for "everyone in the community" (importantly not for the two communities) civil rights and religious liberties, and affirms in particular a number of individual rights as listed above because of the history of conflict. The incorporation of the ECHR also fits under this individual rights heading. In sum, this has undoubtedly strengthened the focus and protection of individual human rights for people in Northern Ireland. It is a clearly liberal development because it conforms to the principle of giving priority to the types of rights needed for people to hold, form, revise and reflect on conceptions of the good even if other concerns conflict. I think McGarry (2004:342) makes a sensible judgment on the BA's equality measures when seen as a total package in that they not

only stress "equality ('parity of esteem') between nationalists and unionists", they also offer protection to all individuals, including those that do not identify with the two main political traditions. A prime example in addition to those aspects just referred to is the obligation on all ministers through the "Pledge of Office" (BA 1998:10), "to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination".

When it comes to the parts of the equality agenda which Taylor criticizes for tying equality to group membership, I think it is important first to note that none of them amounts to what has been referred to as internal restrictions. Neither anti-discrimination legislation nor policies to advance mutual respect, as exemplified by a focus on how symbols and emblems are used, can plausibly be said to restrict any individual's freedom when it comes to leading the life she believes to be good. As I have presented in some detail earlier, discrimination of the minority group was a feature of the Northern Ireland state. Such discrimination affected individuals, but it did so on the basis of their group identity and its position in a Protestant and unionist dominated state. That anti-discrimination legislation and policies address and recognize both injustices that can befall all individuals due to various aspects of their lives and the historic legacy of discrimination against Catholics in particular is in my view a sensible approach to the Northern Ireland case. The idea is liberal, as it tackles the issue of discrimination of individuals through recognizing the circumstances that lead to such discrimination. One such "circumstance" has undoubtedly been the simple fact of belonging to the Catholic minority. As an illustration of the many aspects the Agreement counts as relevant in anti-discrimination, a few examples can be cited. The BA (1998:16) recognizes "the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity". And the British government makes it a priority "to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation". In regards to employment in particular, the legacy of the past is also duly recognized as

the British government commits to "a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need" (BA 1998:19). In sum, the BA addresses all sources of inequality that is commonly associated with discrimination generally and that of the particular position of Catholics in the state historically. I submit that this is in line with the liberal principle of not holding people responsible for the circumstances they find themselves in, and that permissible inequalities are only those that result from people's genuinely free choices.

A Bill of Rights

At the time of writing there is still no agreement reached on a Bill of Rights for Northern Ireland, so it is hard to evaluate this non-existent feature apart from the general encouragement formulated in the BA of such a Bill of Rights "to reflect the principles of mutual respect for the identity and ethos of both community and parity of esteem". O'Leary (2004b:270) is positive to the principle of such a Bill of Rights supplementing the ECHR because the ECHR "is weak on the protection of collective rights and equality rights" and there is a need for protecting "both national groupings as well as individuals". While I agree with O'Leary, I would make more explicit the grounding of equality measures regarding the communities in the interest of individuals. It is individuals who suffer in their ability to pursue the good life with confidence when their national/ethnic group is attributed an inferior status. "Parity of esteem" and "mutual respect" between the "two communities" must be understood and justified on this background. O'Leary (ibid.) acclaims the BA as making Northern Ireland "bi-national" and breaking with previous beliefs that stability and democracy could be achieved through an either British or Irish Northern Ireland. While it in my opinion is debatable whether Northern Ireland is fully bi-national as long as joint sovereignty between Britain and Ireland is not the constitutional arrangement in place, the BA clearly modifies a traditional either/or approach to territorial sovereignty. Parity of esteem and mutual respect are concepts in the BA that contribute to this. They seek to eliminate the difference in standing between groups and thus serve the

individuals who identify with either of these through securing the self-confidence of British and Irish alike. For a liberal this should be an important concern.

The Irish Language

In regards to the Irish language, the BA's response is that of provisions within the field of education, general protections and public use of the language, similar to arrangement regarding Welsh in the UK. What this amounts to is linguistic protection for an important part of Irish nationalist culture (ibid.). Languages which are not public languages tend to become marginalized to the extent of becoming used only by a small elite or only in a ritualized form rather than "as a living and developing language underlying a flourishing culture (Kymlicka 1995a:78). The modest measures of the BA seem justified as a response to keeping the Irish language as precisely such a living and developing language underlying Irish nationalist culture. To deny protections for this minority language would amount to not taking seriously the legitimate interest people have in access to a rich culture (their own), which in turn contributes to the development of each individual's capacity for a conception of the good. This does not tie equality to group membership. It rather secures individuals part of a linguistic minority an opportunity to at least partly have the same opportunities in terms of language as the majority language group already has.

4.3.4 Alternatives to the Belfast Agreement

Finally, before making a comprehensive conclusion regarding the liberal credentials of the Agreement it is necessary to consider briefly some alternative solutions to the conflict. Political argument often amounts to choosing among alternatives based on the best arguments available at the time of decision, and I also believe that such a review of other possible scenarios can contribute to a strengthening of the defense of the BA. I think Tonge (2002:199-206) has succeeded in identifying those options that are at least theoretically viable alternative institutional approaches to the Northern Ireland conflict. These are: restoring direct rule, full integration of Northern Ireland into the UK, a united Ireland, joint authority between Britain and Ireland, European

authority over Northern Ireland, devolution and power-sharing without the cross-border institutions, repartitioning of Northern Ireland, and finally an independent Northern Ireland.

What the Alternatives Lack

There is one important argument that should count in favor of the BA which concerns all the alternatives listed above and which does not require one to scrutinize any of the specific institutional solutions provided by the other arrangements. Whyte (1990:242-3) doubted whether it would be possible to find a single solution that could be implemented for the whole of Northern Ireland due to the great variety of situations within its borders. He pointed to the staunchly republican and nationalist south Armagh, the "happily unionist" north Down, and Buckley's Upper Tullagh where unionists and nationalists live side by side without the level of conflict found in other areas. The problem as Whyte (ibid.) saw it, was that Northern Ireland consisted of all these three kinds of places, "and every conceivable variety of situation in between". Seen through the lenses of the pessimism expressed only eight years prior to the Agreement reached at the multi-party talks in Belfast, the BA emerges as a considerable achievement despite the problems in implementation that followed it. Today, all major political parties work within the framework of the BA's institutions, and only small and marginalized groups continue to use violence as part of a political strategy. To paraphrase Whyte, the BA is a solution that works fairly well for north Down as well as south Armagh.

Assessing the Alternatives

Having noted the significant advantage the BA has as a settlement that enjoys widespread support, or at least acceptance and compliance, and as I have argued above, being justifiable from a liberal point of view, it is still worthwhile considering the merits of other approaches. The least promising or desirable alternatives from the list above are: the restoration of direct rule, repartitioning, and an independent Northern Ireland.

Direct rule by London was exercised for most of the time between 1972 and 1998 through the Secretary of State for Northern Ireland with little influence being granted to even Northern Ireland Members of the Westminster Parliament. Local authorities were stripped of responsibility in many areas, a removal of powers that "owed much to the association of those bodies with sectarian discrimination (Tonge 2002:77). On the positive side, this period "saw the abolition of much of the overt discrimination against the Nationalist population", but a problem with relying on this mechanism today is of course that no political group wants indefinite direct rule (Tonge 2002:200). In addition to the lack of support among politicians, I think it would be hard to defend the bypassing of Northern Ireland politicians regarding the affairs of their own polity from a liberal and democratic point of view. The process of devolution in the UK after 1997 which saw the establishment of parliaments for Scotland and Wales (and Northern Ireland), can only serve to make direct rule seem even more of a paternalistic and undemocratic approach to governing.

Repartitioning of Northern Ireland is a strategy that does not provide any institutional alternative as such to the BA. In doing so, one would of course aim at having as many people as possible being included in their preferred jurisdiction. If successful, one could perhaps rely on political institutions that did not have to take into account the existence of majority and minority groups. The problem with Northern Ireland is that the antagonistic communities do not live neatly divided for any new arrangements to achieve the desired result without relying on very long and straggling borders and even detached enclaves (Whyte 1990:227). Tonge (2002:205) attributes to these practical difficulties the fact that repartition has never been considered a credible solution to Northern Ireland's problems. With this in mind, one should rather focus on solutions that address and accommodate the legitimate interests of the individuals who are part of the multi-national polity of Northern Ireland. The idea of an independent Northern Ireland is like repartition not a complete institutional alternative to the BA and support for it is very limited across the ethnic divide. In 2000 it stood at 8 per cent (Fahey, Hayes and Sinnottt (2006:90). For these two reasons it does not warrant any further consideration here.

European Authority

Tonge (2002:202) defines the European authority scenario as a Northern Ireland that is not exclusively British or Irish, but rather a region within a federal Europe where the citizens adopt a European identity. In this category, one might perhaps also put the SDLP proposal from 1991-2, where it was suggested that Northern Ireland should be governed by an executive modeled on the European Commission. Three members were to be elected from Northern Ireland, three appointed by Britain and Ireland each, as well as three by the Commission (McGarry and O'Leary 1995:281). The idea seems in any case to aim at making Northern Ireland less exclusively British while avoiding the other "extreme" of an exclusively Irish state. The problems with this solution are nevertheless considerable. A Europe of regions might be emerging seen from a perspective of economic cooperation, but in political terms this seems a distant prospect (Tonge 2005:185). As I have earlier stressed, individuals have a legitimate interest in keeping the bond to their preferred societal culture, often represented by a national identity, and it would therefore be unreasonable to demand a transfer to a European identity. The voluntary transition to a European identity replacing national identities is not a likely scenario. Research shows that national identity by far dominates over European identity in the self-perceptions of people in Europe (Bellamy 2006:248). Overall, it does not seem warranted to claim that an enhanced role for the EU can provide an alternative to the BA. And one should remember that a limited European dimension is already part of the Agreement in "Strand Two", in that the NSMC is a forum for considering matters in relation to the EU and that one of the suggested areas for North/South cooperation and implementation are relevant EU-programs (BA 1998:11 and 13).

A United Ireland

A united Ireland is the ultimate goal of Irish nationalists and republicans. The BA provides an agreed procedure for how this aspiration can become a reality. Assessing a united Ireland as a solution to the conflict is an entirely different matter. The implementation of a united Ireland in the current context means overriding the wishes of the majority of people in Northern Ireland and especially those of the Protestant

community. One could argue that this would conform to the wishes of the majority on the island of Ireland and even in Great Britain (Tonge 2002:201), but ultimately this leads us to the dilemma earlier discussed of deciding on the appropriate unit of self-determination. I find it highly irresponsible to advocate a united Ireland in any other way than through the procedures of the BA. These have been agreed to by the British and Irish governments, unionist and nationalist parties in Northern Ireland, and a majority of people in both Northern Ireland and the Irish Republic. Earlier I discussed extensively the deeply held hostility of the Protestant and unionist community of being incorporated into a united Ireland and the measures they historically have been willing to use to avoid this when confronted with such a prospect. I also warned against dismissing these preferences as merely manipulation of that community's best interest. The historic fact that a substantial part of unionism has agreed to let the constitutional future of their state be subject to referendum and to participate in all-Ireland political institutions is an achievement that should not be put in jeopardy.

Joint Authority

Joint authority between Britain and Ireland is the institutional arrangement that I personally favor as the theoretically fairest solution for Northern Ireland. It was forwarded in a report from the *New Ireland Forum* of 1983-4 where the SDLP, Fianna Fail, Fine Gael and Labour (Irish) participated. Joint authority was proposed together with two other alternatives, a unitary united Ireland and a federal/confederal state (Whyte 1990:138-40). My support for this idea from a theoretical point of view rests on its equal accommodation of the two national groups Northern Ireland has. No other institutional arrangement could better embody a principle of equality between that of being British or Irish in Northern Ireland. The state would have a constitutional status which contributed equally to the self-respect of individuals regardless of their national identity, and the "circumstance" of which side of the border one would find oneself would cease to have such relevance. However, the reason why I qualify my support for joint authority as merely theoretically based is the

already mentioned challenge of lack of unionist support and the complexity of the institutions required to implement the arrangement.

Devolution without Power-Sharing

Devolution in Northern Ireland based on power-sharing, but without the cross-border institutions, amounts to a solution which recognizes the problems of a history of political domination for only one tradition while diminishing the relevance of what was referred to as the Irish dimension above. It is an arrangement that has been widely supported among unionist politicians, especially in the DUP, while nationalists have expressed little enthusiasm for any settlement that does not include institutions that transcend the current border (Tonge 2002:205-6). In addition to the practical obstacle of a settlement that would be rejected by a sizeable portion of the citizenry, there is a significant moral argument in favor of the external dimensions of the BA supplementing the internal consociation. Both the all-Ireland institutions of the Agreement and the institutions linking the two islands provide symbolic and practical recognition of the fact that Northern Ireland, whether it stays in the Union or becomes part of a united Ireland, consists of two distinct national and ethnic groups whose members largely disagree on which state they prefer to belong to. Given the fact of significant opposition to joint authority and a recognition that the dominant organizing principle of the world's states for the foreseeable future is sovereign states, the cross-border institutions of the BA provide a link for the current national minority as well as the possible future national minority to its preferred nation state. Removing such institutions from any settlement for Northern Ireland would amount to dismissing the legitimate interest people have in the standing of their own national group.

Integration into the United Kingdom

In *Under Siege. Ulster Unionism and the Anglo-Irish Agreement*, Arthur Aughey (1989:202-209) argued for full integration of Northern Ireland into the UK as the proper solution to the conflict. His claim was partly based on a view on the modern state as unavoidably multi-national and that the advantage of the modern state is that

it can create unity among people who have nothing in common except the state itself. If only, according to Aughey, the normal democratic principles of Britain were fully implemented in Northern Ireland, "equal citizenship within the United Kingdom", things would improve. People could keep their national allegiances in a cultural sense, but still remain British citizens as this simply would entail membership in a polity that embraces pluralism. In contrast, Aughey describes the Irish Republic as a state that embodies the idea of Irish nationalism exclusively. The first things to be done, he continues, is to give the people in Northern Ireland the opportunity to vote for the major British parties in order to gain the possibility of actually having a say on who is to form their government. And in general they should be given "greater access to mainstream British politics". This would counteract tendencies towards political alienation simply by giving people a greater say in the issues that affect their lives. Such political equality should also be followed by measures to give everyone in Northern Ireland equal opportunities in social and economic areas as well, Aughey argued.

I do not wish to engage in a debate on whether or not the UK is a polity that embraces pluralism, nor if the Republic fits the unfavorable description attributed to it above. The problem with Aughey's argument and the idea of full integration into the UK in general is the notion that national identity somehow can be isolated from having relevance to political institutions. The concept seems to entail that as long as people can be culturally Irish or British, or any thing else for that matter, and that this is tolerated, it is not politically relevant in a multi-nation polity if only one form of citizenship is available or if no kind of political institutional recognition or accommodation is given to the minority nation(s). This argument ignores the effects on the self-respect of individuals that the standing of a national group inevitably has, and it ignores the very real disadvantages that have befallen those belonging to the Catholic minority which consists overwhelmingly of individuals with an Irish national identity.

Whyte (1990:219) clearly saw that the nature of the communal division in Northern Ireland was different from those divisions found in the rest of the UK and that "special institutions" were needed and called for "to meet the contending needs and aspirations of its two communities". "Nowhere else [in the UK] does one find the lethal mixture of a large minority with a well-founded and deeply felt sense of grievance, and a narrow majority with justifiable anxieties about what the future may hold". After the establishment of devolved institutions in both Scotland and Wales as a response to the demands of Scottish and Welsh nationalism, it seems today even more inappropriate to try to integrate Northern Ireland closer into mainstream British politics while ignoring the political relevance of the identities people hold. The presence of adversarial national identities and the history of the Northern Ireland state in handling this reality should be sufficient rationale for rejecting settlements that place national identity in a cultural category removed from political relevance.

Remarks on the BA and Its Alternatives

This assessment of some of the most common alternatives that have been proposed by politicians and/or theorists has shown that none of them warrant the abandonment of the institutional structure the BA has provided as an answer to the Northern Ireland conflict. The alternatives either lack the support of being realistic settlements and/or are inferior from a normative point of view in addressing the morally relevant challenges the conflict raises. This strengthens the case for the Agreement. The BA seems to strike a good balance by being widely accepted and at the same time providing morally justifiable institutional answers. The relative peace and stability of Northern Ireland after the Agreement is of course an argument in itself for supporting it, but I would like to add the possibility that the success of the BA can also be attributed to it being perceived as legitimate by a substantial number of people in Northern Ireland. The defense of the Agreement which I have conducted through the lenses of modern liberal theory has illustrated an approach which can contribute to make clearer why the BA should be viewed as a fair, legitimate and liberal settlement to a long and serious conflict.

5.   Overall Conclusion and Final Remarks

Part of the deliberative ideal is the brokering of honorable compromises when consensus cannot be reached. The Belfast Agreement can among other things be seen as a deliberative product of talks between historical enemies. Compromises have been made and concessions given. The result is an institutional structure that caters to a range of important needs and interests. This project has demonstrated that the Agreement can be justified through a normative approach firmly rooted in the tradition of modern liberalism. That the BA is normatively justifiable, has attracted widespread support and/or acceptance, and has brought relative peace to a deeply troubled society are all reasons that support labeling it an "honorable compromise". And as I sought to demonstrate, it is an honorable compromise that safely can be called liberal.

The institutions of the Agreement's internal consociation have ensured that Catholics and nationalists are no longer permanently politically excluded, arguably a boost to the self-respect of the minority community. Individuals belonging to the minority have been given meaningful political power needed to put them on a more equal footing with the majority in terms of having access to a secure societal culture of their own choice. The rules on the formation of the Executive Committee together with the special voting procedures providing a minority veto amount to a complete protection of the interests of today's minority and any future minority, thus taking away some of the anxiety associated with a struggle for ascendancy to enjoy such protection. Importantly, the institutions needed to secure equality and a fruitful context of choice for members of both national and ethnic groups, have not entailed putting undue burdens on those who identify with neither of the main traditions or introducing illiberal measures that restrict the opportunity of any individual to form, hold, revise and pursue any view on the good life in the name of preserving a culture from change and/or decay. A proportional electoral system has ensured a low threshold for gaining political representation, and it provides an openness for new political movements and

interests to establish themselves should they win the allegiance of Northern Irish voters. No specific political agenda is favored by this system, it translates as faithfully as possible the interests expressed by individuals through the ballot box into representation.

The Belfast Agreement answers the question of self determination through the agreed procedures of the principle of consent, but supplements it with institutions that acknowledge the need for an Irish dimension while Northern Ireland for the foreseeable future remains in the Union of Great Britain and Northern Ireland. A British-Irish dimension in the Agreement secures a British link for unionists even in the event of a united Ireland. These are solutions that draw their strength from the combination of being widely accepted and compensating members of the national group that loses out on their primary preference on sovereignty due to the circumstance of the specific sovereignty arrangement in place at any time. The arrangements go a long way in trying to live up to the liberal principle of compensating for circumstances people find themselves in through no choice of their own.

The Agreement has strengthened the protection of classical individual rights central to liberal political morality. These are important to all individuals in Northern Ireland regardless of their national or political identity and to their right to hold, form and revise any particular conception of the good as long as it respects the equal status of others. At the same time, the BA has through its equality agenda also recognized additional measures needed to address and rectify inequalities that have befallen individual citizens in Northern Ireland as a result of ethnic or national group membership. The equality agenda does not, however, include any measures that restrict anyone's right to pursue their preferred life projects based on their beliefs on value. On the contrary, it is acknowledged that it is important to individuals in their pursuit of a good life that their group identity and especially their national identity is not attributed an inferior status in their society and that it should not be allowed to be a source of discriminatory treatment.

As for the future, it is difficult to predict what lies ahead for Northern Ireland. The row in recent years over the devolution of policing and justice powers to the Northern Ireland Assembly has threatened to once again bring down the institutions of the Belfast Agreement. However, on the 9th of March 2010, the Assembly voted by cross-community consent to take responsibility for these powers. The leader of the Alliance Party, David Ford, was subsequently on the 12th of April confirmed as justice minister by the Assembly. It is perhaps a tribute to the institutions of the BA that old enemies now are willing to jointly take responsibility for a policy sector that involves some of the most divisive issues in Northern Ireland politics. I would like to think that the kind of liberal approach the Agreement represents has contributed to making such agreement possible. It rests on an idea that political institutions should aim at achieving equality among citizens and enable them to pursue their interest in leading a life that is good. For this to be possible in a society like Northern Ireland, one needs to recognize all the aspects of the circumstances people find themselves in and design institutions that do not disadvantage people for morally arbitrary reasons. One of the most important things the BA has realized is that it would be unreasonable to demand that people give up their national identity or fail to accommodate such identity if people choose to hold onto them. In this, societies in conflict elsewhere should look to Northern Ireland.

Bibliography

Adshead, Maura and Jonathan Tonge (2009): *Politics in Ireland. Convergence and Divergence in a Two-Polity Island.* Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Aughey, Arthur (1989): *Under Siege. Ulster Unionism and the Anglo-Irish Agreement.* London: Hurst & Company.

Aughey, Arthur (2005): *The Politics of Northern Ireland. Beyond the Belfast Agreement.* London and New York: Routledge.

Barry, Brian (2002a): "Why Political Science Needs Political Theory", *Scandinavian Political Studies*, Vol. 25, No. 2, pp. 107-115.

Barry, Brian (2002b): *Culture and Equality. An Egalitarian Critique of Multiculturalism.* Cambridge, Massachusetts: Harvard University Press. Paperback edition.

Beetham, David (1999): *Democracy and Human Rights.* Cambridge: Polity Press.

Bellamy, Richard (2006): "The Democratic Limits of EU Citizenship", pp. 238-265 in Richard Bellamy, Dario Castiglione and Jo Shaw (eds.): *Making European Citizens: Civic Inclusion in a Transnational Context.* Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Bew, Paul (2009): "The Triumph of the Belfast Agreement", pp. 238-245 in Brian Barton and Patrick J. Roche (eds.): *The Northern Ireland Question. The Peace Process and the Belfast Agreement.* Houndmills, Basingstoke, Hampshire: Palgrave Macmillan.

Boyce, D. George and Alan O'Day (1996): "Introduction: 'Revisionism' and the 'revisionist controversy', pp. 1-14 in D. George Boyce and Alan O'Day (eds.): *The Making of Modern Irish History: Revisionism and the Revisionist Controversy.* London: Routledge.

Buchanan, Allen (2003): "The Making and Unmaking of Boundaries: What Liberalism Has to Say.", pp. 231-261 in Allen Buchanan and Margaret Moore (eds.): *States, Nations, and Borders. The Ethics of Making Boundaries.* Cambridge: Cambridge University Press.

Butenschøn, Nils A. (1998): "Etnisk konflikt og demokrati", pp. 247-280 in Knut Midgaard and Bjørn Erik Rasch (eds.): *Demokrati – vilkår og virkninger.* Bergen: Fagbokforlaget.

Canovan, Margaret (1996): *Nationhood and Political Theory.* Cheltenham, UK and Northampton, MA, USA: Edward Elgar.

Coakley, John (2001): "The Belfast Agreement and the Republic of Ireland", pp. 223-244 in Rick Wilford (ed.): *Aspects of the Belfast Agreement.* Oxford: Oxford University Press.

Dahl, Ottar (1973): *Grunntrekk i historieforskningens metodelære.* Oslo: Universitetsforlaget. Second edition.

Daniels, Norman (1979): "Wide Reflective Equilibrium and Theory Acceptance in Ethics", *The Journal of Philosophy,* Vol. 76, No. 5, pp. 256-282.

Daniels, Norman (2003): "Reflective Equilibrium", *The Stanford Encyclopedia of Philosophy* (Summer 2003 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2003/entries/reflective-equilibrium/>.

Duffy, Sean (2005): *The Concise History of Ireland.* Dublin: Gill and Macmillan.

Dworkin, Ronald (1977): *Taking Rights Seriously.* Cambridge, Massachusetts: Harvard University Press.

Dworkin, Ronald (1983): "Comment on Narveson: In Defense of Equality.", *Social Philosophy and Policy,* Vol. 1, No.1, pp. 24-40.

Dworkin, Ronald (1985): *A Matter of Principle.* Cambridge, Massachusetts, and London, England: Harvard University Press.

Elklit, Jørgen(1997): "Valgsystem", pp. 283-4 in Øyvind Østerud, Kjell Goldmann and Mogens N. Pedersen (eds.): *Statsvitenskapelig leksikon.* Oslo: Universitetsforlaget.

Fahey, Tony, Bernadette C. Hayes and Richard Sinnott (2006): *Conflict and Consensus. A study of values and attitudes in the Republic of Ireland and Northern Ireland.* Leiden and Boston: Brill. European Values Studies Volume 9.

Føllesdal, Andreas (1996a): "Minority Rights: A Liberal Contractualist Case", pp. 59-82 in Juha Räikkä (ed.): *Do We Need Minority Rights? Conceptual Issues.* The Hague, Boston and London: Martinus Nijhoff Publishers. International Studies in Human Rights, Vol. 46.

Føllesdal, Andreas (1996b): "Handmaiden, gadfly, midwife? The roles of normative political theory.", *ARENA Working Paper*: 29.

Føllesdal, Andreas (2006): "Survey Article: The Legitimacy Deficits of the European Union", *The Journal of Political Philosophy*: Vol. 14, No. 4, pp. 441-468.

Jackson, Alvin (2004): *Home Rule: An Irish History 1800-2000.* London: Phoenix. Paperback edition.

King, Gary, Robert O. Keohane & Sidney Verba (1994): *Designing Social Inquiry.* Princeton: Princeton University Press.

Knirck, Jason K. (2006): *Imagining Ireland's Independence: The Debates over the Anglo-Irish Treaty of 1921*. Lanham, Maryland: Rowman & Littlefield Publishers.

Kymlicka, Will (1989): *Liberalism, Community and Culture*. Oxford: Oxford University Press.

Kymlicka, Will (1995a): *Multicultural Citizenship. A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.

Kymlicka, Will (1995b): "Introduction", pp. 1-27 in Will Kymlicka (ed.): *The Rights of Minority Cultures*. Oxford: Oxford University Press.

Kymlicka, Will (2002): *Contemporary Political Philosophy. An Introduction*. Oxford: Oxford University Press. Second edition.

Lijphart, Arend (1971): "Comparative Politics and the Comparative Method", *The American Political Science Review,* Vol. LXV, No. 3, September 1971, pp. 682-693.

Lijphart, Arend (1977): *Democracy in Plural Societies. A Comparative Exploration*. New Haven and London: Yale University Press.

Lijphart, Arend (1995): "Self-Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems", pp. 275-297 in Will Kymlicka (ed.): *The Rights of Minority Cultures*. Oxford: Oxford University Press.

Lijphart, Arend (1999): *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven and London: Yale University Press.

Lindensjö, Bo (1997a): "Politisk filosofi", pp. 200-1 in Øyvind Østerud, Kjell Goldmann and Mogens N. Pedersen (eds.): *Statsvitenskapelig leksikon*. Oslo: Universitetsforlaget.

Lindensjö, Bo (1997b): "Politisk teori", pp. 212-14 in Øyvind Østerud, Kjell Goldmann and Mogens N. Pedersen (eds.): *Statsvitenskapelig leksikon.* Oslo: Universitetsforlaget.

Malnes, Raino (1997): *Filosofi for Statsvitere.* Oslo: Tano Aschehoug.

Margalit, Avishai and Joseph Raz (1995): "National Self-Determination", pp. 79-92 in Will Kymlicka (ed.): *The Rights of Minority Cultures.* Oxford: Oxford University Press.

McAllister, Ian (2004): "'The Armalite and the Ballot Box': Sinn Fein's Electoral Strategy in Northern Ireland", *Electoral Studies*: Vol. 23, No. 1, March 2004, pp. 123-142.

McGarry, John and Brendan O'Leary (1995): *Explaining Northern Ireland. Broken Images.* Oxford: Blackwell Publishers.

McGarry, John and Brendan O'Leary (2004): "Five Fallacies: Northern Ireland and the Liabilities of Liberalism", pp.167-193 in John McGarry and Brendan O'Leary (eds.): *The Northern Ireland Conflict: Consociational Engagements.* Oxford: Oxford University Press.

McGarry, John (2001): "Introduction: The Comparable Northern Ireland", pp. 1-33 in John McGarry (ed.): *Northern Ireland and the Divided World. The Northern Ireland Conflict and the Good Friday Agreement in Comparative Perspective.* Oxford: Oxford University Press.

McGarry, John (2004): "'Democracy' in Northern Ireland: Experiments in Self-rule from the Protestant Ascendancy to the Good Friday Agreement", pp.323-351 in John McGarry and Brendan O'Leary (eds.): *The Northern Ireland Conflict: Consociational Engagements.* Oxford: Oxford University Press.

Mitchell, Paul (2001): "Transcending an Ethnic Party System? The Impact of Consociational Governance on Electoral Dynamics and the Party System", pp. 28-48 in Rick Wilford (ed.): *Aspects of the Belfast Agreement.* Oxford: Oxford University Press.

Moloney, Ed (2002): *A Secret History of the IRA*. London: Penguin Books.

Mulholland, Marc (2003): *Northern Ireland. A Very Short Introduction.* Oxford: Oxford University Press.

Nagel, Thomas (2003): "Rawls and Liberalism", pp. 62-85 in Samuel Freeman (ed.): *The Cambridge Companion to Rawls.* Cambridge: Cambridge University Press.

Norman, Wayne (1998): "'Inevitable and Unacceptable?' Methodological Rawlsianism in Anglo-American Political Philosophy", *Political Studies* XLVI, pp. 276-294.

O'Kane, Eamonn (2007): *Britain, Ireland and Northern Ireland Since 1980. The totality of relationships.* London and New York: Routledge.

O'Leary, Brendan (2001): "The Character of the 1998 Agreement: Results and Prospects", pp. 49-83 in Rick Wilford (ed.): *Aspects of the Belfast Agreement.* Oxford: Oxford University Press.

O'Leary, Brendan (2004a): "The Protection of Human Rights under the Belfast Agreement", pp. 352-370 in John McGarry and Brendan O'Leary (eds.): *The Northern Ireland Conflict: Consociational Engagements.* Oxford: Oxford University Press.

O'Leary, Brendan (2004b): "The Nature of the Agreement", pp.260-293 in John McGarry and Brendan O'Leary (eds.): *The Northern Ireland Conflict: Consociational Engagements.* Oxford: Oxford University Press.

O'Leary, Brendan (2004c): "The Conservative Stewardship of Northern Ireland 1979-97: Sound-bottomed Contradictions or Slow Learning?", pp. 217-235 in John McGarry and Brendan O'Leary (eds.): *The Northern Ireland Conflict: Consociational Engagements.* Oxford: Oxford University Press.

Rawls, John (1971): *A Theory of Justice. Original Edition.* Cambridge, Massachusetts and London, England: The Belknap Press of Harvard University Press. Reprint.

Rawls, John (1999a): "The Independence of Moral Theory", pp. 286-302 in Samuel Freeman (ed.): *John Rawls: Collected Papers.* Cambridge, Massachusetts: Harvard University Press.

Rawls, John (1999b): "Fairness to Goodness", pp. 267-285 in Samuel Freeman (ed.): *John Rawls: Collected Papers.* Cambridge, Massachusetts: Harvard University Press.

Rawls, John (2001): *Justice as Fairness. A Restatement.* Cambridge, Massachusetts and London, England: The Belknap Press of Harvard University Press.

Rawls, John (2005): *Political Liberalism. Expanded Edition.* New York: Columbia University Press.

Rawls, John (2007): *Lectures on the History of Political Philosophy.* Cambridge, Massachusetts, and London, England: The Belknap Press of Harvard University Press. Edited by Samuel Freeman.

Scanlon, T.M. (1982): "Contractualism and utilitarianism", pp. 103-128 in Amartya Sen and Bernard Williams (eds.): *Utilitarianism and beyond.* Cambridge: Cambridge University Press.

Scanlon, T.M. (2003): "Rawls on Justification", pp. 139-167 in Samuel Freeman (ed.): *The Cambridge Companion to Rawls.* New York: Cambridge University Press.

Shapiro, Ian (2002): "Problems, Methods, and Theories in the Study of Politics, or What's Wrong with Political Science and What to Do About It", *Political Theory,* Vol. 30, No. 4, August 2002, pp. 596-619.

Semb, Anne Julie (2000): *Sovereignty Challenged.. The Changing Status and Moral Significance of Territorial Boundaries.* Oslo: University of Oslo, Department of Political Science. Doctoral thesis.

Smelser, Neil (1973): "The Methodology of Comparative Analysis", pp. 42-86 in Donald P. Warwick and Samuel Osherson (eds.): *Comparative Research Methods.* Englewood Cliffs, N.J.: Prentice-Hall.

Smyth, Marie and Jennifer Hamilton (2004): "The Human Costs of the Troubles", pp.15-36 in Owen Hargie and David Dickson (eds.): *Researching the Troubles. Social Science Perspectives on the Northern Ireland Conflict.* Edinburgh and London: Mainstream Publishing.

Taylor, Rupert (2006): "The Belfast Agreement and the Politics of Consociationalism: A Critique", *The Political Quarterly*, Vol. 77, No. 2, pp. 217-226.

The Stationary Office Limited (1998): *The Belfast Agreement: An Agreement Reached at the Multi-Party Talks on Northern Ireland.* London. On behalf of the Controller of Her Majesty's Stationary Office.

Tonge, Jonathan (2002): *Northern Ireland: Conflict and Change.* Harlow: Pearson Education Limited. Second Edition.

Tonge, Jonathan (2005): *The New Northern Irish Politics?* Houndmills and New York: Palgrave Macmillan.

Tonge, Jonathan (2006): *Northern Ireland.* Cambridge, UK and Malden, MA: Polity Press.

Walker, Graham (2004): *A History of the Ulster Unionist Party. Protest, Pragmatism and Pessimism.* Manchester and New York: Manchester University Press.

Whyte, John (1990): *Interpreting Northern Ireland.* Oxford: Clarendon Press.

Worren, Magnus O. K. (2008): *The Northern Ireland Conflict and the Belfast Agreement.* Oslo: University of Oslo. Unpublished working paper.

Yin, Robert K. (2003): *Case Study Research: Design and Methods.* Thousand Oaks, California: Sage. Third edition.