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NORTHERN IRELAND AFTER THE GOOD FRIDAY (BELFAST) AGREEMENT, 1998

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ABSTRACT

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One position on the regulation of ethnic conflict assumes that such conflict is in part driven by popular perceptions of ethnic injustice and can be regulated by enforcement of ethnic equality. Critics argue that such appeasement of ethnic demands rewards intransigence among ethnic leaders and congeals social divisions. This paper gives qualified support to the view that ethnic conflict can best be regulated by promoting equality between ethnic groups, but for quite different reasons than those normally put forward. I argue that in at least some cases equalisation strategies work *because* they provoke change in the identities and attitudes and solidarities of groups. As this occurs, the equality provisions become less useful, precisely because they are ensuring equality between inappropriate units. Equality must therefore be seen as a threshold rather than a steady state, one that it is necessary to pass in order to proceed to more participatory and indeed transformative forms of politics.

BIOGRAPHICAL INFORMATION

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Introduction: Equality and Ethnic Conflict Regulation

It is possible to identify two starkly opposed positions on the regulation of ethnic conflict.[1] On the one hand, there is the view that such conflict is in important part driven by a popular perception of unequal treatment on the basis of ethnic category, such that the equal recognition of opposed ethnic identities, equal institutional opportunities and provision for cultural expression, equality for opposed national aspirations, and an equalisation of group economic condition allows a diminution of conflict and a moderation of ethnic demands. On the other hand, there is the view that ethnic conflict is primarily elite-driven with elites framing popular grievances in ethnic terms, so that the quest for ethnic equality and the appeasement of ethnic demands rewards intransigence among leaders and congeals social divisions. Debates on the relative priorities of defeating terrorism or of remedying the grievances of subjected populations refer to precisely these principles, as do debates on the role of egalitarian measures (from affirmative action policies to consociational institutions) in ethnic conflict prevention and regulation.[2]

That the two positions sketched above are partial and overly schematic is not in doubt. Ethnic conflict is multiply determined, both popular perceptions and elite interests are involved, and each is affected by the wider geo-political context: constitutions, state-borders, kin-states, external guarantors and international norms.[3] Even when we focus on endogenous factors, ethnic conflict is also about identity and dignity and the sense of place in the world: perceived insult here can open whole populations to ethnic mobilisation. *When* particular inequalities become ethnic grievances, or *when* particular changes are seen as opportunities for power-accretion is a product of popular perceptions and political mobilisation.[4] *When* popular attitudes and identifications define political options, and *when* elite negotiations and reformulations allow shifts in popular views and renegotiations of popular identities, and of what form and to what extent, are important and tricky questions on which there is still surprisingly little empirical research. Even accepting the need for reform of inequality, the hard questions have to do with

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[1] For the purposes of this paper I use the term 'ethnic conflict' in the broad sense referring to group conflict where the groups are at least partially defined in descent terms.

[2] For examples of the latter, see, McGarry, J. and B. O'Leary (2004) *The Northern Ireland Conflict: Consociational Engagements (*Oxford: Oxford University Press). F. Stewart, F. ed. 2008. *Horizontal Inequalities and Conflict: Understanding Group Violence in Multi-ethnic Societies* (London: Palgrave). R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict.* (London: Routledge)

[3] See for example D. A. Lake and D. Rothchild (eds.) (1998) *The International Spread of Ethnic Conflict: Fear, Diffusion and Escalation* (Princeton: Princeton University Press). A. Guelke (1988) *Northern Ireland: The International Perspective.*

[4] McAdam, Doug, Sidney Tarrow, and Charles Tilly 2001. *Dynamics of Contention. Cambridge Studies in Contentious Politics.* Cambridge: Cambridge University Press, pp.

the amount and form of equality and the commensurability of the units between which equality is sought.[5]

The positions sketched above remain a useful starting point for analysis because they open up an agenda for empirical research on the effects that equality policies – and more generally institutional part-satisfaction of ethnic demands – have on ethnic demands and ethnic identities.[6] Current debates between liberal nationalists and consociationalists on the one hand, and state-centred integrationists and transformationalists, on the other hand, too often pre-suppose the effect of equality policies on ethnic identities. Liberal nationalists and consociationalists presuppose that ethno-national identities are persistent and that the recognition of them does not change them; transformationalists assume that institutional certification of identities will make change more difficult.[7] This paper gives qualified support to the view that ethno-national conflict can best be regulated by promoting equality between ethno-national groups, but for quite different reasons than those put forward by liberal nationalists. I argue that in at least some cases equalisation strategies work *because* they provoke change in the identities and attitudes and solidarities of groups. As this occurs, the equality provisions become less useful, precisely because they are ensuring equality between inappropriate units. Equality must therefore be seen as a threshold rather than a steady state, one that it is necessary to pass in order to proceed to more participatory and indeed transformative forms of politics.

I take Northern Ireland as a case study, appropriate because a strong equalisation policy since the late 1980s, and in particular since the Good Friday (Belfast) Agreement of 1998, has been correlated with a moderation of conflict and because there is considerable scholarly attention paid to degree of inequality and the effects of the reform programme and equality legislation. In this paper I work from the justified premis that substantive communal inequality was an important grievance for Catholics and for nationalists up to the 1990s.[8] However there is a distinction – made very clearly by some Irish government officials - between remedying inequality and constituting a new equal ethnic balance. If inequality has to be eliminated, equality is unstable. In Northern Ireland it can be seen as a threshold – more precisely a series of thresholds - rather than a steady state. The process of crossing those

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[5] W. N. Espeland and M. L. Stevens (1998) 'Commensuration as a social process', *Annual Review of Sociology* (24) 313-343. J. Baker, K. Lynch, S. Cantillon and J. Walsh. 2004. *Equality: From Theory to Action* Houndsmills, Basingstoke: Palgrave Macmillan
[6] For positive assessments of the effects of part-meeting ethno-national demands for self-determination, see M. Guibernau (2006) 'National identity, devolution and secession in Canada, Britain and Spain', *Nations and Nationalism*, 12 (1) 51-76 . M. Keating (2001) *Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era.* Oxford: Oxford University Press
[7] See respectively John McGarry and B. O'Leary (2006a) 'Consociational Theory, Northern Ireland's Conflict and Its Agreement. Part 1 What consociationists can learn from Northern Ireland', *Government and Opposition* 41 (1) 43-63
John McGarry and B. O'Leary (2006b) 'Consociational Theory, Northern Ireland's Conflict and Its Agreement. Part 2. What critics of consociation can learn from Northern Ireland', *Government and Opposition*, 41 (2) 249-277. R. Taylor (2006) 'The Belfast Agreement and the Politics of Consociationism. A Critique', *The Political Quarterly*, 77 (2) 217-226
[8] For evidence and analysis, see J. Ruane and J. Todd (1996) *Dynamics of Conflict in Northern Ireland* (Cambridge: Cambridge University Press), pp. 116-203. J. Whyte, 1991. *Interpreting Northern Ireland* Oxford: Clarendon, pp. 65-6.

thresholds give rise to new demands and interests, not least among Protestants and unionists, which cast in doubt the previous formulations of equality. In this sense, there is (a form of) conflict transformation triggered by (a qualified) egalitarianism. Rather than equality freezing identities, then, it is best justified as a way of provoking change in them.

Reframing the debates over the Good Friday Agreement (GFA), 1998

The Good Friday Agreement (GFA) sets out provisions for a new political and constitutional configuration in Northern Ireland, on the island of Ireland and between Ireland and Britain. It was later amended, but not radically changed, in the St Andrews Agreement of 2006. The document is detailed: an outline of its provisions and commentary on them is provided in other texts.[9] In this section, after a brief overview of the provisions, I focus on the debates about their effects. I argue that the definition of the agreement as 'consociational' is too narrowly institutional and that a focus on the wider egalitarian provisions and impact of the Agreement allows us better to assess its significance and understand its effects.

After a brief introductory section which sets out its aspirations for a 'new beginning' in Northern Ireland, the GFA deals in turn with constitutional issues, representation and governance within Northern Ireland (strand one), North-South institutions (strand two), British-Irish institutions (strand three), issues of equality and rights, issues of decommissioning, security, criminal justice and prisons. Each issue was contested between the parties, and each marks a compromise with different winners and losers on each set of issues.[10]

The Agreement affirms the fact of British sovereignty, while a majority in Northern Ireland so wish, but the ground of that sovereignty is now the will of a majority of people in Northern Ireland. At the same time, the right of national self-determination of the Irish people, to be exercised by agreement between the two parts of the island is at once affirmed and qualified (the only choices are British or Irish sovereignty). In parallel, articles 2 and 3 of the Irish constitution are to be changed to express an aspiration to Irish unity rather than a territorial claim to the whole island.[11] The fact that it is the people of Ireland who are seen as the bearer of the right of national self-determination (in the event of a united Ireland), while the people of Northern Ireland have the right of choice of jurisdiction, suggests a complex categorisation of the relative status of these peoples which, while it remains implicit in the Agreement, is open

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[9] R. Wilford (2001) *Aspects of the Belfast Agreement* (Oxford: Oxford University Press). McGarry and O'Leary (2004) *The Northern Ireland Conflict*, pp.1-61.
[10] J. Ruane and J. Todd (1999) 'The Belfast Agreement: Context, Content, Consequences', pp. 1-29 in J. Ruane and J. Todd, eds., *After the Good Friday Agreement: Analysing Political Change in Northern Ireland* (Dublin: University College Dublin Press).
[11] This was overwhelmingly passed in a constitutional referendum held in May 1998

to innovative elaboration.[12] Yet these innovations, which on a nationalist understanding put Northern Ireland into a different constitutional position than any other part of the United Kingdom, were not incorporated into British law, permitting unionists to argue that the GFA, like the Northern Ireland (1998) Act which followed, as a confirmation of British sovereignty and a strengthening of the unionist position.[13] Whether a squaring of a constitutional circle, or a unionist victory remains in dispute.

On strand one, the Agreement takes and adapts consociational features in its design of the Assembly and Executive. There is proportionality in elections through the PRSTV system, with 108 seats (the relatively large number potentially gives space for small parties). Membership of the executive is assigned broadly proportionally to party strength in the assembly by the d'Hondt mechanism: this system is more inclusive and open to variation in popular will than is voluntary coalition and no party with sufficient strength in the assembly can be excluded. There are (egalitarian) safeguards for the communal blocs in assembly voting procedures: members designate as nationalist, unionist or other, and voting is by parallel consent and/or weighted majority in contentious situations. In essence, this is proportionality with communally egalitarian safeguards, conceived as emergency brakes rather than as barriers to all change.

Strand two outlines a North-South Ministerial Council, accountable to Assembly and Dáil, whose existence is mutually interdependent with that of the Assembly, and whose duties include the setting up of North-South implementation bodies with permanent secretariats charged with implementing policies agreed by the Council. [14] A parallel British-Irish Council, without mandatory implementation bodies, is instituted in Strand Three. British-Irish coordination and cooperation as institutionalised in the Anglo-Irish Agreement of 1985 is continued, despite some changes in the form of the Intergovernmental conference, through the British-Irish Intergovernmental Conference and Secretariat, and also in international expectations.

Beyond these changes in the political institutions, there are major innovations in 'mainstreaming' equality policy, in human rights, and in reform of the security forces and justice to create an even playing field in civil society for nationalists and unionists.[15] Institutionalised social

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[12] This would be parallel with Spain, see J-M Comas. 'Spain: the 1978 constitution and centre-periphery tensions', pp. 38-61 in J. Ruane, J. Todd and A. Mandeville (eds.) (2003) *Europe's Old States in the New World Order: The Politics of Transition in Britain, France and Spain* (Dublin: UCD Press).
[13] Hadfield, Brigid, 1998. 'The Belfast Agreement, sovereignty and the state of the union', *Public Law,* winter, 599-616. See also D. Godson (2004) *Himself Alone : David Trimble and the Ordeal of Unionism* (London: Harper Collins), pp. 617-8.
[14] J. Coakley, B. Laffan and J. Todd, (eds.) (2003) *Renovation or Revolution: New Territorial Politics in Ireland and the United Kingdom* (Dublin: UCD Press).
[15] B. Osborne and I. Shuttleworth (eds.) (2004) *Fair Employment in Northern Ireland : A Generation On* (Belfast : Blackstaff). Colin J. Harvey, ed. (2001) *Human Rights, Equality and Democratic Renewal in Northern Ireland* (Oxford: Hart Publishing). M. Cox, A. Guelke, F. Stephens, (eds.) (2nd edition 2006) *A Farewell to Arms, Beyond the Belfast Agreement* (Manchester: Manchester University Press).

relations in Northern Ireland are transformed. In addition, provisions for decommissioning, demilitarisation and prisoner releases have slowly ended not just the 'war' but the war culture of Northern Ireland.

As is well known, the implementation of the Agreement has been very uneven. For two thirds of the time since 1998, the executive has been unable to form and for much of the period the Assembly has been suspended. The crises continued not only in the early years,[16] but even after the reinstitution of the Assembly and executive in 2007. Nonetheless much has been achieved: decommissioning, demilitarisation, prisoner releases, thorough reform of policing, strong equality legislation and more integrated work places than before, functioning North-South institutions which serve at least as exemplary, substantive moderation of the policies of the 'extreme' parties, the Democratic Unionist Party (DUP) and Sinn Féin[17], and considerable evidence of rethinking in sections of the population.[18] Equally well known, the numbers of peace walls separating Protestant and Catholic neighbourhoods has increased and general segregation remains, low-level communal violence (intimidation, harassment, pipe-bombs, intermittent sectarian attacks) are endemic, and some see the new DUP/Sinn Féin executive as functioning simply by dividing the spoils of office between their constituents.[19] If individuals rethink in private, they have failed to make the leap into public change.[20] If the balance sheet is one of success, it is certainly slower and less far-reaching than anticipated in 1998.

Much of the scholarly debate on the merits of the GFA has focussed on its consociational characteristics – proportionality in elections and in executive formation, grand coalition, bloc vetos, segmental autonomy.[21] This has been justified by liberal nationalists on egalitarian grounds. It is often seen as the realisation of the vision of the New Ireland Forum of 1983-4, which brought together the nationalist parties in the Irish state and the SDLP and argued that new structures should accommodate both the right of nationalists 'to effective political, symbolic and administrative expression of their identity' and the right of unionists to 'effective political, symbolic and administrative expression of their identity, their ethos and their way of life'.[22] The consociational features of the GFA have also faced trenchant criticism on the grounds that they tend to 'freeze' national identities and preclude 'conflict transformation'. The most

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[16] J. Ruane and J. Todd (2001) 'The Politics of Transition? Explaining Political Crises in the Implementation of the Belfast (Good Friday) Agreement' *Political Studies* 49: 923-940
[17] P. Mitchell, P., G. Evans and B. O'Leary (2008) 'Extremist outbidding in ethnic party systems is not inevitable: Tribune parties in Northern Ireland', *Political Studies*, Published online 23 December 2008
[18] G. Ganiel, (2008) *Evangelicalism and Conflict in Northern Ireland* (New York : Palgrave), pp. 104-5, 141-8.
[19] Shirlow, P. & Murtagh, B. (2006). *Belfast : Segregation, Violence and the City*. London : Pluto. Neil Jarman (2005) 'No Longer a Problem? Sectarian Violence in Northern Ireland'. Belfast: Institute for Conflict Research. R. Wilson and R. Wilford, (2006) *The Trouble with Northern Ireland. The Belfast Agreement and Democratic Governance*. (Dublin: Tasc at New Island).
[20] J. Todd (2008), 'Identity shift in settlement processes: the Northern Ireland case', in G. Ben-Porat, ed, *The Failure of the Middle East Peace Process ? A Comparative Analysis of Peace Implementation in Israel/Palestine, Northern Ireland and South Africa*. (New York : Palgrave Macmillan)
[21] J. McGarry (ed.) (2001) *Northern Ireland and the Divided World* (Oxford: Oxford University Press) pp. 36-89; P. Dixon (2005) 'Why the Good Friday Agreement is not consociational', *The Political Quarterly*, 76 (3): 357-367. McGarry and O'Leary (2004); (2006a); (2006b); Taylor (2006); (2009).
[22] New Ireland Forum (1984) *Report*, Dublin: Stationery Office, para. 4.15

radical critics see it as misconceived, a vehicle for entrenching communal identities and communal opposition. Others argue that the form of consociationism is at fault: Horowitz argues that the voting system and the mode of executive formation does not give incentives to voters to vote for moderate parties, or such parties to form alliances and look for cross-community support.[23] Defenders of the consociational elements of the Agreement, in contrast, argue that the GFA is in essence a fair, pragmatic and realistic way to regulate conflict in a situation where voters will continue to vote, and to think of themselves as, nationalists and unionists, Irish and British, for the foreseeable future: national identities are long lasting and difficult to shift, and equality between them is the fairest form of settlement.[24]

Consider, however, that the consociational form of representative institutions, and in particular the form of designation as unionist, nationalist or other in the Assembly, may have less causal effect than either set of protagonists suppose. Three reasons lead to this view, one to do with the nature of identities, one to do with the nature of institutions and one to do with the overall frame of the Agreement.

- Consociational political institutions do not freeze identities, because identities are at once more deeply embedded in everyday activities and social relations which outlast political change, and also more open to shift, than this view allows.[25] Much more important in highlighting identities and distinctions at everyday level than the procedures for designation in the Assembly were a range of provisions dating before 1998, on monitoring in employment, housing lists, equality legislation in employment, together with the 'mainstreaming' of equality legislation in the 1998 (Northern Ireland) Act, the emphasis on 'parity of esteem' and the new procedures for recruitment to the security services.[26]

- The consociational form of the institutions is of less direct relevance than critics and defenders argue, because how institutions function is more dependent on informal coordination practices and expectations than on formal rules. Thelen has shown how institutional change can take place from the bottom, in series of layers, shifts, conversions which have to do with collective practices and expectations rather than with top-down design.[27] We have seen this through most of the history

[23] D. L. Horowitz (2001) 'The Northern Ireland Agreement: Clear, consociational and risky', pp. 109-136 in McGarry (ed.) (2001), *Northern Ireland and the Divided World.*
[24] McGarry and O'Leary (2004), pp. 19-22.
[25] C. Mitchell and J. Todd (2007) 'Between the devil and the deep blue sea. Nationality, power and symbolic trade-offs among evangelical Protestants in Northern Ireland', *Nations and Nationalism*, 13 (4), 637-655. J. Ruane and D. Butler (2007) 'Southern Irish Protestants: from an ethnic to a religious minority?' *Nations and Nationalism,* 13 (4), 619-636. J. Todd, T. O'Keefe, N. Rougier and L. Cañás Bottos (2006) 'Fluid or frozen? Choics and change in ethno-national identification in contemporary Northern Ireland', *Nationalism and Ethnic Politics* 12 (3-4), pp. 323-346. J. Todd, N. Rougier, T. O'Keefe, L. Cañás Bottos (2009) 'Does being Protestant matter? Protestants, minorities and the re-making of ethno-religious identity after the Good Friday Agreement', *National Identities,* 11(1), 87-99.
[26] On mainstreaming, see C. McCrudden (1999), 'Equality and the Good Friday Agreement', pp. 96-121 in Ruane and Todd (ed) (1999) *After the Good Friday Agreement*
[27] W. Streek and K. Thelen (eds.) (2005) *Beyond Continuity: Institutional Change in Advanced Political Economies* (Oxford: Oxford University Press). K. Thelen (2003) 'How institutions evolve: Insights from

of Northern Ireland where formally universalistic and democratic institutions were for long 'converted' to communal purposes, or simply – as in 1974 – failed to function. The consociational representative institutions in Northern Ireland in 1998 were embedded in radically changing provisions for security, employment equality and rights, and in a strengthened British-Irish understanding. This meant that the institutions stood to function quite differently than did superficially similar consociational institutions in 1974: in particular, nationalists had significantly greater opportunities for making a policy difference. The real question about the institutions of the GFA was whether they would be converted into a new arena for an older communal conflict, or instead channel and partially change the coordination practices of the parties and expectations of the leaders, and perhaps also of the public. They most certainly did moderate the policies and practices of the political elites in government.[28] However, there was much less translation between elite rethinking and public attitudes than might have been expected.[29]

- • The consociational form of representative institutions was only one part of the Agreement, and the part which has, arguably, had least effect. The representative institutions were functioning for no more than a third of the period between June 1998-June 2008, while the equality legislation, security reform and North-South and British-Irish provisions were ongoing for most of the same period. These latter provisions resolved long standing inequalities, and put in place new opportunities. Unionists, nationalists and republicans saw a radical change in the balance of power and status within Northern Ireland.

All of this is to suggest that the consociational architecture was a sufficient condition neither of the failures nor of the successes of the Agreement. If it was one necessary condition of success, its role here was strongly conditioned by wider public and political expectations that in turn had more to do with the equalisation policies and wider geo-political changes than with the specific political arrangements.[30] Nor was it a major factor provoking the failures of the agreement. In the initial years, it was the impact of the equality and security provisions of the Agreement – prisoner releases, restraints on marches, republican advance, 'parity of esteem' in policing, a sense of falling behind economically, of being marginalized – that most worried unionists.[31]

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comparative historical analysis' pp. 206-240 in J. Mahoney and D. Rueshemeyer (eds) *Comparative Historical Analysis in the Social Sciences* Cambridge: Cambridge University Press.

[28] C. Gormley-Heenan, C. and R. MacGinty (2008) Ethnic outbidding and party modernization: Understanding the Democratic Unionist Party's Electoral Success in the Post-Agreement Period, *Ethnopolitics* 7 (1) 43-61; Mitchell et al (2008), 'Extremist outbidding'.

[29] On the effects on unionism, see H. Patterson and E. Kaufmann (2007) *Unionism and Orangeism in Northern Ireland since 1945: The Decline of the Loyal Family* (Manchester: Manchester University Press), pp. 218-259 .

[30] J. Ruane and J. Todd (2007) 'Path Dependence in Settlement Processes: Explaining Settlement in Northern Ireland', *Political Studies* 55 (2): 442-458.

[31] Godson (2004), pp. 474-484. C. Farrington, (2006) *Ulster Unionism and the Peace Process in Northern Ireland*. Houndsmills: Palgrave Macmillan, pp. 152-162. Patterson and Kaufmann (2007), pp. 224-5.

More important than consociationalism – as endogenous conditions of both the successes and the failures of the GFA – was the egalitarian thrust of the Agreement, and indeed of previous legislation from the 1989 Fair Employment (Northern Ireland) Act. This increasingly strong legislation was correlated with increasing equalisation of communal condition.[32] In 1971, Catholics (with over a third of the economically active population) made up 14% of professional, 16% of male managers, and 8.2% of those in the top 250 civil service jobs. In 2001 (with over 40% of the economically active population) they had 43% of professional employment and (among men) 39% of managerial, and almost a third of the top 250 civil service jobs. By 2005 a policing system was functioning with equal recruitment of Catholics and Protestants. Entrenched inequalities in educational funding were remedied in the 1990s.[33] A level of parity of esteem, including Irish language provisions and street signs, was institutionalised. Catholics remained twice as likely to be unemployed as Protestants and were disproportionately present in the remaining pockets of deprivation and poverty.[34] However this was no longer at the centre of public attention, or a major public grievance: in 1968, 74% of Catholics believed that Catholics were discriminated against; in the 2000s, only 20% did.[35] Nor were the remaining inequalities longer treated as political priorities by Sinn Féin. The 'equality agenda' was one of three Sinn Féin priorities in the 1997-8 negotiations but by the 2000s, it was junior Sinn Féin spokespersons who pointed out the remaining problems. Debates continued over public symbolism,[36] but the centre of political attention, and the focus of Irish government efforts, had to do with institutional changes (in criminal justice, in the devolution of policing) the effects of which would not be immediate. It appears that nationalists and republicans are content with the substantive change in inequality, and are not prioritising the stabilisation of full equality of communal condition.

Unionists reacted in different ways. Hayward and Mitchell show how unionists tended to take equality legislation as meaning 'equality for nationalists' and loss for unionists.[37] At least two different approaches can be discerned. From 1985 onwards, unionists were quick to point to the asymmetries of the legislation which permitted the Irish government to represent nationalists while the British government took responsibility for the entire population, and the inherent injustice of treating unionist loyalty to the state as equivalent to nationalist identification with the Irish nation.[38] If unionist identity was inherently state-centred, as many liberal unionists believed, changing the character of the state did not treat unionists and nationalists equally but

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[32] Osborne and Shuttleworth (2004), *Fair Employment,* pp.1-23.

[33] R. D. Osborne (2004) 'Education and the labour market', pp. 65-87 in Osborne and Shuttleworth (2004) *Fair Employment.*

[34] P. Hillyard, D. Patsios and F. Semillon 2007) 'A daughter to ELSI – NILSI : A Northern Ireland Standard of Living Index or Problematising Wealth in the Analysis of Inequality and Material Well-being', *Social Policy and Society*, 6 (1): 81-98.

[35] J. Hughes (2004) 'Attitudes towards equality in Northern Ireland: evidence of progress?' pp. 166-183 in Osborne and Shuttleworth, *Fair Employment.*

[36] C. McCall (2006), 'From 'long war' to 'war of the lilies': 'Post-conflict' territorial compromise and the return of cultural politics', pp. 302-317 in Cox, Guelke and Stephens, *A Farewell to Arms.*

[37] K. Hayward and C. Mitchell (2003) 'Discourses of Equality in Post-Agreement Northern Ireland', *Contemporary Politics*, 9 (3): 293-312.

[38] Aughey, A. (1989) *Under Siege: Ulster Unionism and the Anglo-Irish Agreement* (Belfast: Blackstaff).

instead undermined the entire presuppositions of unionist identity. Deep disappointment and privatisation were common, and ultimately the 'structural unionist' programme of the UUP was rejected by the electorate.[39] But these unionists, after it became clear that the reform programme left opportunities for unionists and Protestants, came to accept the inevitable. In Aughey's words, they 'swallowed the toad' of the Agreement and reprioritised the elements of their identity accordingly. [40] Studies show a significant 'thinning' of the content of British identity, a tendency among some to open to Irish linkages (while retaining a British self-categorisation) and an increasing number who accept an Irish element to their identity.[41] To offer to these groups an equality for their 'British identity' when they are in process of enforced and difficult change in their understanding of it, is at once insulting and counterproductive.

Another group of unionists applied equality norms strictly, if inappropriately, generating some of the worst problems of the implementation period. The Glenbryn protest against small Catholic schoolgirls walking to school, or the Harryville protest against Catholic church attendance were legitimated for protestors by the sense that if Protestants were not permitted to march in Catholic neighbourhoods, neither should Catholics be allowed to walk where they wished. The argument that Protestant identity was being 'taken away', that nationalist advance was at Protestant expense, and that Protestants were not able to be effective in arguments with republicans and should be left to develop their own strong identity before cross-community involvement was demanded all rested on a notion of equal and opposite ethnic groups and ethnic identities.[42] Treating equality as something which required unionists to become a mirror image of republicans would indeed lead to segregation and continuing conflict rather than cooperation.

Taking the broad view beyond representational institutions to popular perspectives, we can see the successes of the GFA as including a change in the tenor of politics, a depoliticisation of the issue of inequality, and an acceptance of gradualist politics: surveys show that the majority of both unionists and nationalists 'could live with' a constitutional settlement other than their choice.[43] Indeed it has promoted a level of identity change. The 2007 Life and Times survey shows only a minority of the population who see themselves as 'Irish only' or as 'British only': this is a significant change from 1999, the only time a comparable question was asked, and the respondents

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[39] For analysis, see Patterson and Kaufmann (2007), pp. 218-259.

[40] Aughey, A. 2001 ' Learning from *The Leopard*' pp. 184-201 in R. Wilford, ed., *Aspects of the Belfast Agreement.* Oxford: Oxford UP, p. 193.

[41] Mitchell and Todd (2007). In the Life and Times 'identity' module, 2007, where the 'Moreno' question was asked for the first time, only 35% of Protestants said they were 'British not Irish', considerably fewer than the 51% in 1999 who (to a different set of options) said they did not feel Irish at all. http://www.ark.ac.uk/nilt/2007/Identity/IRBRIT.html

[42] G. Spencer (2008) *The State of Loyalism in Northern Ireland* (Houndsmills, Basingstoke: Palgrave Macmillan), pp. 186-7, 241-2. Rural Community Network (2002). *You'd feel you had no say. Rural Protestants and Community Development.* (Cookstown: Rural Community Network). Todd et al (2009).

[43] Reference lifie and times

themselves see it as quite different from their parents' attitudes.[44] A cultural threshold is being crossed. It is not possible to read the nuances of ethnic self-conceptions, national identifications and political perspectives from political 'bloc' voting, nor is that voting in any simple sense expressive of 'identity-politics'.

The crossing of that threshold has been, and remains, difficult, particularly for the group of loyalists described above. In part, it was the delay in translating the political architecture of the GFA into on-the-ground effects (in demilitarisation and decommissioning, in policing changes, in cross-border opportunities, in safety) that created the sense that divisions were unchanging, even increasing. In part it was the undoubted difficulty of identity shift in a deeply divided society: interviews show widespread shifts in assumptions and values, but they also show that interactional obstacles and entrenched understandings made change crisis-ridden, reversible. The major political obstacles lay neither in the mass public nor in the political institutions but in the failure to communicate and translate change between these levels. Very limited choices were presented to the mass public – those in process of rethinking their views had few ways of testing the collective water on small public choices. The communication channels between public attitudes and political choices which had begun to be explored, for example by Colin Irwin's surveys, were now substituted by government commissioned research.[45] The Civic Forum was wound down.[46] This was less a product of the consociational architecture of the Agreement than of the elite-centred implementation process.

Equality as threshold: loosening the ethnic from the nation state.

The Northern Ireland case study exemplifies many features common to 'internal' or 'ethnic' conflicts. The communities in conflict constitute themselves and their political loyalties in radically asymmetrical and often oppositional ways. The quest for an egalitarian settlement is therefore unstable and crisis-prone, for the following reasons:

- Not all interests and identities, in particular oppositional identities, *deserve* to be treated equally.
- Not all interests and identities *can* be treated equally within the same institutions. Equal institutional recognition of oppositional identities and cultures requires segmental, and perhaps eventually territorial, autonomy. This in turn is likely to reproduce and intensify the oppositional character of the identities.

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[44] Life and Times, 'identity' module, http://www.ark.ac.uk/nilt/2007/Identity/IRBRIT.html accessed January 2009. It is interesting and deserves separate analysis that young Catholics are more likely to say 'Irish only' than others.
[45] C. Irwin (2002) *The People's Peace Process in Northern Ireland* (London: Palgrave Macmillan).
[46] L. S. Palshaugen (2005) 'The Northern Ireland Civic Forum and a Politics of Recognition', *Irish Political Studies*, 20 (2): 147-169

- Institutional equality does not mean the same to each community or benefit both equally. Equality in relation to the symbols and cultural substance of the state may be worth significantly less to those (like unionists) who constitute their identity in terms of the state, than it is to those whose identity is constituted outside of state institutions. For the latter, parity of esteem gives a level of certification, increasing confidence and solidarity. For the former, parity of esteem decertifies their identity, requires that they change either its content or its mode of relation to the state, and decreases solidarity and confidence.
- The resultant process of change in identities, cultural interests and political preferences means that equality itself becomes a 'moving target'.

Short of leaving in existence an inequality which has had major effects in intensifying grievances and allowing radical politicisation, there are two possible ways out. The first path – enforcing equality as a steady state - is to insist on full equality, to the point of shared sovereignty, and to enforce this sternly by outside actors (in the Northern Ireland case by the British and Irish governments).[47] The second path – equality as threshold - is to justify the equality provisions of the GFA as a means through which all citizens are equally to be enabled to participate in politics, culture and economy.[48]

In Northern Ireland, the governments have not chosen to enforce equality as a steady state. They have not moved towards joint authority, they have not insisted on enforcing absolute equality in display of flags, emblems or in numbers of marches; they have not introduced quotas into general employment legislation. In interviews, government officials and negotiators were clear that they were attempting to address legitimate grievances, rather than attempting to create a fully-equal bi-national order.[49] Nor have the main political parties argued that they so do. As argued above, the principle that each national culture and allegiance (British and Irish) should be equally recognized and institutionalised and that each group (nationalist and unionist, Protestant and Catholic) should have equal conditions and status is inappropriate, in large part because the groups themselves are in process of change.

The second path, equality as threshold, is articulated in the quotation with which this article opens. To take this path is to focus on the idea of the GFA as a 'new beginning' to politics on the island. It requires that the past well-documented inequalities in relation to Irish national culture, Catholic access to employment, and nationalist political influence be removed. National equality or 'parity of esteem' is a situationally-justified transitional norm, necessary to arrive at a situation where no-one is substantively disadvantaged or advantaged because of their ethnic or religious background, national loyalty or

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[47] S. O'Neill (2001) 'Mutual recognition and the accommodation of national diversity. Constitutional Justice in Northern Ireland' in A-G. Gagnon and J. Tully (eds) *Multinational Democracies*, (Cambridge: Cambridge University Press).

[48] M. S. Williams (1998) *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation* (Princeton, Princeton University Press).

[49] See acknowledgements, footnote 1. Analysis is not yet complete, but it is clear that this was the perspective of many significant actors in the process, both Irish and British.

cultural identity. Once this threshold is reached (and one good test is when the participants recognise that it is reached), further change can be opened to deliberative politics that is not reducible to community-based standards of equality. Rather than giving Protestants incentives to develop forms of community and identity equal (and opposite) to nationalists, this approach gives incentives to remove communal inequality in order to build a plural and participatory polity.

Treating equality as a threshold (or more precisely as a way to cross a series of thresholds) means that the governments act as doctors rather than as scientists or lawyers, aware that the necessary medicines are also poisons, and ready to change treatment as soon as processes of regeneration (identity shift, communal plumping for new options) begin. It means that the egalitarian norms are means to overcome entrenched patterns, rather than organizing principles of new patterns. That does not mean that the emerging society is norm-less, but it is to prioritise individual over communal ends, at the same time as recognizing that communal injustice may effectively rule out individual fulfillment. As in medicine, judgement on when to insist on the full dose of medicine and when to reduce it, is governed by rule of thumb and pragmatism, when it is sensed that recovery is underway. The task for social scientists is not to find institutional formulae which will *in general* promote conflict resolution, but rather to identify the mechanisms which preclude and those which encourage change away from division and towards participation.

What would recovery look like in Northern Ireland? There would certainly be more varied combinations of ethnic identity, national loyalty and political choice. Today some unionists, like Sir Kenneth Bloomfield, may see more dignity in a united Ireland; some nationalists, may see no point - merely economic disadvantage – in a united Ireland.[50] Should these arguments become more frequent there would not be a move beyond the nation state but a move beyond the ethnic basis of the nation-state. The need to eliminate gross ethnic and national inequalities would remain. But liberal nationalist concepts of equality would have to change to allow for multiple intersecting combinations of ethnic, national and political perspectives.

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[50] Kenneth Bloomfield (2007) *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland* (Liverpool: Liverpool University Press), p. 258