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One Island, Two Peoples: Ethical Perspectives on Ireland's Constitutional Future

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ABSTRACT

Irish unity is in the air. Irish unity is inevitable. Apart from the philosophical problems with such assumptions, there is the overhanging legacy of the 'Troubles'. This raises awkward ethical issues about the pursuit of Irish unity and the ethical foundations of a new constitutional arrangement for the whole island. Unless there is an open acknowledgement of responsibility for the Troubles by the principal historical actors, it is difficult to see how northern nationalists and Ulster unionists might contentedly cohabit within an all-Ireland state. A disavowal of past violence, it is argued, is an essential

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part of laying the moral foundations for a new Ireland. A recent UN report, *Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, offers some ethical and practical guidelines as to how this might be effected.

INTRODUCTION

It is in imagining a future released from the burdens of distorted past memories, and seemingly insurmountable present difficulties, falsely presented as inevitable, that the energy is found for constructing what might be an ethics not only of memory but of life. It is only through acts of imagination and creativity that we can prevent forms of tragic memory from colonising the future.

Michael D. Higgins, President of Ireland, 27 June 2015²

For the seventeenth and eighteenth centuries, and much of the nineteenth, it makes sense to speak of three rather than two political traditions on the island of Ireland.³ These were the Irish Presbyterian, the Irish Anglican and the Irish Catholic traditions. Each gave historic depth and definition to three distinctive ethno-religious groupings. The Catholic Irish were an amalgam of Gaelic, Norse, Old English and pre-Reformation Scottish immigrants. Presbyterians were mainly of Scottish descent and Anglicans were mainly of English descent. In the later nineteenth century, in reaction to a resurgent Irish Catholicism and nationalism, a pan-Protestant, ethno-national formation took shape. Inter-marriage and conversions of course qualify these broad brush strokes: there were differences within each but the dominant contours are not in doubt.⁴ Cross-currents, most notably labour and trade union activity, and campaigns for women's rights, tended to be sucked into the dominant channels. By the time of the formation of the state of Northern Ireland, 100 years ago, there were two and not three major political and ideological formations on the island of Ireland, those of Irish nationalism and Ulster unionism. The broader Irish unionism, more characteristic of southern Ireland, was well on the way to being extinguished.

² President Michael D. Higgins, '1916 and the ethics of memory': Address by President Higgins, Glencree Centre for Peace and Reconciliation, 27 June 2015, <https://president.ie/en/media-library/speeches/1916-and-the-ethics-of-memory> (last accessed 5 July 2021).

³ A.T.Q. Stewart, *The narrow ground: the roots of conflict in Ulster* (rev. edn, London, 1989).

⁴ Liam Kennedy, 'The planter and the Gael', chapter 2 of Liam Kennedy, *Unhappy the land: the most oppressed people ever, the Irish?* (Dublin, 2016), 42–52.

The historical lesson here is that political formations can change over time, albeit seemingly at glacial pace, and are then 'locked in' for indefinite periods. Some commentators see the current decade as one in which seismic changes to the constitution, territory and provenance of the south of Ireland will be set in motion. The driving force is a section of Northern nationalism. The gateway is the Belfast or Good Friday Agreement (hereafter, 'the Agreement'). This contains the provision that should the secretary of state deem it likely at some point in time that a majority of voters in Northern Ireland would wish 'to cease to be part of the United Kingdom and form part of a united Ireland', then he or she is obliged to hold a poll that might give expression to these wishes.⁵ Should a majority of voters in Northern Ireland declare for Irish unity, and should a majority of voters in the south of Ireland choose similarly, then the road is open to bringing a united Ireland into being. Instead of a two-state solution as devised 100 years ago, a one-state solution would be the eventual outcome.

HISTORICAL CHANGE OF THE IRRESISTIBLE KIND

What have been dubbed conversations about unity have become much more common in the aftermath of Brexit and the United Kingdom's withdrawal from the European Union in January 2020. 'Conversation' is something of a misnomer. A conversation is normally open-ended and often light-hearted. But this is hardly the case here. Various nationalist spokespersons, those associated with Sinn Féin but not only those, have stressed the inevitability of the constitutional outcome, a matter of some import to most people. 'There is an unstoppable conversation underway on our constitutional future', according to Michelle O'Neill, Deputy First Minister and Leader of Sinn Féin in Northern Ireland.⁶ Her colleague, John Finucane MP, adds: 'The time to plan is now and the Irish government must immediately begin preparations for reunification.'⁷ The Leader of the party, Mary Lou McDonald TD, has called on the British government to set the date for a unity referendum. In her view, 'Change is underway, it cannot be resisted but it must be managed.'⁸ In a later state-

⁵ The 1998 Good Friday Agreement, Annex A. Full text available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf.

⁶ *Irish News*, 'Nationalists say poll support for unity referendum highlights need to prepare for constitutional change', 25 January 2021.

⁷ *Irish News*, 'Nationalists say...'

⁸ *Irish News*, 'Mary Lou McDonald welcomes Irish American newspaper advert call for unity referendum', 10 March 2021.

ment she elaborated: ‘In my view, it is a conversation that is headed in only one direction and in the coming years there will be referenda on Irish unity, North and South...I believe we can win those referenda.’⁹ The pressure group Ireland’s Future is if anything more exuberant. It is pushing for a referendum on Irish unity for May 2023, to mark the 25th anniversary of the Agreement. In the view of its secretary, Niall Murphy, Irish unity is ‘inevitable’.¹⁰

Such attempts to dismiss human agency in the affairs of the people are not shared by many politicians in Ireland. An taoiseach, Micheál Martin, favours a more pragmatic and evolutionary approach in which north-south trust is encouraged and developed by means of projects of mutual interest and benefit.¹¹ The Irish Minister for Foreign Affairs, Simon Coveney, is similarly of the view that the focus should be on building relationships and consolidating the existing power-sharing institutions, following a ‘bruising number of years’ in recent times.¹² The holding of a border poll is not on the Irish government’s current agenda.

What then of the ‘inevitability thesis’? Naturally most historians and social scientists would reject such a teleological view of history, where human agency is rendered impotent and contingency ruled out. Not all though. The occasional historian may be found humming the air of the inevitability thesis whose refrain is ‘the unfinished business of Irish history’. Others might remind us of the long-standing conviction in nationalist Ireland that the destiny of the Irish nation is to achieve a 32-county Irish republic, something pre-ordained by history (and in some versions by geography as well).¹³ Bobby Sands, the hunger striker, wrote in his prison diary in 1981 of the inevitability of victory (‘So venceremos; beidh bua againn lá éigin’).¹⁴ This orthodoxy is given a target date on occasion, which is almost always a bad move.¹⁵ Republicans were promised in 1972, the most deadly year of the Troubles, that this would be ‘the year of victory’. It was not. Three years later an indefinite ceasefire was called by the Provisional IRA and a British

⁹ *Irish Times*, ‘Mary Lou McDonald: Government must be active in conversation on a united Ireland’, 26 January 2021.

¹⁰ Interview with Niall Murphy, *Irish Times*, 10 September 2020.

¹¹ See for instance the Dáil Éireann debate of 2 April 2020. Micheál Martin: ‘The Programme for Government sets out the Government’s commitments on a Shared Island and to working with all communities and traditions on the island to build consensus around a shared future, underpinned by the Good Friday Agreement.’ Available at: https://www.oireachtas.ie/en/debates/question/2020-12-02/16/#pq_16 (5 July 2021).

¹² *Irish Times*, ‘Post-Brexit focus should be on building relationships not border poll, says Coveney’, 29 March 2021.

¹³ Anthony D. Smith, *Nationalism: theory, ideology, history* (Oxford, 2001), 30. For the socialist James Connolly, ‘the frontiers of Ireland are as old as Europe itself, the handiwork of the Almighty, not of politicians’, in Proinsias Mac Aonghusa and Liam O Réagáin (eds), *The best of Connolly* (Cork, 1967).

¹⁴ [‘We will overcome; Victory will be ours one day’], *The diary of Bobby Sands* (Sinn Féin Publicity Department, Dublin, 1981 and 2021), no page numbers in original booklet.

¹⁵ Marxist ideologues predicting the imminent death of capitalism discovered the danger of disappointment a long time ago.

withdrawal was said to be inevitable. Instead, there followed the ‘long war’. Further on in time, some looked ahead to the centenary of the 1916 Easter Rising as the moment when the clock would strike and a united Ireland would come into existence. The current idea of the inevitability of Irish unity, now preceded by a border poll, is of a piece. This millenarian strand in Irish republican thought need not detain us, though it may be helpful to recognise its persistence despite a history of invalidation and disappointment.

But there is an ethical dimension that might be troubling for some. For moderate nationalists, and virtually all unionists, the ‘inevitability’ thesis smacks of a bullying tactic, reading like an attempt to stampede public opinion down a narrow country lane into the fabled ‘four green fields’. It might seem that dialogue exploring a range of alternatives would be more appropriate, unless of course the game is already over (bar the shouting), in which case it would seem there is little need for campaigning. An important corollary of this stance is that unionists need not be taken too seriously: like the earlier Irish unionists they are on the way to being written out of history.

The President of Ireland, Michael D. Higgins, has popularised the concept of ‘ethical remembering’ in the context of commemorating controversial aspects of the Irish past.¹⁶ We might also consider ‘ethical imagining’ in relation to constitutional futures. For many the end game is not a foregone conclusion and in any case a united Ireland, or a United Kingdom for that matter, might assume a variety of shapes. Hence the importance of a dialogue that opens rather than forecloses possibilities. This means acknowledging that a continuation of the *status quo ante* or some variant thereof should enjoy equal status with proposals for Irish unity.

We are condemned to remember. The most prolonged period of inter-communal violence in the north since 1700 is to be found in the final three decades of the last century. Ireland’s 30 years war belongs not to the seventeenth but the late twentieth century. An honest and open dialogue needs to recognise not only that dire fact but acknowledge degrees of responsibility for the vast toll of human suffering left in its wake. Without such truth-telling and much else besides, it is difficult to see how relationships of trust between north and south, and within Northern Ireland itself, can be made to bear much political weight.

The term ‘Irish unity’ can be vague, so it is necessary to distinguish between two broad conceptualisations. In one version the emphasis is on the territorial integrity of the island, and all therein, as the natural political and geographical base of the new Irish state. People matter but only up to a point; minority rights may

¹⁶ See the many speeches on the theme of the ‘Decade of centenaries’ by President Higgins, from 2015 onwards, on the Presidential website: <https://president.ie/en/news/article/ethical-remembrance>.

be respected but majoritarian decision-making determines fundamental questions about the nature and territory of the state.¹⁷ An Taoiseach, Micheál Martin, has gone out of his way to dismiss such ‘a territorial majoritarian approach’.¹⁸ However, irredentist forms of Irish nationalism would go further and presume a right to reintegrate the ‘national’ territory by force of arms, irrespective of dissenting voices. An alternative vision of Irish unity places the emphasis on a union of hearts and minds, or at least broad acceptance of the project, and works towards that end by removing obstacles to reconciliation. This good relations, people-centred approach also of course looks towards an eventual all-Ireland state.

The principal argument of this paper is that new constitutional arrangements for the island of Ireland involve both political and ethical dimensions. Inevitably therefore, this is a normative enquiry and hopefully none the worse for that. In the following section I consider the demand for Irish unity from within Northern Ireland. A parallel exploration might consider the demand for unity within the larger but less divided southern polity but that is not attempted here. This is followed by a look at the conditions that might underpin nationalist and unionist accommodation in a new constitutional settlement. The concluding section draws together the principal lines of enquiry and is agnostic on the merits or demerits of the unity enterprise.

DEMAND FOR A UNITED IRELAND

In view of the renewed interest in the subject of Irish unity in some circles it may come as something of a surprise to find that tests of public opinion do not suggest a drumbeat that is building insistently towards a unity crescendo. The annual Life and Times survey for Northern Ireland found in 2019 that one-in-five of the population (22%) favoured Irish unity.¹⁹ (It was not specified what form unity might take.) The average level of support shown in these surveys over the preceding ten years was under 20%. At best, there may be some slight suggestion from this source of an increase in support in recent

¹⁷ A recent variant that is favoured by some nationalist lawyers, and others, is sacralising clauses in the Good Friday Agreement, thereby insisting on the automatic imposition of Irish unity in the event of a successful outcome to a border poll, irrespective of the size of the majorities on either side of the border. The legal mindset is perhaps better at reconciling texts than peoples. For a different perspective from a former deputy leader of the Social Democratic and Labour Party, see Seamus Mallon (with Andy Pollak), *A shared home place* (Dublin, 2019). Chapter 13 is titled ‘Parallel consent, generosity and other ideas’.

¹⁸ Dáil Éireann debate, referenced in the *Irish Times*, 5 September 2020.

¹⁹ See https://www.ark.ac.uk/nilt/2019/Political_Attitudes/. One might have concerns, however, about the composition of the sample, as only 57% of the respondents reported support for one or other of the major political parties (Democratic Unionist Party, Sinn Féin, Social Democratic and Labour Party, Ulster Unionist Party, Alliance Party).

times.²⁰ Even without cautioning about sampling errors in these surveys and factoring in those who do not express a preference, the far weightier point is how surprisingly low the level of declared support in the north for Irish unity appears to have been.

This view is reinforced by the findings of the University of Liverpool's General Election Survey of 2019–20.²¹ Unlike some of the methodologically less sophisticated tests of public opinion the survey was conducted using face-to-face interviews. In all, 2,003 persons aged eighteen or above from each of the eighteen parliamentary constituencies in Northern Ireland were interviewed. The survey found that 28% favoured Irish unity while 53% wished to remain within the United Kingdom. This suggests a higher level of support but is still a long way from majority support. Intriguingly, in terms of a more distant future, a larger proportion (35%) felt it has become more likely that Northern Ireland 'will eventually join the Republic of Ireland'. It is remarkable as well that one in five DUP supporters agreed with this proposition. It is suggestive of a degree of 'unionist pessimism', though it has to be added that a subjective judgement as to possible futures is no indication of support for such an outcome.²²

So, there are tentative indications of rising support for Irish unity, though still far from the level that might warrant a border poll. It is a minority preference. In a way this is surprising in view of the strengthening of the Catholic demographic position in recent decades. At the formation of the Northern Ireland state, one in three of the population was Catholic; the next census in 2021 is likely to reveal a balance between Protestants and Catholics that is more-or-less equal, at less than 50% each. But one of the anomalies of politics in Northern Ireland is that while the link between a Catholic and a nationalist identity has been tight historically, this has not translated automatically into support for Irish unity.

It is always possible we are on the cusp of deep change. This might be one of those generational cycles that has marked nationalist politics in the past: the 1880s witnessed the emergence of a young generation of Home Rule

²⁰ The results of the 2020 Northern Ireland Life and Times Survey were published 10 June 2021, while this article was in production. The findings show a further rise in support for Irish unity but no dramatic breakthrough. Some media surveys show higher levels of support for Irish unity in the north, though there are some question marks over the methodologies employed.

²¹ University of Liverpool NI General Election Survey 2019, available at: <https://www.liverpool.ac.uk/media/livacuk/research/heroimages/The-University-of-Liverpool-NI-General-Election-Survey-2019-March-20.pdf> (5 July 2021).

²² See Tables 23 and 24, page 15: <https://www.liverpool.ac.uk/media/livacuk/research/heroimages/The-University-of-Liverpool-NI-General-Election-Survey-2019-March-20.pdf> (5 July 2021).

activists; this generation was displaced in 1918 by a new political cohort campaigning under the banner of Sinn Féin; the 1960s saw the dying out of the revolutionary elite and the emergence of fresh thinking on politics, economy and society; in the north the ageing Nationalist Party imploded in the face of the challenge from the new, younger Social Democratic and Labour Party (SDLP); and in more recent times there has been the breakthrough of Sinn Féin, north and south, and the electoral decline of the SDLP and Fianna Fáil. Moreover, the UK's withdrawal from the European Union on the 31 January 2020 has surely alienated some voters who were passively pro-Union. Talk of borders tends to cement nationalist opinion. And in an irony of ironies, as a consequence of Brexit, there are now in play not one but two borders: the century-old land boundary on the island of Ireland and the newly-created 'sea border' between Northern Ireland and Britain. Border-focused politics, which seemed to be consigned to the past by the Good Friday Agreement, has assumed a new vitality, first in nationalist and now in loyalist circles.

In trying to assess the demand for Irish unity we can also look at recent trends in voting behaviour in Northern Ireland. Votes for the Alliance Party, which is the main cross-community political party, might be taken as a barometer of support for middle-ground politics. If so, we find that the Alliance Party took 17% of the popular vote in the 2019 Westminster elections.²³ This was a huge gain, up from an 8% share at the previous election in 2017. It is significant that the Democratic Unionist Party (DUP) and Sinn Féin, the principal standard bearers for unionism and nationalism respectively, lost electoral ground. In the European elections of the same year, the Alliance Party share of the vote was 18.5%, another impressive gain on a vote share of only 7% at the preceding European election. The DUP share of the vote remained more or less stationary while the Sinn Féin vote dipped by 3%.²⁴

This may suggest a movement towards the middle ground and there is some support for this in the opinion surveys noted earlier. The Life and Times Survey for 2019 found on the issue of nationality that only one in three respondents saw themselves 'as British not Irish', while one in five defined themselves 'as Irish not British'.²⁵ But that leaves close on half the respondents taking intermediate positions outside of these two mutually exclusive categories. The survey probed further, seeking to clarify self-understandings

²³ Electoral data compiled by Nicholas Whyte, ARK website: <https://www.ark.ac.uk/elections/fe19.htm>.

²⁴ As above, ARK website.

²⁵ Northern Ireland Life and Times Survey, see: https://www.ark.ac.uk/nilt/2019/Political_Attitudes/UNINATID.html (5 July 2021).

of political identity. One in three thought of themselves as unionist, just under one in four thought of themselves as nationalist. But the largest category of all, 39% of the total, did not sign up to either of these two opposing labels. These respondents were the ‘neithers’. A further 5% returned themselves as ‘other’ or ‘don’t know’, which takes the grey (or white) area between orange and green to 44% overall. Women were even less likely than men to self-identify as unionist or nationalist. Extrapolating from existing electoral and population trends, Paul Murray sees a future far removed from a century ago: ‘The two traditions are likely to balance each other out at around 40% of the vote, with Others [including recent immigrants] taking 20%. We are all minorities now.’²⁶ So we are tending once again towards three rather than two blocs, albeit of a character different to that of the earlier three traditions. To sum up, on the evidence so far the case for an irresistible surge toward Irish unity seems far from compelling. That we may be on the cusp of a fundamental shift in favour of Irish unity is still possible²⁷—time will tell—or we may be witnessing the latest iteration of the millenarian delusions alluded to earlier.

FOUNDATIONS FOR UNITY

It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island.

Article 3, Constitution of Ireland

²⁶ Paul Murray, ‘The lives of others’, *Fortnight@Fifty* 479 (September 2020), 26.

²⁷ The latest opinion poll to hand, commissioned by BBC Northern Ireland in April 2021 and conducted by Lucid Talks, shows in fact that 42% favour Irish unity, 47% favour the Union, leaving 11% undecided. This poll was conducted entirely online by drawing on a panel that is, at least in part, self-selecting. How this methodology compares with face-to-face interviewing is not clear. On the Lucid Talks survey see: <https://www.bbc.co.uk/news/uk-northern-ireland-56777985> (20 April 2021). On the face of it, this is a very high level of support for Irish unity compared to the Life and Times surveys mentioned earlier but the same poll by Lucid Talks suggests a historically low level of support (at 51%) for a united Ireland south of the border. This opens up the intriguing possibility that Irish unity might be embraced in the north but rejected in the south, leaving both major ethno-national groups feeling abandoned.

Let us assume that a majority demand for Irish unity is a realistic prospect sometime in the not-too-distant future. The possible implications of this heuristic exercise, abstracting from the risk and uncertainty that characterise all future states of existence, add up to an interesting intellectual and imaginative exploration. 'Planning for unity' has become a popular line in certain circles, so presumably excavating and laying the foundations should mark the first phase of this social engineering project. Many material elements go into the footings of the new institutions but stability requires an even more basic underpinning, that of shared ethical understandings.

What might this mean in practice in the event of momentous constitutional changes following years of intense and prolonged conflict? (That conflict did not, unfortunately, end in 1998 with the Agreement, either in its armed or its unarmed form.) Virtually all Ulster unionists, many moderate nationalists, and many who do not identify as either, take the view that the prosecution of the republican 'armed struggle' was brutal, bigoted, and lacking a democratic mandate. Loyalist paramilitary violence was also brutal, bigoted and lacking a democratic mandate. The legacy of death and pain, and the associated poisoning of communal relations, can hardly be left out of the reckoning in any unity debate. Divisive memories that originated in atrocities committed by loyalist and republican paramilitaries, and by state forces, continue to haunt the politics of reconciliation. Progress on reconciliation, it is argued later, is necessary for a stable and peaceful future.

The leitmotiv of this paper is that the Troubles and their aftermath, and the half-century of unionist hegemony that preceded the Troubles, cannot be ignored or simply silenced. These are intrinsic to any serious debate on Irish unity. There are ethical judgements to be made and unless these are shared, to some degree at least, then the moral foundations for a successful unitary or a federal state, or some other constitutional arrangement, will be defective. What might this mean in more specific terms? It means that the principal historical actors should be prepared to engage in truth-telling, acknowledge wrongdoing, make public apologies for past actions and make firm commitments as to future behaviours within a new constitutional arrangement. Without such a process it is hard to see how the requisite trust and confidence in the legitimacy of the new institutions might be achieved.

All the major agencies involved in the fighting—Royal Ulster Constabulary (RUC), British Army, Ulster Defence Regiment (UDR), loyalist and republican paramilitaries—bear some responsibility for the violence that consumed

Northern Ireland from 1969 onwards.²⁸ The memories of conflict are still raw, on all sides. Its victims are still with us. Unionists need fully to acknowledge that the half-century of Unionist one-party rule offered, at best, a 'cold house' for Catholics and nationalists.²⁹ It is also clear that British politicians, while generally well-intentioned, mishandled many aspects of the Troubles. Allowing the introduction of internment without trial and abolishing political status for prisoners suspected of terrorist activity are outstanding examples.³⁰ The British Army inflicted terror on working-class communities as during the Falls Curfew of July 1970, the Ballymurphy shootings of August 1971, and most bloodily on Sunday, 30 January 1972 in Derry. The RUC made its own mistakes, overreacting to peaceful protests as in Derry on 5 October 1968, sometimes mistreating suspects and showing partiality in policing. There is also the question of collusion between members of the security forces and Protestant paramilitaries, though the scale of such abuses is much disputed.³¹ The Irish state, whose direct involvement was limited, made serious mistakes in its response to the Troubles. However, a profoundly important distinction needs to be made between the coercive use of force by the British state and the Irish state, on the one hand, and loyalist and republican paramilitaries on the other. It is that the purpose of these various political and policing actions, in Northern Ireland, Ireland and Britain, was to contain violence and preserve life, some deviations from this standard notwithstanding.

Protestant paramilitaries, for instance, wreaked a fearsome death toll on the Catholic population and to a lesser extent on the loyalist communities they purported to be defending. They were responsible for over a thousand deaths (1,050), according to the melancholy record to be found in *Lost lives*.³² This is for the period 1966–99 and there have been further killings since then. In addition, over the longer period of 1973–2020, they have shot 1,596 members of their own community in so-called 'punishment' shootings. That isn't all. Over the same period, according to police statistics, loyalist paramilitaries have disfigured and traumatised 1,823 others from within the Protestant and

²⁸ Liam Kennedy, *Who was responsible for the Troubles? The Northern Ireland conflict* (Montreal, 2020).

²⁹ David Trimble, Nobel Lecture, available at: <https://www.nobelprize.org/prizes/peace/1998/trimble/lecture/> (5 July 2021).

³⁰ It was the Stormont government that introduced internment in August 1971 but ultimate authority rested with Westminster.

³¹ On collusion see: Timothy Shanahan, *The Provisional Irish Republican Army and the morality of terrorism* (Edinburgh, 2009), 197–205; Mark Cochrane, 'Security force collusion in Northern Ireland, 1969–1999: substance or symbolism?' *Studies in Conflict & Terrorism* 36 (1) (2013), 77–97.

³² David McKittrick et al., *Lost lives: the stories of the men, women and children who died as a result of the Northern Ireland Troubles* (London, 1999).

unionist community in paramilitary-style attacks using iron bars and cudgels, and other improvised weapons.³³ It seems counter-intuitive but these gang attacks on victims can result in more serious injury than shootings to the legs or arms.³⁴ Almost invariably, these victims came from working-class Protestant neighbourhoods. These largely invisible categories of stigmatised victims deserve to have their humanity recognised and respected. There is little doubt also that the incidence of this intra-loyalist violence is underrepresented in the official statistics. A rough but more realistic estimate would be between five and ten thousand shootings, beatings and exilings.³⁵ The scale of paramilitary repression within loyalist communities, due to the UVF, LVF, UFF, Red Hand Commandos and other fringe loyalist groups, is not appreciated in the wider society, possibly due to social class distancing.

When announcing its ceasefire in late 1994, the grandiosely titled Combined Loyalist Military Command incorporated an element of regret in its statement. 'In all sincerity, we offer to the loved ones of all innocent victims over the past twenty years, abject and true remorse.'³⁶ The wording is vague. Innocent victims are not defined. Nor is there any regret for loyalist groups using terror to advance a political agenda. Above all, the statement failed the acid test of sincerity: to resolve to give up violent practices and mean it. In fact, loyalist violence continued and still persists, albeit on a much reduced scale. It is now more than a quarter century since loyalists declared their 1994 ceasefire. The time is long overdue for representatives of the loyalist paramilitary tradition to dismantle rationalisations for their existence and direct apologies outwardly for past terror to their Catholic neighbours and inwardly to their own communities.

Then there is the Irish republican movement. I have argued elsewhere that the principal driver of the conflict—not the only one of course—was the republican movement in the shape of the Provisional IRA.³⁷ In round figures, 60% of Troubles-related deaths were due to Irish republicans, 30% to loyalist paramilitaries, and 10% to the British security forces. The main killing agency

³³ Data on paramilitary-style shootings and beatings are from the Statistics Branch of the Police Service of Northern Ireland. For an excellent participant-observation study of some of the victims see Heather Hamill, *The hoods: crime and punishment in Belfast* (Princeton, 2011).

³⁴ M.J. Barr and R.A.B. Mollan, 'The orthopaedic consequences of civil disturbance in Northern Ireland', *Journal of Bone and Joint Surgery* 71-B (1989), 739–44.

³⁵ Kennedy, *Who was responsible for the Troubles?* 110–12.

³⁶ The full text may be viewed at: <https://cain.ulster.ac.uk/events/peace/docs/clmc131094.htm> (5 July 2021).

³⁷ Kennedy, *Who was responsible for the Troubles?* 80–82.

was the Provisional IRA, which was responsible for half of all violent deaths. Most of its victims were from a Protestant background, though a minority were Catholic. Its bombing campaign targeted town centres and businesses that tended to be Protestant-owned. So the sectarian imprint is deep.

The tragedy of the quest for Irish unity is that its recent and bloody past cannot be wished away. Selective amnesia and avoidance mechanisms have been deployed with impressive inventiveness but in the main these protect the perpetrators of violence and offer little to the wider society.³⁸ There have been forms of words from Sinn Féin that might be construed as apologies for specific atrocities, or perhaps not. But verbal formulae hedged round with qualifications won't cut much ice.³⁹ The test of a comprehensive and heartfelt apology is that the 'armed struggle' is disavowed in unequivocal terms as ill-judged, unjust and undemocratic. It needs to be made clear that the decision of the Provisional IRA at its birth—to launch an insurrection albeit with a time lag—resulted in disastrous human consequences for nationalists, north and south, for Ulster Unionists and for the British peoples.⁴⁰ This also means abandoning the passive voice in which rationalisations of the 'armed struggle' are usually couched: 'forced upon us'; 'violence was inevitable' and such like.⁴¹ This is important because denying agency wipes away any burden of responsibility, and accepting responsibility is a key requirement for genuine remorse.

It hardly needs emphasising that the experience of terror, and its legacy, cannot be erased easily from the minds of those who most *need* to be persuaded, that is, the unionist community which bore the brunt of the assault. Moderate nationalists, and the many others in the democratic tradition, north and south, may also need reassurance. The nature and scale of the Troubles, the spearhead of a long history of communal division, still conditions much of contemporary politics. The death toll overall exceeded 3,600 and there are still Troubles-related deaths and injuries by virtue of the continuing activity of Irish republican factions. More than 30,000 civilians were injured, some

³⁸ On avoidance of moral responsibility for violent acts see Jonathan Glover, *Humanity: a moral history of the twentieth century* (London, 2001).

³⁹ For a critique of such verbal gymnastics see Ian Acheson, 'Why Sinn Féin can't really apologise for the IRA's atrocities', *Spectator*, 19 April 2021.

⁴⁰ The Provisional IRA army council was formed at the end of December 1969. The first issue of the Provisionals' organ, *An Phoblacht*, made clear it saw itself in the tradition of the revolutionaries of Easter 1916 who had fought for a 32-county Irish republic ('we stand on the Rock of the Republic'). *An Phoblacht* 1, February 1970.

⁴¹ Ms McDonald, Leader of Sinn Féin, reflecting on the Troubles: 'My position is that violence was inevitable,' *Sunday Times* interview, 25 April 2021.

horribly so in Troubles-related incidents.⁴² The religio-cultural background of the injured is not known but the likelihood is that the majority was from the Protestant tradition.⁴³ In addition, almost 12,000 police and soldiers of the Ulster Defence Regiment (later the Royal Irish Rangers) sustained injuries.⁴⁴ Overwhelmingly, these were from Protestant backgrounds. Nowadays, around 100 ‘peace walls’ separate nationalist and unionist neighbourhoods, the numbers having grown rather than contracted since the ceasefires of 1994. In rural areas, largely invisible norms shape social interaction and inhibit cross-community socialising.

Against this tangled backdrop of terror and division, it is almost impossible to envisage how unionists might contentedly cohabit with nationalists in a united Ireland. So what would help? A repudiation of the ‘armed struggle’ would certainly cause many to think again. To reiterate the earlier point, unless the moral foundations of any new constitutional arrangement are attended to, then alienation, discontent and civil disturbance are likely to ensue. It does not help that those most ardently pursuing Irish unity right now are also those who rested their faith in strategies of coercion in the recent past. These are to be found in Sinn Féin, a party whose democratic credentials have been questioned, and some of whose leading members, both inside and outside of political office, were once as wedded to the Armalite rifle as to the ballot box. This is not to deny that there are thousands of idealistic, often younger party members who campaign for progressive social change but whose understanding of the Troubles has been refracted through the prism of party narratives. Sinn Féin once protested in arms against majoritarian hegemony but now favours the decision-making formula of 50% plus one in any six county referendum on unity.⁴⁵ Thus, the principle of cross-community agreement, which is so fundamental to power-sharing arrangements under the Good Friday Agreement, goes out the window in the larger game

⁴² CAIN archive: <https://cain.ulster.ac.uk/ni/security.htm#11> (5 July 2021).

⁴³ Retaliatory pub bombings ravaged loyalist and republican neighbourhoods in the 1970s but other bombings seem to have targeted disproportionately commercial premises, village and town centres, gatherings and personnel associated with the Protestant and unionist population. Major bombings by republicans causing multiple deaths and injuries included Balmoral, Belfast (1971), Bloody Friday (1972), Coleraine (1973), La Mon (1978), Ballykelly (1982), Enniskillen (1987), Teebane Cross (1992), Shankill Road (1993), Omagh (1998). Excluded from this catalogue are republican bombings in England. There were instances in most years between 1972 and 1997, of which the Birmingham bombings of 1974 were the most lethal, claiming 21 lives, leaving 220 injured. In the same year loyalists set off bombs in Dublin and Monaghan, killing 33 civilians and injuring more than 250. After 1976 loyalists resorted mainly to guns rather than bombs.

⁴⁴ CAIN archive: <https://cain.ulster.ac.uk/ni/security.htm>.

⁴⁵ To recall reservations on applying the simple majority rule see Mallon, *A shared home place*.

of deciding on Irish unity.⁴⁶ There is irony and possible tragedy there. To the dismay of some, the armed struggle of the Provisional IRA is regularly valorised and marked by celebratory commemorations of bombers, hunger strikers, political prisoners and killers.⁴⁷ Unionists, moderate nationalists and others also find galling the rewriting of the past, in which the three ‘decades of terror’ are presented as inevitable, imposed from without, and in some more mellow renditions are viewed as little more than a campaign for civil rights by other means.⁴⁸

It is hard to see how mutual trust within Northern Ireland, and between north and south, can be created and maintained unless Sinn Féin faces up to many uncomfortable historical facts that go beyond mere interpretation. After all, the Provisional IRA made a defining contribution to the conflict we call the Troubles and thus bears a particular responsibility. In short, its political representatives need to offer a collective apology to all the peoples of the island of Ireland and specific or named segments therein. This becomes part of a process of building trust with the ‘other’, the unionist community. But it is important also to reassure the wider Irish nationalist constituency that a moral consensus exists on the means whereby politics might be conducted in the future. Giving priority to reconciliation in the north over a border poll might be one test of sincerity.

Post-war German society is widely regarded as the ‘gold standard’ in terms of confronting a violent past, admitting responsibility for terror on an industrial scale, and reinstating the kind of civilised values that underpin its democratic institutions. There is no suggestion here that the German and European nightmare is even remotely comparable to the Irish Troubles. Rather, the point is that the Irish unity enterprise needs much more than

⁴⁶ Maurice Earls has argued that ‘the dormant politics of coercion’ has reappeared in unexpected guise. In his view, ‘the Belfast Agreement contains a majoritarian subtext’, which could imply coercion of Ulster unionists in the event of successful referendums (from a nationalist viewpoint). Earls, ‘No myth no nation’, *Dublin Review of Books*, April 2021.

⁴⁷ A recent example from a vast repertoire of such celebratory commemorations comes from the Sinn Féin MP Matt Carthy. Speaking of the IRA man, Séamus McElwain, a once prolific killer along the Fermanagh-Monaghan border, he stated: ‘Séamus and all of those who fought for Irish freedom continue to inspire us’, *Belfast Telegraph*, 30 April 2021; *Irish Times*, 30 April 2021. For a comprehensive inventory entitled ‘Remembering Ireland’s patriot dead’, see *An Phoblacht*, 3 April 2021. The asymmetry with unionism is striking as there are no public celebrations of UDA or UVF ex-prisoners or killers on the part of mainstream unionist politicians.

⁴⁸ On appropriating the legacy of civil rights see Lorenzo Bosi and Simon Prince, ‘Writing the sixties into Northern Ireland and Northern Ireland into the sixties’, *The Sixties: a Journal of History, Politics and Culture* 2 (2) (2019), 145–6. The veteran civil rights activists Bernadette McAliskey and Eamonn McCann have felt obliged to fend off attempts by Sinn Féin to write its brand of republicanism into the civil rights narrative. See ‘McAliskey slams SF Man as “delusional” for his claim over civil rights movement’, *Belfast Telegraph*, 10 February 2018.

untested promises of a glowing future, particularly if led by voices that still cheer for those who for so long drove the engine of conflict, using a repertoire that included the car bomb as on Bloody Friday, the fire bomb as in the La Mon massacre, and the human bomb as in the case of Patsy Gillespie of Derry. A moral re-think needs to accompany a constitutional re-think. It is a matter of national and communal self-respect. It might also be thought of as planning for unity, albeit of a preparatory kind.

UNITED NATIONS: TRUTH, JUSTICE, REPARATION AND NON-RECURRENCE

How might all this be given effect? Fortunately, in relation to public apologies there are models available that have the sanction of the United Nations. A recent study, *Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence*, commissioned by the UN, offers some ethical and practical guidelines.⁴⁹ It begins by defining a public apology in the following terms:

- (a) An acknowledgement of a wrong deliberately or negligently inflicted that is named;
- (b) A truthful admission of individual, organisational or collective responsibility for that hurt;
- (c) A public statement of remorse or regret related to the wrongful act or acts, or omission, that is delivered with due respect, dignity and sensitivity to the victims;
- (d) A guarantee of non-recurrence.

The report goes on to argue that the approach should be victim-centred, gender-sensitive, with the victims as co-creators of the apology. This has interesting implications in the Irish context because the victims are many-sided. These UN guidelines might guide the process of public acknowledgement of past atrocity on the part of the major historical actors discussed here, that is, the British and Irish states, the unionist parties, and loyalist and republican paramilitaries. The British state has offered apologies in the past for specific actions, in particular the Bloody Sunday atrocity and the Ballymurphy killings. It has also instituted inquiries, costing hundreds of millions in public

⁴⁹ Kieran McEvoy *et al.*, *Apologies in Transitional Justice: United Nations Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence* (Geneva, United Nations, 2019).

funds, into controversial killings. But there are some legacy issues outstanding. David Trimble's Nobel Peace talk implied a partial apology for unionist misdeeds during the years of Stormont rule but this acknowledgement needs to be developed further and in more explicit form.

BREAKING WITH THE PAST

The aim in using ethics to interrogate history is to help understand a side of human nature often left in darkness.

Jonathan Glover⁵⁰

The major responsibility to tender genuine remorse lies with paramilitary organisations, the orange and the green. We may begin with loyalist paramilitaries. The instruments for a loyalist public apology are not immediately obvious as there is no major political party that might be held to represent the loyalist paramilitary constituency. At the time of writing, there is in being the Loyalist Communities Council which brings together elements from the UVF, the Red Hand Commando and the UDA. But given the fissiparous nature of loyalism, it cannot be assumed that this council will exist for any length of time. The Progressive Unionist Party is the political wing of the UVF and so is the next obvious instrument for issuing the necessary multi-directional apologies: first, to Catholics and nationalists, north and south, then to the unionist people, and finally, presumably, to the representatives of the state to which they claim to offer allegiance. The other major loyalist paramilitary organisation, the UDA, has no credible political wing, illustrating the point that politicians with paramilitary apprenticeships behind them are rare on the unionist side of the house. This is in marked contrast to nationalist political representation, an asymmetry that complicates the making of a collective loyalist public apology. Difficulties notwithstanding, it needs to be done.

But the primary responsibility, where the shock of re-evaluation will be greatest, lies with the major republican movement. This responsibility is for at least four reasons: first, because the Provisional IRA, a private and underground organisation, took it upon itself to declare war on behalf of the 'Irish

⁵⁰ Glover, *Humanity*, 4.

people', thereby inflicting decades of misery and death on its own supporters and the wider society; second, because it drove the conflict relentlessly onwards for a quarter century in opposition to the wishes of the Irish peoples (the real people, that is, rather than projections of the ideological imagination); third because it was responsible for the lion's share of the killings, bombings and maimings; fourth, because it is now represented by Sinn Féin, the largest political party on the island. The values that shaped the insurgency have never been challenged within the party and are incompatible with a pluralist, united Ireland at peace with itself. As discussed later, the electoral rise of Sinn Féin may not be independent of the 'armed struggle'.

The Provisionals 'war' impacted disproportionately on the Protestant community, both directly and indirectly; the RUC and the UDR/RIR were overwhelmingly Protestant and frequent victims of assassination and serious injury. But Catholic nationalists in the north also suffered intensely. As mentioned earlier, by 1999 more than 1,200 had met their death, a substantial minority of these at the hands of the Provisional IRA. Thus, there are grounds for seeing the Catholic and nationalist community in Northern Ireland, on whose backs an insurgency was launched, as victims to whom an apology should be offered. This is complicated by the fact that two out of every three northern nationalists *now* support Sinn Féin, but this also means that the party is particularly well placed to self-critically relate to its diverse categories of victims.

Public apologies inevitably relate to the ethical burdens of the past. But they are also forward looking, as the UN report underlines. They can mark the beginning of a new era of openness and 'a break from past cultures of violence'.⁵¹ Again drawing on principles contained in the report, the conditions for an effective apology include acknowledging atrocities committed in the name of the loyalist or republican cause, identifying the various victim groups, and giving a firm commitment to ensure such violations do not recur in the future. In practical terms, proof of good faith might mean meeting with and listening to victims, discussing the nature of democracy and the conduct of the Troubles with historians, political scientists, medical practitioners and other specialists, and undergoing anti-sectarian and human rights training.⁵²

⁵¹ McEvoy *et al.*, *Apologies in Transitional Justice*.

⁵² The Police Service of Northern Ireland (PSNI) undertakes human rights training and this might be rolled out further for former combatants and activists within Sinn Féin and the Progressive Unionist Party.

CROSS-CURRENTS: THE LABOUR TRADITION

One of the consequences of the Troubles that has received comparatively little attention has been its destructive impact on the labour movement in Northern Ireland. It may come as a surprise to those who think only in terms of an eternal struggle between orange and green that there was a substantial labour movement in Northern Ireland after World War II, much stronger in fact than in Ireland. Between the mid-1950s and the mid-1960s the Northern Ireland Labour Party (NILP) typically took between 20 and 25% of the vote in Stormont elections. Its peak performance was 103,000 votes in the British General Election of 1964 and it still attracted just under a hundred thousand votes (98,000) in 1970.⁵³ By the time of the British general election of 1979, its voting bloc had imploded to a mere four thousand votes.⁵⁴ Ironically, what was portrayed by some as an anti-imperial struggle served to deepen divisions within the northern working classes and destroyed political labour in the process. Today, while trade unions are relatively strong, political labour finds itself in the wilderness. This is not helped by the fact that the British Labour Party for long did not allow citizens in Northern Ireland to join the party. Currently it allows membership but does not permit local party members to stand for election.⁵⁵ Presumably this denial of citizenship rights should also form part of any debate about Irish unity.

This brings into focus the social class dimension to the Troubles which also needs to be acknowledged in preparing for future changes. It is readily apparent that republican militants were overwhelmingly working class, as were loyalist paramilitaries.⁵⁶ Instead of the unity of the working class, to which much lip-service was paid by ideologues of one sort or another, the reality was of a deadly struggle between different fractions of the northern working

⁵³ Some fraction of the vote for the NILP was tactical. In constituencies where there was little chance of a nationalist or a unionist winning, a voter might favour the NILP as preferable to a vote cast hopelessly for a nationalist or a unionist candidate. Still, there is no doubting the existence of a labour consciousness and organisation in the industrial heartland of east Ulster which stretches back to the late nineteenth century. I am grateful to Douglas McIllood, a former NILP organiser, for insights into the history of the NILP.

⁵⁴ Aaron Edwards, *A history of the Northern Ireland Labour Party: democratic socialism and sectarianism* (Manchester, 2009), 72, 93.

⁵⁵ The binary of nationalist and unionist tends to obscure other identities. Though political labour is weak in Northern Ireland for reasons mentioned earlier, the trade union movement is relatively strong. The proportion of employees who were unionised in 2018 (trade union density) was the highest for any of the UK regions. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805268/trade-union-membership-2018-statistical-bulletin.pdf (5 July 2021).

⁵⁶ To extend the point about social class, British soldiers engaged in the conflict were largely drawn from the English, Welsh and Scottish working classes.

classes. Thus, while the dominant image is that of the struggling giants of nationalism and unionism, it is as well to remember that each was internally differentiated along the lines of social class. How important the social dynamics of class may be in shaping future political arrangements is far from clear but can hardly be discounted.

The more immediate point is that the costs of the Troubles, from injury and loss of human life to blighted work opportunities, fell disproportionately on working-class communities. A keener appreciation of the point might usefully condition current discourses on equality and social justice. Frequently the arguments are couched in terms of margins of advantage: nationalists or unionists are perceived to enjoy some margin of advantage from some policy or other, which then becomes a key grievance, and larger issues of inequality are lost sight of. This of course fits the politics of communal confrontation. In particular, it might be asked in terms of alternative futures which jurisdiction is more likely to advance working-class interests and repair the legacy of economic, social, educational and psychological damage due to class divisions, de-industrialisation and the decades of terror.

TERROR AND IRISH UNITY

It is worth pondering if there might be a link between the Provisionals 'war' or insurgency and an increased probability of a united Ireland. Richard English, in the course of a brilliant comparative study of groups using violence for political ends, opens the issue for discussion:

And, taking the longer historical view, it is also important to stress that a united Ireland could still emerge in the future, that many Republicans from the Provisional tradition remain very strongly committed to it, and that if the current political journey were indeed to result in future Irish unity then they could presumably argue that their earlier violence had represented one necessary stage in bringing that process about in the first place.⁵⁷

⁵⁷ Richard English, *Does terrorism work? A history* (Oxford, 2016), 114.

There is a subset of ethical considerations bearing on this argument that is somewhat elusive. The idea of Irish unity is more prominently displayed on many political agendas now as compared to any period since the 1920s. To what extent is this due to the military offensive waged by republican armed groups, in particular the Provisional IRA? If substantially so, is there not a moral dilemma for those seeking to benefit politically as a consequence? In other words, is it fair or ethical to take advantage of political gains made on the back of an armed insurgency, or should such concerns be consigned to the past, the category of sunk costs, as it were?⁵⁸ In attempting an answer, the first step must be to try to identify the political gains, if any, whereby terror moved the northern polity in the direction of Irish unity. (It is hard to see any constitutional or other gains arising from loyalist paramilitary activity in the past, so it is less relevant to this part of the analysis.⁵⁹)

The matter is elusive not only ethically but politically as well. Some argue that the armed conflict has delayed Irish unity indefinitely and one can see good reasons why this might be so.⁶⁰ Viewed from this perspective, a people-centred quest for Irish unity involves, among other things, undoing the damage done by armed groups to a legitimate aspiration of the Irish nationalist people. This chimes with the second version of Irish unity outlined earlier, in which communal relationships within Northern Ireland are foregrounded.

The argument for a negative impact on movement towards Irish unity may well be sound, or the converse may be true. Without perfect foresight and a knowledge of how the causal sequences might operate, who is to say. In any case, there are related concerns. As already mentioned, Irish unity has been forced onto the political agenda in a way that was hardly imaginable two generations ago. In no small way this seems to be due to the pressures exerted by the Provisional IRA, using ‘armed propaganda’, though of course other forces were at play.⁶¹ Moreover, the emergence of the powerful political

⁵⁸ A sunk cost is a cost that has been incurred but cannot be retrieved, and hence is excluded from the accounting framework. But the costs of the Troubles cannot be written off, as in normal business practice, because they are inscribed on the bodies and minds of survivors, as well as being lodged irrevocably in the memory of the wider society.

⁵⁹ This is not to say that loyalist paramilitary violence, or its threat, might not have a relevance in the future and might not thus give rise to ethical dilemmas for unionists seeking to prevent constitutional change.

⁶⁰ On this point see the outstanding essay by John Swift, formerly of the Irish Department of Foreign Affairs, ‘Taming the past’, *Dublin Review of Books*, April 2021 at: <https://drb.ie/articles/taming-the-past/> (5 July 2021).

⁶¹ Ironically, in more recent times the main unionist party, the Democratic Unionist Party, by virtue of its support for Brexit and its shambolic manoeuvrings at Westminster, has managed to electrify the nationalist campaign for a border poll, which is the prerequisite to an all-Ireland state.

machine that is Sinn Féin is also hard to imagine in the absence of the armed insurgency waged by the Provisional IRA. In the view of Richard English, 'The strength of the political party derives much from the energy and force and momentum and personnel that the armed struggle has pulled together.'⁶² The centralised, tightly-disciplined party that is Sinn Féin suggests borrowings from the command structure of the IRA.⁶³ The party was steered into the 21st century by prison-hardened graduates of the Maze and it is claimed that elements of the Provisional IRA still influence or even control party policy.⁶⁴

The extensive physical and financial infrastructure of the party is the envy of other political parties but some have their misgivings and not just out of envy. They find it hard to credit that the financial strength of the party is the fruit of petty donations from party members and the wider public. A more likely explanation, some believe, is that parts of the proceeds of smuggling, protection rackets, robberies, illegal dumping and various other criminal activities have found their way into the party coffers. The Northern Bank raid, widely believed to be an IRA heist, netted £26.5 million. The Independent Monitoring Commission, set up by the British and Irish governments, came to a clear conclusion as to responsibility: 'We have carefully scrutinised all the material of different kinds that has become available to us since the robbery, which leads us to conclude firmly that it was planned and undertaken by the Provisional IRA.'⁶⁵ There is little doubt of extensive and successful loyalist and republican involvement in criminal activity, in particular from the 1980s onwards.⁶⁶ Isabel Woodford and MLR Smith have investigated Provisional IRA financial activities over the long run, and while acknowledging the difficulties of research of this kind, they conclude that 'such activities were influenced by Sinn Féin's political rise and its associated demand for funds'. They are, however, unable to establish the extent to which Sinn Féin profited from such

⁶² English, *Does terrorism work?* 129.

⁶³ For a forensic analysis of the party, including its financial resources, its organisational structure and its 200 paid workers, see the numerous articles by Colm Keena, legal affairs correspondent of the *Irish Times*, published 5 March 2020.

⁶⁴ Among those holding this view is the former minister for justice and forthright critic of republican violence, Michael McDowell, writing in the *Irish Times*, 2 December 2020.

⁶⁵ *Fourth Report of the Independent Monitoring Commission* (London, 2005), 5. This report and the 25 others in the series contain depressingly familiar material on loyalist and republican criminal activity up to 2010.

⁶⁶ 'PIRA [Provisional IRA] is a well-funded organisation deriving a substantial income from smuggling and other criminal activities', according to the *First Report of the Independent Monitoring Commission* (London, 2004), 13. For one IRA activist's role in a series of large-scale robberies, see Gerry Bradley, *Insider: Gerry Bradley's life in the IRA* (Dublin, 2009). See also Sean O'Callaghan, *The informer* (London, 1998).

criminal activities, 'or the extent [in 2018] to which it still does'.⁶⁷ It would seem there are legitimate questions to be asked as to links between illegal Provisional IRA financial operations and the resources available to Sinn Féin, in the past at least.

There are other ways in which the principal aim of the Provisional IRA, the achievement of a united Ireland, has been advanced by violence. In the southern and western flanks of Northern Ireland unionist resistance has been weakened by demographic change leading to weakened voting power. This arose naturally due to higher fertility among Catholic families. But it was also due to the 'cutting edge' of the Provisional IRA, leading to outmigration. The classic case of the latter, driven by fear in some instances and more conventional motives for movement in others, or a mixture of the two, is Derry, a city once noted for gerrymandering and sectarian discrimination by the unionist establishment. In the 1970s there was a major exodus of Protestants from cityside Derry across the River Foyle to Waterside Derry, leaving in its wake abandoned or soon-to-be-abandoned churches, schools, clubs and businesses. A confidential civil service report from 1979 came to the stark conclusion:

The reasons for the movement of the population are varied but most of them are not far to seek. Among them may be mentioned the following: (a) Political fears (b) The general pattern of violence and destruction (c) Specific acts of violence (especially murders) and intimidation.

It added, as a fourth factor, job opportunities. Nowadays there remains the Fountain, a small Protestant enclave just outside the historic walls of the city, but more generally, few Protestant families live on the west bank of the Foyle.⁶⁸

Looking along the border during the most violent period of the Troubles, coinciding with the inter-censal decade of 1971–81, we find that the district council area of Newry and Mourne saw its Protestant share of population decline from 29 to 25 per cent. The relative decline in other council areas

⁶⁷ Isabel Woodford and M.L.R. Smith, 'The political economy of the Provos: inside the finances of the Provisional IRA: a revision', *Studies in Conflict & Terrorism* 41 (3) (2018), 213–40.

⁶⁸ D. White, 'Londonderry: population movement from west bank to east bank' (11 January 1979), Memorandum by D. White, then of the Development Office, Derry, to K.P. Bloomfield, Public Records Office, Northern Ireland, CENT/1/8/11A.

along the border varied but was invariably downwards: Fermanagh from 47 to 43 per cent; Omagh from 38 to 34 per cent; Strabane from 43 to 41 per cent; and Derry from 36 to 28 per cent.⁶⁹ This was within a short space of time. These tendencies persisted and while it is difficult to make exact comparisons with the 2011 census, because ever increasing numbers do not reveal a religious affiliation, there is little doubt about the direction of change. Voting figures are another indication and these tell of the ‘greening’ of the outer marches of Northern Ireland. It is hardly coincidental that high ratios of violent death (deaths per thousand inhabitants) are evident along the Irish border (see the map in Figure 1).⁷⁰ The extreme case is county Fermanagh, where Troubles fatalities were overwhelmingly Protestant. Of the 116 violent deaths, 90 per cent were due to the Provisional IRA. A third of the fatalities were civilian; most of the rest were part-time, off-duty or former members of the locally-recruited security forces, almost invariably from local Protestant families. A recent in-depth study of the Protestant experience in border areas such as Garrison, Newtownbutler, Belcoo and Rosslea, all in County Fermanagh, came to the conclusion that these scattered Protestant minorities felt they were being driven out by means of shootings, bombings and intimidation.⁷¹ That this happened there can be little doubt but it is important to bear in mind also that changing population ratios can be due to a variety of factors including differential fertility and different propensities to migrate. Moreover, some of this migration was within Northern Ireland and thus does not alter the overall political and demographic balance. To give an example, an area of intense IRA activity such as Coalisland in east Tyrone once had a substantial Church of Ireland community but, according to a former secretary to the local Vestry committee, ‘what drove Church of Ireland people away from the district from the early 1970s onwards was the long period of civil violence’.⁷² The view of the

⁶⁹ Proportional change in these district councils is based on the revised estimates of Catholic and Protestant numbers, corrected for non-responses, as calculated by Paul A. Compton in *Northern Ireland: a census atlas* (Dublin, 1978) and David Eversley and Valerie Herr, *The Roman Catholic population of Northern Ireland in 1981: a revised estimate* (Belfast, 1981).

⁷⁰ This is evident on GIS maps generated by the CAIN research unit at Ulster University. See Luke Gallagher and Martin Melaugh, ‘Visualising the conflict: immersion in the landscape of victims and commemoration in Northern Ireland’, conference paper, Queen’s University Belfast, May 2011. Available at: https://cain.ulster.ac.uk/victims/gis/docs/kelleher_melaugh_2011-05-21_vtc_gis_paper.pdf (5 July 2021).

⁷¹ Kenneth Funston, ‘Border Protestants and republican violence’ (unpublished PhD thesis, Ulster University, 2020). On the fears of border Protestants more generally see Henry Patterson and Eric Kaufmann, *Unionism and Orangeism in Northern Ireland since 1945: the decline of the loyal family* (Manchester, 2007), 206–9.

⁷² Robin Marsh, *Brackaville: a parish of the Church of Ireland* (Omagh, 2010), v.

current rector is that many moved short distances to the comparative safety of the nearby town of Dungannon.⁷³

The role of the Provisional IRA in undermining rival nationalist groups in the north to the benefit of its political party, Sinn Féin, may also be relevant. The SDLP has suffered from the communal polarisation and sectarian anger that accompanied the armed struggle, which sometimes spilled over into the intimidation of its members, at least two of whom were badly beaten by republican vigilantes.⁷⁴ The normalisation of shootings and beatings within Catholic working-class neighbourhoods during the decades of the Troubles, and beyond, is indicative of a brutalisation of sensibilities and an erosion of human rights but, it might be argued, the exercise of force by Irish republicans also facilitated community control that fed in time into political mobilisation and gain. The awkward concern remains: were there political gains from the 'armed struggle', and if so, can these be banked without question in the current crusade for Irish unity?

ETHICAL FUTURES

Irish republicans and many Irish nationalists are proud of the revolutionary origins of the Irish state, with the Easter Rising of 1916 positioned as its foundational moment. It is possible to commemorate the birth in flames of the Irish state without too much angst. It was all a long time ago. More importantly, the partition of the island ensured that these martial origins could be celebrated in the Irish Free State and later Republic of Ireland without fear of challenge from within. Might the Troubles serve as a comparable origin story for the peoples of a territorially new Irish state? To pose the question is to feel its absurdity. The Troubles cannot be celebrated. Neither can they be ignored. This period of contemporary history remains hugely divisive, in the way that Easter 1916 is not for most nationalists or the Ulster Covenant and the UVF is not for most unionists.

⁷³ Conversations with the Rev. Andrew Rawding, Brackaville Holy Trinity (Coalisland) during May–June, 2021.

⁷⁴ These were Councillor Hugh Lewsley in west Belfast, and Councillor James O'Fee (a nephew of Cardinal O'Fee) in south Armagh. The homes of two former SDLP politicians, Gerry Fitt and Paddy Devlin, were attacked on a number of occasions, while the assassination of the SDLP leader, John Hume, was seriously considered by the Provisional IRA Army Council in the early 1980s. On the assassination claim see Suzanne Breen, 'IRA said to have debated killing Hume in 1980s', *Irish Times*, 3 February 1997.

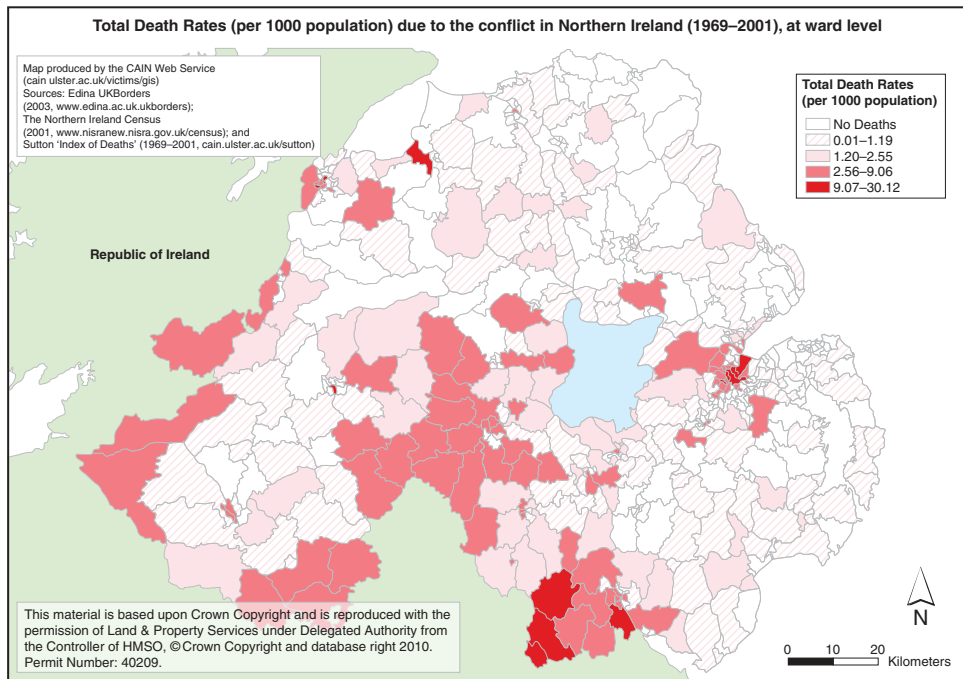


Figure 1—Total deaths per thousand population due to the conflict in Northern Ireland, 1969–2001 at ward level. Source: CAIN web service.

The poets, as usual, have the best lines. But they also have the sensibility to capture the enormity of the tragedy with a few deft charcoal strokes. Recall Michael Longley's lament:⁷⁵

Think of the children
Behind the coffins.
Look sorrow in the face.
Call those thirty years
The Years of Disgrace.

So, we come back to the original conundrum: is it possible to construct a cohesive society that encompasses the ethno-national diversity present on the island in advance of securing the moral foundations for the new polity? Are public apologies of the kind outlined here, or some other form of emancipatory politics,

⁷⁵ From Michael Longley's poem, 'The Troubles', *Angel Hill* (London, 2017). See also Edna Longley, 'The currency of poetry', *Fortnight@Fifty* 479 (2020), 54–57.

necessary conditions for securing a broad consensus for a new constitutional order?⁷⁶ There may of course be other mechanisms and approaches to past and future. A truth and reconciliation commission has been mooted from time to time.⁷⁷ (The problem is that at this stage, with the threat of prosecution for past deeds effectively lifted, there are little or no incentives for either loyalists or republicans, or the British state, to engage in such an initiative.) A historical commission has its advocates. Current discussions of constitutional aspirations, for and against Irish unity, also have merit if developed more broadly to include the brooding backdrop of the Troubles and more recent antagonisms. Irrespective of the approach adopted, ethical considerations suffuse all future prospects. It may be recalled that the Agreement was predicated on the basis of the Mitchell Principles, a set of values about democracy to which the participants in the all-party talks preceding the Agreement were obliged to subscribe. But to pass from one constitutional order to another is a more formidable challenge than accepting power-sharing between nationalists and unionists within Northern Ireland. Crucially, in the Belfast negotiations, future options were left open. For a new Ireland to succeed, it looks as if we will have to work harder on the task of deconstructing partisan narratives of the Troubles, as well as labouring overtime to produce agreed ethical understandings.

Difficult as it may be for some of us from a nationalist background to acknowledge, it was the unionist community that was the primary target of Troubles violence. More than 80% of the dead were Irish-born; a majority was Protestant.⁷⁸ Having withstood the insurgency driven by various IRAs, the INLA and other republican groups, unionists are unlikely to entrust their lives and livelihoods, their sense of citizenship and nationality, to a coalition of nationalist forces that has their former aggressors as the leading actors. It is the case that most northern nationalists now support Sinn Féin and perhaps a third of voters in Ireland favour the party (though not necessarily endorsing retrospectively the Provisional IRA 'war' or giving priority to Irish unity). Nor is this simply about unionists. Sections of northern nationalism have suffered at the hands of Irish republicans as well as British loyalists, and so may also need reassurance on

⁷⁶ On emancipatory politics related to the Irish context see Joseph Ruane and Jennifer Todd, *The dynamics of conflict in Northern Ireland: power, conflict and emancipation* (Cambridge, 1996), 292–316.

⁷⁷ An Irish variant, a 'Truth Recovery Process', has been proposed by John Green and Pádraig Yates and merits serious attention. See <http://truthrecoveryprocess.ie/>.

⁷⁸ For a breakdown of the dead of the conflict see Kennedy, *Who was responsible?* 62–67. The likelihood (as suggested earlier), though further research would be helpful, is that a majority of the injured and the maimed were from Protestant backgrounds.

the benefits of Irish unity and the prospects for peaceful accommodation in the imagined state of the future. Those who define themselves as neither nationalist nor unionist, including many who identify as labour or socialist, will also need to be convinced, as of course will nationalists and others in Ireland.

Foundations of trust are hard won. It is difficult to see how the necessary piles can be driven into the foundations without a painful re-evaluation of the morality of loyalist and republican violence and public admissions of responsibility and remorse. Major state abuses have been recognised and restitution made in some instances, though more needs to be done.⁷⁹ Irish-British relations are, on the whole, healthy. There have been vague words of comfort from the Irish unity camp along the lines that the peoples of the island have nothing to fear from this prospect, that all identities will be respected, and that the future will be peaceful and prosperous. Would that words could substitute for deeds. After three decades of intense fighting, followed by two decades of political and cultural arm-wrestling, the ethical foundations of any new constitutional arrangement need to be attended to, more as a prerequisite than as an afterthought. Nor can we forget that the traditions and the values that motivated the Easter Rising and the Provisional insurgency are still celebrated and still motivate dissident groups within the republican family to murderous deeds in the here and now. One cannot rule out the future possibility that dissident IRA groups, possibly enjoying wider support, might take it upon themselves to ‘police’ recalcitrant Protestants, particularly in rural and small-town localities where Protestants and unionists are in a minority. They have ample role models from the past.

The American philosopher Timothy Shanahan, in a rigorous attempt to assess the morality of the Provisional IRA ‘war’, has drawn on three bodies of moral theory—the ‘just war’ doctrine, consequentialist arguments and human rights discourses—and has reached the unequivocal conclusion that ‘the IRA’s armed struggle, including its use of terrorism, was not morally justified’.⁸⁰ No doubt he would have come to the same conclusion as regards loyalist terror. Occasional voices from within the academy, such as that of Shanahan, are unlikely to keep IRA veterans or loyalist gangsters awake at night. But ethical concerns connect closely with fears and apprehensions as to the conditions of life under a new

⁷⁹ Apologies in relation to the events of Bloody Sunday and the Ballymurphy killings are perhaps the best known examples. Financial compensation has been paid by the state to citizens, including ex-combatants, in a number of cases where abuse occurred.

⁸⁰ Shanahan, *Morality of terrorism*, 221. Professor Séamus Murphy has drawn similar conclusions in relation to the 1916 Rising and sees its legacy, as it worked itself out in Northern Ireland, as destructive of good relations between nationalists and unionists. Fr. Séamus Murphy SJ, ‘Just war: No’, *Irish Catholic*, 17 December 2015.

constitutional order. As suggested earlier, the tragedy of the current Irish unity crusade is that it comes out of a history that is both bloody and recent. By undermining trust and deepening communal division, the Troubles may have made Irish unity less likely, while paradoxically benefiting politically the forces that drove the conflict and now drive the unity project. The values that animated the insurgency threatened Irish democracy, north and south. If these values continue to be normalised within the new political dispensation, then it is hard to see how the apprehensions of sceptical nationalists and moderate unionists can be assuaged, never mind those of hard-line loyalists.

All of the foregoing could of course be largely academic, at least in the short to medium term. It is likely that neither British loyalists nor northern republicans are as yet capable of addressing directly the ethical issues raised in this paper. The ideologically-driven narratives of the past and the associated value judgements may be too deeply ingrained to admit of critical self-interrogation, at least for a long time.⁸¹ But imagine some day if nationalist Ireland and unionist 'Ulster', instead of the reflex blaming of the 'other', were each prepared to admit past wrongs, how liberating this would be. Degrees of responsibility would still be critical and there is no escaping the historical reality that the major responsibility for three decades of terror lies with the Provisional republican movement. Such an admission is clearly beyond the capabilities of the present leadership and the veterans of the 'long war'.

So what then is the point? It is not one but two. The first is that it is empowering for people who do not share the values and obfuscations of armed groups to make demands of those responsible for communal suffering, even or perhaps especially if there is little prospect of acceptance of these demands. The alternative is to let issues of human rights and the morality of violence go by default, thereby compromising those who do not share the paramilitary mindset (be it of the orange or the green variety). Challenging terror is surely a democratic imperative. The second is that some kind of emancipatory politics, embodying new ethical perspectives, is a prerequisite for stable constitutional arrangements. A new politics might be geared to the peaceful reintegration of the two Irelands or, alternatively, it might contribute to the more effective functioning of the Northern Ireland polity within the United Kingdom. But if that is too much to ask, and it may well be, then an urgent priority facing those planning for Irish unity might be policies and budgets that expand the army and police resources of Ireland.

⁸¹ For an even more pessimistic view see A.T.Q. Stewart, *The shape of Irish history* (Belfast, 2001).