

## Security or Tolerance?

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# Security or Tolerance? The Proscription of Political Parties in Democratic States

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## **ABSTRACT**

The paper examines the changing legal status of Sinn Féin and its successor Republican Clubs, which were, respectively, banned in 1956 and 1967, and legalized in the mid-1970s. Moving beyond the existing party ban literature's focus on constitutional foundations and formal contours of government policy I examine deliberative processes, discursive strategies and elite and citizen preferences on party bans. To this end, I examine three hypotheses generated in research on party bans in Spain that focus on the preferences of veto players, securitization and desecuritization discourses and citizen preferences. In addition to addressing an under-researched question in the study of conflict in Northern Ireland, the article aims to develop more robust statements on the conditions under which democracies ban political parties. In a contribution securitization theory, the article argues that an institutionalist operationalization of securitization can help account for success and failure of securitization moves and sharpen conceptualization of the relationship between securitization agents and multiple audiences.

## **Introduction**

*Sinn Féin* has moved in and out of legality over its long history and its status has varied according to territorial jurisdiction. Of particular relevance was the fact that *Sinn Féin* was banned in Northern Ireland (NI) in 1956 as part of responses to the Irish Republican Army's (IRA) Border Campaign 1956-1962. Reformed under the name of the Republican Clubs, *Sinn Féin* was effectively banned again in NI in 1967. Republican Clubs and *Sinn Féin* were legalized, respectively, in 1973 and 1974 following the resumption of direct rule by British authorities. In short, the parties enjoyed periods of legality and illegality, despite their continued implication in violent campaigns against established authorities conducted by the IRA. This is the empirical puzzle I address here; namely, why does the

legal status of parties implicated in strategies of violent confrontation against established authorities change over time? The issue of party bans in NI has effectively been ignored in mainstream scholarship on ‘The Troubles’, probably due to the Republican tradition of abstentionism and the marginal role of parties (whether legal or not) in the NI republican movement until the 1980s (eg. Bowyer Bell, 1979; Coogan, 2000; Feeney, 2002; English, 2003; Patterson, 2006). Legal scholars examine party bans, but they do not address in any depth the reasons why that legal status changed (eg. Colm, 1994; Finn 1990; Donohue, 1998).

From a comparative perspective, the fact that Sinn Féin was legal after 1974 is unusual. In most cases, the failure of a party (of any type) to unambiguously reject violence as a means to attain political goals is a sufficient condition for illegalisation in democratic states (Finn, 2000: 60-1). This includes parties accused of perpetrating violence or linked to those who do so (or previously did) (Bourne, 2012a; 2012b). The only case comparable to *Sinn Féin* and Republican Clubs are the radical Basque nationalist parties in Spain, *Herri Batasuna* and its successors<sup>1</sup>, which were legal for around two decades before but banned from 2003 to 2012. Studies have addressed the question of why these parties were banned or escaped proscription in Spain (Bourne, 2012a, Bourne, 2013). However, hypotheses generated inductively in this work have yet to be tested. In this article, I undertake this task by examining the validity of three hypotheses for the cases of proscription and legalisation of Sinn Féin and Republican Clubs. The hypotheses are:

***H1: It is necessary for all veto players to support proscription for a party to be banned.***

***H2: Securitization of anti-system parties as ‘threatening’ and ‘abnormal’ parties requiring extraordinary state responses is necessary (but not sufficient) for partisan veto-players to support banning parties***

***H3: Partisan veto players will not support party ban decisions if their likely voters are against it.***

By testing these hypotheses, I not only aim to address an under-researched question about conflict in NI; I also aim to develop more robust, empirically grounded, theoretical knowledge on the question of why democracies ban political parties. More robust theory on party bans is needed. Existing literature devotes rarely aims to explain proscription (eg. Nielsen 2002, Corcuera *et al*, 2008; Gordon, 1987; Fox and Nolte, 2000, Sajó 2004; Bale, 2007; Navot 2008). Paradigmatic concepts in the study of democratic responses to political extremism, such as ‘militant democracy’ (Loewenstein, 1937), ‘defending democracies’ (Pedahzur, 2004) or ‘intolerant democracies’ (Fox

and Nolte, 2000), help with classification but provide little guidance on rationales for proscription (Bourne, 2012b). The approach I adopt here, moves beyond this literature's focus on constitutional foundations and contours of public policy to examine deliberative processes, discursive strategies and elite and citizen preferences.

Furthermore, by focusing on the role of veto players, the article develops an innovative institutionalist perspective for operationalizing the concept 'securitization', or the process by which an 'issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure' (Buzan et al, 1998, 23). This approach has several advantages. Empirical analysis shows how a more explicitly institutionalist approach helps account for success and failure of securitization moves by focusing on political system variation. An institutionalist operationalization can also address critiques that the relationship between securitizing actors and audiences is underdeveloped in seminal securitization work (especially Buzan *et. al.* 1998) (Balzacq 2005 and 2011; Roe 2008; Vuori, 2008; Léonard and Kaunert, 2011). I argue veto-player theory can be used a) to identify political actors constituting a 'crucial audience' that must be convinced securitizing arguments to be translated into securitization outcomes and b) to disaggregate 'the masses' into more differentiated 'voting publics'.

And finally, the article's comparative focus is well suited to address the noted deficit in application of case study design protocols, including use of multiple case studies, in securitization research (Balzacq 2011, 33; see also Wæver, 2011, 471). Case selection is made in accordance with what Yin (2003) describes as a logic of 'replication', analogous to multiple experiments whereby stronger findings are sought by testing results of a single experiment with further experiments (2003, 47). Selected cases are either 'literal replications', predicting results similar results existing studies, or 'theoretical replications', predicting contrasting results but for reasons predicted by existing studies (*ibid*). A 'literal replication' of the findings on party bans in Spain, which looks at why *Herri Batasuna* and successors were banned in 2003, can be expected in **case 1** on *Sinn Féin* (1956) and Republican Clubs (1967) bans in NI. Theoretical replication can be expected in **case 2** on *Sinn Féin* (1974) and Republican Club's (1973) legalization by the Westminster parliament. Mixed methods are used, namely process tracing, institutional analysis, discourse analysis and statistics, while data sources are primarily parliamentary debates, legal documents and opinion poll surveys.

I begin addressing theoretical and empirical foundations of the hypotheses tested. I then identify veto players in party ban decisions (H1); analyse whether securitization and desecuritization strategies are employed in response to the democratic dilemma posed by party ban decisions (H2); and address attitudes to party bans among those likely to vote for partisan veto players (H3).

### **Securitization, veto players and voter-audiences**

Securitization theory, in its several variations, is premised on a conception of ‘security’ as intersubjective and socially constructed (eg. Buzan et. al., 1998, 30-1; Balzacq, 2011, 1-4). In their seminal work, Wæver and Buzan argue that ‘security’ occurs when ‘an issue is presented as posing an existential threat to a designated referent object (traditionally but not necessarily the state, incorporating government, territory and society)’ (Buzan et. al., 1998, 21). While, ‘the invocation of security has been the key to legitimizing the use of force’ it has also ‘opened the way for the state to mobilise or to take special powers, to handle existential threats’ (Buzan et. al., 1998, 21). A public issue becomes *securitized* when ‘presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure’ (ibid, 23). *Desecuritization* ‘shifts the issue out of emergency mode and into the normal bargaining process of the public sphere’ (ibid, 4) where issues are no longer phrased as ‘threats against which we have to take countermeasures’ (ibid, 29).

Securitization processes begin with a *securitizing move*, a discourse that takes the form of presenting something – here, a party - as an existential threat to a *referent object* – here a state, democratic institutions, national or democratic community (ibid, 25). However, an issue is successfully securitized only if a relevant audience accepts it as such (ibid, 25 and 31).

Securitization arguments must ‘gain enough resonance for a platform to be made from which it is possible to legitimise emergency measures or other steps that would not have been possible had the discourse not taken the form of existential threats, point of no return, necessity’ (ibid, 25).

Moreover, ‘In a democracy, at some point it must be argued in the public sphere why a situation constitutes security and therefore can legitimately be handled differently’ (ibid, 28).

It is plausible to expect parties subject to ban proceedings to be securitized and those being legalised to be *desecuritized*. Security metaphors are common in academic and public discourse

about party bans – eg. ‘militant democracies’ and ‘defending states’. Furthermore, in Spain elites employed both securitizing and desecuritizing strategies in ban justifications (Bourne 2013). Pro-ban arguments took the form of a securitizing ‘discourse of intolerance’, with targeted parties deemed ‘abnormal’, unworthy of usual party rights and a threat to state security or health of the democratic community. Anti-ban arguments to the form of a ‘discourse of tolerance’ more firmly embedded in a discourse of rights and where proscription was seen as inimical to the resolution of conflict underpinning violence. The expectation that processes of securitization will precede party bans is captured in H2 stated above.

Theoretical elaboration of this basic conceptualisation of securitization and desecuritization, as well as additional empirical insights from the Spanish case, generate further hypotheses on conditions under which democracies ban parties. While hypotheses draw on insights from the Copenhagen School, which grew from Wæver and Buzan’s work, my approach employed is closer to Balzacq’s ‘sociological’ approach (2005, 2011). Briefly stated, the Copenhagen School works within the poststructuralist tradition, which posits the social power of language and conceives of security as a ‘speech act’ in which security utterances ‘do things’ in the social world. In contrast, the ‘sociological’ perspective views securitization as ‘a strategic (pragmatic) process that occurs within, and as part of, a configuration of circumstances, including the context, the psycho-cultural disposition of the audience and the power that both the speaker and listener bring to the interaction’ (Balzacq, 2010, 1).

Elaborating on findings from the Spanish case, an institutionalist operationalization of securitization generates two further hypotheses. In Spain institutional rules determining which political authorities had a say in party bans affected the success of securitization moves: It was not sufficient for the mainstream party elites to securitize *Herri Batasuna* and its successors by claiming it was ‘one and the same’ as the terrorist group ETA, because the judiciary, empowered to make final decisions on party ban cases, was able to veto that decision on grounds that did not necessarily relate to security concerns (Bourne 2013). This generates the hypothesis, stated in H1 above, that it is necessary for all veto players to support proscription for a party to be banned.

The assumption that institutions matter is implicit in securitization theory. It is evident in statements about the importance of ‘authority’ (Buzan et al, 1998, 33, second facilitating condition), ‘linguistic

competence' (Balzacq 2005, 191) and the 'positional power' of securitizing agents (Stritzel 2007, 375). Buzan *et al* distinguish between *ad hoc* and institutionalised securitization (1998, 27-8), while others have noted a bias towards democratic decision-making in securitization theory, which rests on an implicit assumption of institutionalised commitments to democratic practices (Vuori, 2008, 68). Significantly, a role for institutions is more explicit were the role of 'audience' is addressed. Balzacq, for instance, distinguishes between 'moral' and 'formal' support, with the difference being that formal support – by, for instance, a parliament, Security Council or Congress – is needed to actually achieve goals posited in securitization processes (2005, 185). Institutional rules defining an audience need not be formal rules. As Vuori argues, the audience is 'anyone who has to be convinced of the necessity of security action changes within the cultural and political systems in which securitization is taking place' (2008, 72).

Nevertheless, the role of institutions as an explanatory variable remains underspecified in securitization theory, particularly how variation in political system variables can shape securitization. This is an important shortcoming, given that successful securitization is often observed in hindsight and in public policy outcomes. New institutionalism, however, provides many insights into how such system-level variation may affect securitization outcomes.

Institutionalists may differ over the nature of institutions and how institutions affect politics (see for instance Hall and Taylor, 1996; Hay 2002; Schmidt, 2008). Rational choice institutionalism assumes individuals are purposive agents pursuing preferences in the most efficient and cost effective means. Institutions mechanisms constraining or facilitating interest aggregation processes. Historical institutionalists focus on embedding of ideas and interests within institutional structures and path dependence. Sociological institutionalists tend to conceive institutions as norms, or 'particular reproductive processes' that stabilise and fix social order. Institutions may help to stabilise the very identities, roles and rules that govern notions of 'appropriate' behaviour (March and Olsen, 1989). 'Discursive institutionalism' draws attention to the role of discourse and ideas in politics and the relationship between interests and institutions (Schmidt 2008). It claims to develop a dynamic conception of institutional change explicitly focusing on interrelationships between agency and structure (*ibid*, 303).

While institutionalist approaches provide many conceptual tools, the article employs just one - 'veto players' - to identify key actors in securitization processes. Tsebelis defines veto players as 'actors

whose agreement is required for a change in the status quo' (2002, 17). Institutional veto players are those empowered by formal constitutional rules (such as parliaments and presidents), while partisan veto players are those 'generated by the political game' (such as parties in a coalition government) (2002, 19). Veto player theory accounts for policy stability and change by focusing on the number of veto players, the ideological distance between them, and the role of agenda setters. Policy change is more difficult in multiple veto player polities (2002, 5). Veto players with agenda setting powers have significant control over which of a range of possible policies replaces the status quo, providing agreement veto players agree (2002, 2). In short, veto player theory identifies specific political system variables which may constrain or facilitating securitization. This insight is captured by H1. Distinction between institutional and partisan veto players, and the observation that pro-securitization *partisan* veto players failed to successfully securitize *Herri Batasuna* and successors due to the veto of judicial *institutional* veto players, accounts for the caveats in H2.

Veto player theory can address critiques that much securitization research underspecifies the relationship between securitizing agents and audiences (Balzacq 2005 and 2011; Stritzel 2007, Roe 2008; Vuori, 2008; Léonard and Kaunert, 2011). In response, various authors advocate disaggregating the securitization 'audience' into multiple audiences distinguished by varying authority and relationships to securitizing agents. Balzacq, as we have seen, distinguishes between 'moral' and 'formal' supporters of securitizing moves (2005, 185); Vuori (2008) distinguishes audiences in accordance with functions securitization is intended to serve; and Léonard and Kaunert (2011) refine the concept of 'policy entrepreneur' and draw on Kingdon's 'three streams model'. Veto player theory provides an additional way to disaggregate securitization audiences. Such an approach is appropriate for policy areas with clear legal procedures, such as party ban decisions. Balzacq's reference to 'formal' and 'moral' supporters of securitization moves underpins a more elaborate distinction between 'crucial' and 'relevant' audiences (2005, 185). A crucial audience can be conceived as those whose formal support is required to achieve goals posited in securitization processes, or in other words, as veto players. Veto player theory further directs attention to the fact that many veto players, especially those who face re-election, prefer to make decisions which appeal to their likely supporters. However, elections are rarely decided on just one issue, and so those likely to vote for a particular party can in most cases be considered a relevant audience whose moral support is desired but not crucial. Indeed, as Balzacq remarks, securitization agents 'always strive to convince as broad an audience as possible because they need to maintain social relations



with the target individual group' (ibid, 185). Where parties are securitizing agents, then, the 'relevant' audience may include a) the pool of citizens likely to vote for them in an election; b) political institutions, such as the media, which mediate and interpret government messages delivered by veto players (see for example, Vuori, 2008, 80; Williams, 2003, 527-8) and c) key intra-party constituencies. H3 captures the first type of relevant audience. Previous research on party bans in Spain showed that elite securitization of HB and its successors resonated with opinion poll respondents' perception of very close links between ETA and HB and that proscription of the parties would help end violence, particularly among those likely to vote for partisan veto players (Bourne 2013).

### **Crucial audiences: Who are the veto players?**

Following enactment of The Government of Ireland Act (1920), which established the NI state, political parties and organisations could be proscribed in NI under the Civil Authorities (Special Powers Act) of 1922 (henceforth SPA). This Act gave authorities extensive powers for 'preserving the peace and maintaining order'. Regulation 24A made it an offence for any person to become or remain a member of an unlawful association, or to act with a view to promoting the objects of an unlawful association or seditious conspiracy. Between 1922 and 1972, five parties (and various organisations) were banned under the SPA (see Table 1). In 1931 *Saor Éire*, a socialist party launched by the IRA leadership to replace *Sinn Féin*, was proscribed (Hanley, 2002, 179-80).<sup>2</sup> In 1936, republican efforts to form a new political party under the name of *Cumann Poblacta na h'Eireann* (Donoghue 1998, 1112) were quickly thwarted when it was also added to the list of proscribed organisations.<sup>3</sup> *Sinn Féin* was not formally added to the SPA list of unlawful associations until 1956.<sup>4</sup> In 1956, the NI government also banned *Fianna Uladh*, which was the political wing of the paramilitary group *Saor Uladh*, led by Liam Kelly and set up after a split with the IRA (English, 2003, 72; Coogan, 2000, 283). The Republican Clubs, which were banned in 1967, were initially a successor party to *Sinn Féin* but later became the political wing of the Official IRA.<sup>5</sup>

In the late 1960s, sectarian violence in NI escalated which led, in 1972, to re-introduction of direct rule. In 1973, the Heath Conservative government legalized the Republican Clubs (by then the political wing of the Official IRA) under the authority of the NI (Temporary Provisions) Act 1972.

The Wilson Labour government legalized Sinn Féin in April 1974. Despite UK governmental preferences to retain the legality of republican parties, the NI (Emergency Provisions) Act 1973, passed by the Westminster parliament, permitted proscription of organisations (listed in Schedule 2).

**Table 1: Legal status of republican parties in Northern Ireland and UK, 1922-present**

<b>Party</b>	<b>Ban year, legislation and jurisdiction</b>	<b>Legalisation year, legislation and jurisdiction</b>
<i>Saor Éire</i>	1931, Special Powers Act (NI)	
<i>Cumann Poblacta na h'Eireann</i>	1936, Special Powers Act (NI)	
<i>Sinn Féin</i>	1956, Special Powers Act (NI)	1974, NI (Emergency Provisions) Act (UK)
<i>Fianna Uladh</i>	1956, Special Powers Act (NI)	
<i>Republican Clubs</i>	1967, Special Powers Act (NI)	1973, NI (Temporary Provisions) Act (UK)

In NI, the executive is empowered to initiate party ban decisions and as such is in a particularly powerful position to initiate securitization moves. The SPA gave the NI Minister for Home Affairs for Northern Ireland:

power in respect of persons, matters and things within the jurisdiction of the Government of Northern Ireland, to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order'<sup>6</sup>

This included power to 'make regulations' (such as Regulation 24A on unlawful associations) 'for making further provision for the preservation of peace and maintenance of order' and 'for varying or revoking any provisions of the regulations'. All regulations under the SPA had to be laid before both the NI House of Commons and Senate. Either house could call on the Crown's representative in NI to annul regulations. For party ban decisions, then, the 'crucial' audience for party ban decisions were members of parliament.

Similarly, relevant UK legislation placed agenda setting power in the hands of the executive. The NI (Temporary Provisions) Act 1972, under which Republican Clubs were legalised also prorogued the NI parliament, permitted its legislative powers to be taken over by the British government by Order in Council and gave executive responsibility for Northern Irish affairs to the UK Secretary of State for NI.<sup>7</sup> Regarding veto players, the Act stated: 'The Secretary of State shall not make any

regulations under Section 1(3) of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922 unless either a draft of the regulations has been approved by a resolution of each House of Parliament or the regulations declare that it appears to the Secretary of State that by reason of urgency the regulations require to be made without a draft having been so approved'.<sup>8</sup> If a draft was not approved by parliament within 40 days, the Order would cease to have effect.<sup>9</sup>

The NI (Emergency Provisions) Act 1973, under which Sinn Féin was legalised, authorises the Secretary of State to add 'by Order' to Schedule 2 (which lists proscribed organisations) 'any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it'<sup>10</sup> The Act, which deals with proscription, does not include any formal requirement that parliament endorse the Secretary of State's decisions on proscription.<sup>11</sup> The Secretary of State could also remove 'by Order' a proscribed organisation from Schedule 2. In the UK, then, members of parliament were clearly the 'crucial' audience when Republican Clubs were legalised, but were less clearly so when *Sinn Féin* was legalised. However, the fact that legalisation of *Sinn Féin* was nevertheless debated in parliament suggests that an informal norm of appropriateness, perhaps acknowledging the decision's political significance, also made members of parliament a 'crucial' audience in this case too.

Veto player theory helps characterise the nature of the relationship between securitizing agents and crucial audiences in NI and the UK as one mediated by partisan ties and in so doing provides important insights into the likely success of securitization moves. Between 1921 and 1972, NI was a parliamentary system in which a single party, the Ulster Unionist Party, consistently formed a government and held an absolute majority in parliament. Consequently, both *Sinn Féin* and Republican Clubs were banned by home ministers in single-party governments with parliamentary majorities. The UK is a parliamentary system in which single party governments with clear parliamentary majorities is the norm, and as such is usually categorised as a single veto player polity (Tsebelis, 2002, 182). In the 1970s, however, UK government majorities were small. The Heath Conservative government, which legalized Republican Clubs, won the June 1970 election with a small majority of seats. The Wilson Labour government, which legalized *Sinn Féin*, formed a short lived minority government between February and October 1974. According to veto player theory, minority governments can be considered single veto player polities because a) those controlling government have agenda setting advantages and b) if located centrally in ideological terms, the parties running minority governments can select among different parties to ensure

parliamentary support (Tsebelis, 2002, 97-8). Conservative and Labour parties were both centrally placed in ideological terms, and indeed on Northern Ireland policy, Labour and Conservative parties took a bipartisan approach (Cunningham, 2001). Therefore, the Ulster Unionists in the Westminster parliament, who were the main party against legalization of the republican parties, could not veto decisions to legalise Sinn Féin or Republican Clubs.

In sum, decisions on party bans in NI and the UK were thus taken by single, partisan, veto players. As the next section will show, in both cases, these single partisan veto players had clear preferences to either ban (Ulster Unionists in NI) or legalise (Conservative and then Labour governments in UK) Sinn Féin or Republican Clubs.

### **Responses to the ‘proscription dilemma’: Securitization and desecuritization?**

All democracies face a ‘proscription dilemma’ when contemplating party bans. The typical party ban punishes those charged with promoting authoritarian political forms and violent regime change, exhibiting racist behaviour, serving the interests of a foreign power, undermining the territorial integrity of the state, or some combination of these. Oftentimes, the ban addresses the fear, as Loewenstein put it in his 1937 appeal against fascism, that democracy may become the ‘Trojan horse by which the enemy enters the city’ (Loewenstein 1937, 424). On the other hand, banning a party may contradict fundamental commitments to freedom of expression and association, pluralism and tolerance. It distorts the posited level playing field of democratic competition and prevents the unhindered articulation and representation of citizen preferences. The party ban is the harshest of myriad penalties, strategies and manoeuvres that may be employed to marginalise subversive political projects. It is often the mark of tyranny.

All democratic communities include anti-system parties, but not all respond to this dilemma by banning them. The question, then, is whether securitizing discourses are employed by those arguing in favour of ‘protecting’ democracy and the state and whether desecuritizing discourses are employed by those more inclined to prioritise pluralism and free expression. I address this question by analysing parliamentary speeches at four critical junctures in state policy on proscription: 1) 1956 debates in Stormont (NI parliament) on responses to the IRA’s Border Campaign<sup>12</sup>; 2) 1967 debates in Stormont on the proscription of Republican Clubs<sup>13</sup>; 3) 1973 debates in Westminster

(UK) on the legalisation of Republican Clubs<sup>14</sup> and 4) 1974 debates in Westminster on the legalisation of Sinn Féin.<sup>15</sup>

A few comments on the nature of these ‘critical junctures’ are pertinent. In 1955, the year before Sinn Féin was banned in NI, the party briefly emerged from obscurity to win some 150,000 votes in the 1955 Westminster election and 65,000 in the 1957 Dáil elections in the Republic of Ireland. The ban decision also coincided with the onset of the IRA’s 1956-62 Border Campaign. The campaign, which included IRA attacks on military installations, communications and public property in NI (English, 2003, 73; Coogan, 2000, 298-329), ended in 1962 with 17 dead and without obtaining its objectives (Coogan, 2000, 329). Republican Clubs were not banned during a period of serious civil disorder, although the party ban coincided with a ban ‘to preserve the peace’ on Republican commemoration of Fenian risings in 1867.<sup>16</sup>

When the Heath government legalized Republican Clubs, it sought to permit the party’s participation in the June 1973 NI Assembly elections,<sup>17</sup> the (failed) first step in the government’s earliest attempt to create a cross-community ‘powersharing’ executive (Cunningham, 2001, 13-14). Sinn Féin’s legalization in 1974 was announced after those elections had taken place, and after the 1974 UK general election gave 11 out of 12 Westminster seats for NI to anti-Assembly MPs. Legalization of Sinn Féin (and the Ulster Volunteer Force) was formally authorized (15 May 1974) the day after the Ulster Workers’ Council strike (14 May 1974) precipitated the end of the Assembly. Furthermore, in the years immediately following the resumption of direct rule, both the Officials and the Provisionals showed some inclination to reconsider the use of violence. The Official IRA had announced a ceasefire (May 29 1972) a few days after the British government assumed direct rule (Bowyer Bell, 1979, 388). From June 1972, the Provisional IRA and the British government positioned themselves for negotiations culminating in a brief truce (26 June to 9 July 1972) and (ultimately) inconclusive talks in London (7 July 1972) (ibid, 389-90). Soon after Sinn Féin was legalized, the IRA announced a truce (9 February 1975 to 23 January 1976) and talks were conducted between the IRA and British authorities (Bew *et. al.*, 2009, 53).

In Stormont debates, Ulster Unionist parliamentarians, which governed in NI when Sinn Féin and Republican Clubs were banned, and which stood against their legalisation in the Westminster parliament, adopted a securitizing discourse of tolerance. The clearest statement of this discourse

can be found in a speech made by William Craig, when minister for Home Affairs in Northern Ireland in 1967. Regarding the rationale for proscription of Sinn Féin in 1956, Craig stated:

When the I.R.A commenced attacks on Northern Ireland in December 1956, Sinn Féin issued a supporting statement... Hon. Members may call [Sinn Féin] a political party but it is an organisation that is much more concerned with the bullet than it is with the ballot box. The statement says... “Irish men have again risen in armed revolt against British aggression in Ireland. The Sinn Féin organisation states to the Irish people that they are proud of the risen nation and appeal to the people of Ireland to assist in every way they can the soldiers of the Irish Republican Army...Constitutional methods alone against armed occupation, civil injustice and victimisation could not possibly be made effective.<sup>18</sup>

Regarding the proscription of Republican Clubs, which Craig banned on the grounds that it was a successor to Sinn Féin<sup>19</sup>, he stated:

...I am satisfied...that the Republican Clubs are really the illegal Sinn Féin organisation under another name. It is true that they are a political party. But they are more than just a normal political party. They are an organisation pledged to sustain a movement of violence. They are in support of the I.R.A and I know that all hon. members opposite agree with me that the gun should be taken out of politics...there is an active organisation of the Republican Clubs and...they are being used as recruiting grounds... for the I.R.A and for propaganda in support of I.R.A aims... They sit on the management committee of the Sinn Féin organisation.<sup>20</sup>

The speech fulfils the first of Buzan *et al.*'s facilitating conditions for successful securitization by embedding the rationale for proscription within a 'grammar of security' which 'construct[s] a plot that includes existential threat, point of no return, and a possible way out' (1998, 33). The *existential threat* is evoked in various ways, including the statement that Sinn Féin is more concerned with 'the bullet than it is with the ballot box', reference to Sinn Féin's call for the 'Irish people to assist...the soldiers of the Irish Republican Army' in its 'armed revolt' and its role as a 'recruiting grounds...for the IRA'. It is clearest, however, in the last sentence of the first quotation, which implies that without some kind of response against, 'armed occupation, civil injustice and victimisation' await the [protestant] people of NI. That the situation was urgent, or that it has reached a *point of no return* is evoked through reference to the military nature of the conflict: It is a

conflict with ‘bullets’, ‘guns’ ‘armed revolt’ and ‘soldiers’, with ‘armed occupation’ on the horizon and a ‘movement of violence’. The proscription of Sinn Féin and Republican Clubs for its role in, and support for, the IRA’s ‘armed revolt’ is presented as a *way out* of the threatening situation; a move that would help ‘take the gun...out of politics’ and a situation which required emergency measures, or something more than ‘constitutional methods alone’ to be effective.

That this is a discourse of ‘intolerance’, defined as refusing to ‘put...up with what you oppose’ when another person’s life choices or actions may shock, enrage, frighten or disgust (McKinnon, 2006, 4), can be seen in repeated emphasis on the ‘abnormality’ of Sinn Féin and Republican Clubs. It is implicit that a party which was ‘more concerned with the bullet than the ballot box’, was ‘more than just a normal political party’ and an organisation ‘pledged to sustain a movement of violence’ is not worthy to claim the rights and privileges normally attributed to parties in democratic states.

In contrast, Labour and Conservative MPs in the Westminster parliament and government ministers, employed a desecuritizing discourse of tolerance, although moves to desecuritize *Sinn Féin* and Republican Clubs did not extend to the Republican movement as a whole (and not the IRA). As mentioned earlier, desecuritization is defined as ‘shifting an issue out of emergency mode and into the normal bargaining process of the public sphere and no longer phrasing an issue as ‘threats against which we have to take countermeasures’ (Buzan et al., 1998, 29). The Heath Conservative government’s minister for state for NI, David Howell and the Wilson Labour government parliamentary undersecretary of state, NI Office, Lord Donaldson of Knightsbridge, were explicit about their desire to *shift the issue out of emergency mode*. Announcing the decision to legalise Republican Clubs, Howell argued that while it was ‘necessary during the period of emergency to make membership of certain organizations unlawful’ there was now a case for relaxing proscription of Republican Clubs in the context of proposed Assembly elections in Northern Ireland.<sup>21</sup> The Secretary of State’s decision to legalise Republican Clubs was based on the judgment that ‘there are members of Republican Clubs who seek to promote views to do with the 32 counties by non-violent means and who in fact condemn violent means’.<sup>22</sup> Justifying the Labour government’s decision to legalise Sinn Féin, Donaldson stated that ‘powers of proscription are emergency powers...that should be used only when absolutely necessary and should never be allowed to stifle the free and lawful expression of opinion’.<sup>23</sup> Howell’s emphasis on the Republican Club members who favoured and condemned ‘non-violent means’ is one instance of argumentation aiming to counteract the

depiction of this party as a *threat against which countermeasures had to be taken*. Another example of this argumentative strategy can be seen in a speech by Labour secretary of state for NI, Merlyn Rees, who justified the legalisation of Sinn Féin (and the Ulster Volunteer Force, which was legalised at the same time) with reference to ‘signs that on both extreme wings, there are people who, although at one time committed to violence, would now like to find a way back into political activity’.<sup>24</sup> Moreover, Rees and other speakers were explicit that legalization of the parties sought to bring, at least in part, the issues which ignited ‘The Troubles’ back into the *normal bargaining process of the public sphere*. Rees continued:

‘It is right to encourage [formerly violent people to find their ‘way back into political activity’] as much as possible. It is the counterpart of our action against those who use violence...Now is the time to try to make further political progress.’<sup>25</sup>

Lord Donaldson of Knightsbridge also stated:

The government hope is that, by enabling the UVF and Sinn Féin to operate openly, people who share the political opinions of those organizations will express them peacefully and within the law. The previous administration acted on similar motives when it de-proscribed the Republican Clubs. In the past, it has not been possible, for example, for members of Sinn Féin to put forward their views about the future of Northern Ireland without fear of prosecution for belonging to a proscribed organization.<sup>26</sup>

That this is a discourse of tolerance, which involves ‘putting up with what you oppose’ (McKinnon, 2006, 4), is evident from frequent references to the importance of free expression, such as the comment by Howell, that ‘It has always been the policy of Her Majesty’s government to encourage the free expression of political views – and I emphasise political views – in Northern Ireland’.<sup>27</sup>

It is useful to characterise the strategy employed by both Conservative and Labour governments as an attempt at what Hansen calls ‘rearticulation’, or a form of desecuritization that ‘remove[s] an issue from the securitized by actively offering a political solution to the threats, dangers and grievances in question’ (2012, 542). It involves an effort at ‘fundamental transformation of the public sphere including a move out of the friend-enemy distinction” and which is based on a political ontology claiming that system wide securitizations can be resolved (ibid, 542).



In sum, in both NI and the UK, single partisan veto players employed securitization or desecuritization strategies to justify changing the legal status of Sinn Féin and Republican Clubs. The Ulster Unionists confronted the democratic dilemma posed by party bans with a securitizing discourse of intolerance emphasizing the ‘abnormality’ of Sinn Féin and Republican Clubs as political parties and implication in threats against the NI state and protestant people of NI. In contrast, Conservative and Labour parties sought to desecuritize the parties with a discourse of tolerance emphasizing free speech and association and the role legalization might play in conflict resolution.

### **Relevant audience: Political parties and voting publics**

In this section, I employ opinion poll data to examine the role and nature of the ‘relevant’ audience, or those whose moral support for party ban decisions is desired because the securitizing agent needs to ‘maintain social relations’ (Balzacq 2005, 185) with particular social groups. This is particularly relevant for partisan veto players dominating party ban decisions in NI and the UK, whose authority is subject to winning sufficient voter support in periodic elections.

To my knowledge, there are no opinion polls directly addressing citizen attitudes on the legal status of Sinn Féin or Republican Clubs. Nevertheless, polls do provide data on attitudes to banning parties in general which permits an evaluation of the resonance of securitization arguments among those likely to vote for securitizing and desecuritizing agents. Data on NI comes from the 1968 Northern Ireland Loyalty Survey (SN1040) and the 1992 Northern Ireland General Election and Political Attitudes Survey (SN3720), while that on the UK is drawn from the 1991 British Social Attitudes Survey (SN2955). With the exception of the 1968 NI study, surveys were taken many years after actual ban decisions. This might appear to place important limits on the scope and validity of findings, as does the lack of time series data charting change and stability in relevant attitudes. However, these data can be used counterfactually to consider why the status quo – ban of Sinn Féin and Republican Clubs until the mid-1970s and their legality after then – was not altered, despite the continuing problem of political violence. Furthermore, use of poll data should be considered a first step in a longer-term research agenda in which more nuanced accounts drawing on qualitative data should be developed.

The 1968 NI survey asked respondents: ‘Are there laws or government regulations that you think are really wrong, laws that a self-respecting person wouldn’t necessarily have to obey?’ While only a few people spontaneously and specifically identified banning of Republican Clubs as a ‘wrong law’ (only 3 out of 1291), the SPA, which regulated proscription, was by far the most frequently cited ‘wrong law’. When results for this question were crossed with one on party support,<sup>28</sup> it was clear that Unionist voters were relatively untroubled by the SPA, with only 2.4% of Orange (Unionist) supporters seeing it as wrong compared to an average of 22% of those supporting opposition parties.

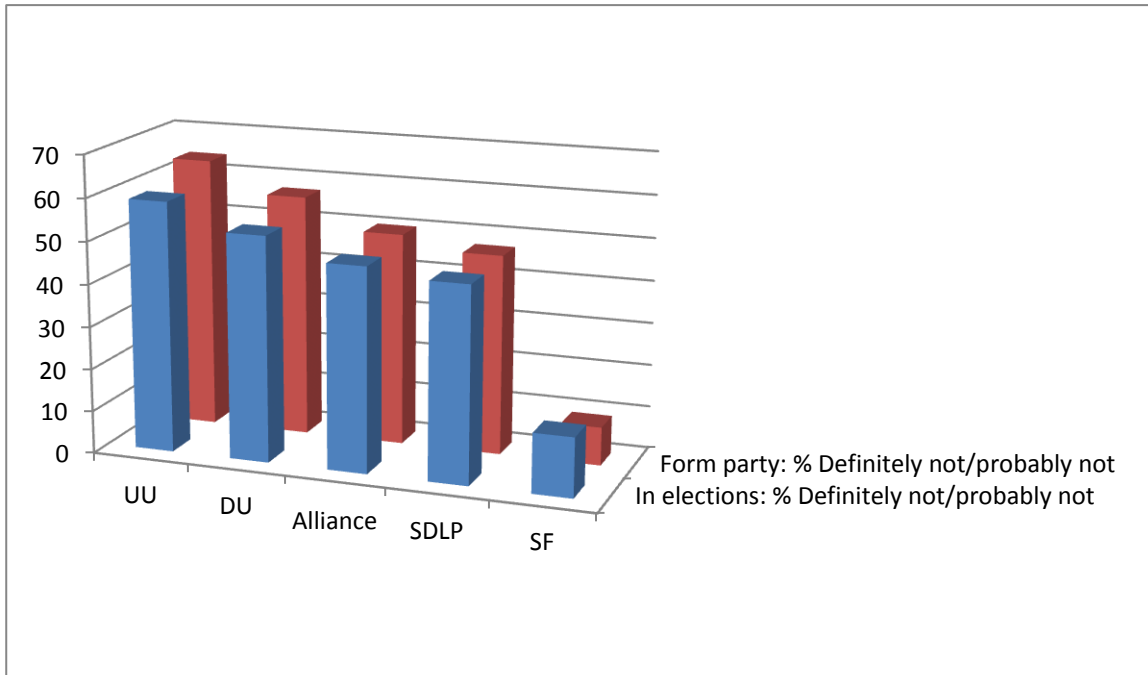
**Table 2 Public Opinion, the Special Powers Act and Party Support, 1968**

<b>Wrong laws people should not obey</b>	<b>Orange</b>	<b>Green</b>	<b>Red Green</b>	<b>Red</b>	<b>Grey</b>	<b>Totals</b>
Special Powers Act	15	33	8	29	9	106
<b>Percentage SPA ‘wrong’</b>	2.4	14.1	24.2	13.2	34.6	8.2

Note: Parties grouped by poll designers under headings are: ‘Orange’ (principally Ulster Unionists), ‘Green’ (principally Nationalists but also Republicans and Sinn Féin), ‘Red Green’ (principally Republican Labour) ‘Red’ (principally Labour) and ‘Grey’ (principally Liberal). Ulster Unionist supporters constitute 99% of ‘Orange’ category while ‘Nationalist’ supporters constitute 96% of the ‘Green’ category.

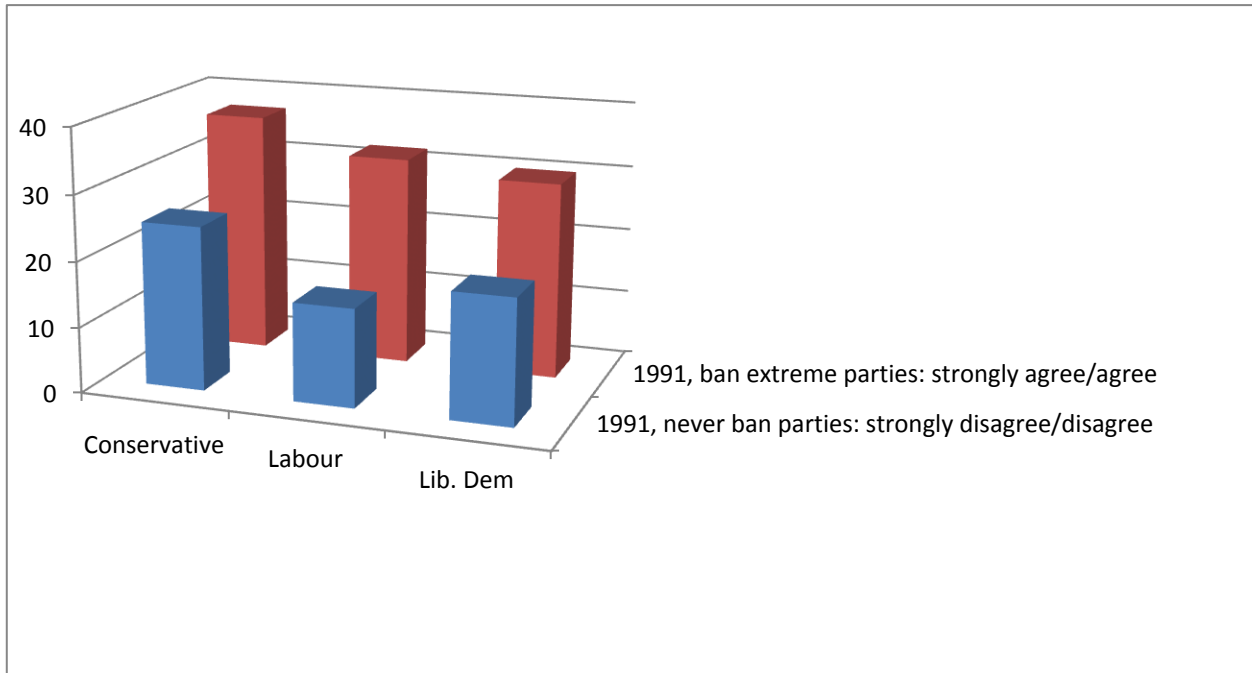
The 1992 NI Survey asked the question: ‘Do you think [people whose views are considered extreme by the majority and who want to overthrow the government by force] should be allowed to ...c) stand for elected office d) to form a political party’. Figure 1 shows responses crossed with a question on party support.<sup>29</sup> According to these data, those likely to vote for Unionist parties are more likely to believe extremists should not be allowed in elections or form parties than those likely to support nationalist, republican or other parties. 59% of likely Ulster Unionist and 53% of likely Democratic Unionist voters thought extremists should not be allowed in elections, while 48% of likely Alliance Party, 46% of likely SDLP and only 14% of likely Sinn Féin voters thought they should not. Similarly, 64% of likely Ulster Unionist and 57% of likely Democratic Unionist voters thought extremists should not be allowed to form parties, while 50% of likely Alliance Party, 47% of likely SDLP and only 9% of likely Sinn Féin voters thought they should not.

**Figure 1. Extremists allowed in elections or to form parties and % party support, NI 1992**



In the 1991 UK survey respondents were asked to indicate the extent to which they agreed or disagreed with the statements: ‘For a democracy to work properly, extreme political parties should be banned’ and ‘For a democracy to work properly, no political party should ever be banned’. Figure 2. shows responses crossed with questions on party support.

**Figure 2. Ban extreme parties and % party support, UK, 1991**



In contrast to the NI case, this survey suggests that those likely to vote for either Conservative or Labour parties are much less likely to support party bans. Compared to the up to 64% of Ulster Unionist voters supporting party bans, only 25% of likely Conservative and 15% of the likely Labour voters disagreed that no political party should ever be banned and only 37% of likely Conservative and 32% of likely Labour voters agreed that extremist parties should be banned. Interestingly, statistical analysis of the 1991 NI, 1991 UK and 1991-2 UK surveys shows a very low association between support for individual parties and support, in principal, for the proscription of extremist parties (1991 NI, Extremists allowed in elections  $\lambda = 0.05$ ,  $<.001$  significance; 1991 NI, Extremists allowed to form political parties,  $0.04$ ,  $<.001$  significance; 1991 UK, For democracy, ban extreme parties,  $\lambda = 0.03$ ,  $<.01$  significance; 1991 UK No party ever be banned,  $\lambda = 0.03$ ,  $<.001$  significance). While this does not tell us how voters might react to the proscription of individual parties, it does suggest that views on the appropriateness of party bans cross-cut party affiliation and that variation of support for party bans across party systems may be more relevant for understanding party ban decisions.

In sum, opinion poll data suggests that in taking steps to ban (NI) or legalise (UK) Sinn Féin and Republican Clubs, the relevant governing parties would probably have the support of their likely voters. In NI, likely Ulster Unionist voters were not particularly worried about the effects of the

SPA, which permitted proscription and those likely to vote for Unionists in the 1990s appear more likely to support proscription of extremist parties. In contrast, those likely to vote for Conservative or Labour governments in the UK were less likely to support party bans than Unionist voters.

## **Conclusion**

In addition to addressing an under-researched question in the study of conflict in NI, in this article, I sought to achieve three objectives: 1) to develop more robust theoretical statements on the conditions under which democracies ban political parties; 2) to demonstrate the advantages of an institutionalist operationalization of securitization theory; and 3) to develop a sharper conceptualisation of the relationship between securitization agents and audience(s). I addressed the first objective by examining the validity of hypotheses derived inductively from party ban cases in Spain for the proscription of the republican parties, Sinn Féin and Republican Clubs. An empirical examination of the conditions under which Sinn Féin and Republican Clubs were banned supports each of these hypotheses. In accordance with H1, party ban decisions were initiated by single, partisan veto players in NI, namely the Ulster Unionist governments, and in the UK, first Conservative and Labour party-led governments. In accordance with H2, the Ulster Unionists confronted the democratic dilemma posed by party bans with a securitizing discourse of intolerance emphasising the abnormality of Sinn Féin and Republican Clubs as political parties and their implication in threats to the NI state and protestant community in NI. The article also shows that Conservative and Labour parties sought to desecuritize the parties with a discourse of tolerance prioritising free expression and association and the role that party legalisation might play in conflict resolution. Here the advantage of careful case selection is apparent: Existing research on Spain only examined cases of securitization, and examination of party bans in NI sought to confirm those findings through ‘literal replication’. On the other hand, examination of legalisation processes in UK which aimed to confirm the finding through ‘theoretical replication’, not only addressed the validity of the original hypothesis but generated a new one regarding desecuritization. This new hypothesis can be stated as follows:

***Desecuritization of banned anti-system parties through discourses prioritising civil rights and conflict resolution is necessary (but not sufficient) for partisan veto-player support for legalising parties.***

And finally, in support of H3, opinion poll data suggests that those likely to vote for partisan veto players – in NI, the Ulster Unionists, and in the UK, Labour and Conservative parties – generally supported party ban decisions made by those parties in government and were thus unlikely to punish them in an elections for this.

I address the second objective by showing how institutional variables – namely, the legal rules establishing procedures by which public policy is made – may be a significant variable explaining the success and failure of securitization moves. More specifically, and in a second pertinent illustration of the advantages of comparative case study designs for securitization research, I show that single-veto player systems in NI and the UK facilitated efforts by political elites to first securitize (1956 and 1967) and later desecuritize (1973 and 1974) *Sinn Féin* and Republican Clubs. This finding contrasts with the Spanish case, where from 1978 to 2003 the multiple veto-player system, which empowered the judiciary, prevented the political elites securitizing *Herri Batasuna* from banning it (Bourne 2013).

And finally, I show how veto player theory provides various important insights into the nature of the audience in securitization processes. In the first place, it helped to characterise the relationship between securitizing agents and the ‘crucial’ audience by providing a method to identify who the crucial audience is, especially when decision-making is regulated in explicit legislative procedures. Perhaps more importantly, veto player theory helped characterise the relationship between securitizing agents and the ‘crucial’ audience and to evaluate the implications of this relationship for the likely success of securitization moves. In the case of *Sinn Féin* and Republican Clubs, veto player theory focused attention on both the partisan relationship between securitizing agents (in the executive) and the crucial audience (members of parliament) as well as the facilitating role that single veto player systems had in empowering partisan veto players to pursue their goals without obstruction. Veto player theory also directs attention to the relationship between partisan veto players and their likely voters and in so doing helps disaggregate the ‘masses’ into voting publics. It may be, as statistical analysis on party bans suggests, that views on party bans cross cut party affiliation, which suggests that party bans are unlikely to become an election issue. Nevertheless, the existence of profound disagreement among citizens over the appropriateness of party bans suggests that while voters may be ‘merely’ a relevant audience, partisan veto players will need to be cognizant of the public mood.

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<sup>1</sup> In 2003, the Supreme Court banned Herri Batasuna, and its successors Euskal Herriarrak and Batasuna. It subsequently denied registration to two parties (*Abertzale Sozialisten Batasuna* and *Sortu*); dissolved two parties (*Eusko Abertzale Ekintza* (EAE) and *Euskal Herrialdeetako Alderdi Komunista*); and disqualified two party lists for particular elections (EAE and *Askatasuna*). Some 500 lists of candidates presented by electoral groupings were disqualified for local, provincial, autonomous community and European Parliament elections (including *Autodeterminaziorako Bilgunea*, *Herritarren Zerrenda*, *Aukera Guztiak*, *Abertzale Sozialistak* and *Demokrazia Hiru Milioi*). The parties were deemed successor parties. All Supreme Court rulings have been endorsed by the Constitutional Court, with the exception of Supreme Court decisions in 2009 and 2011 on *Iniciativa Internacionalista* and *Bildu*. In 2012, *Sortu* was legalized by the Spanish Constitutional Court.

<sup>2</sup> *Belfast Gazette*, 30 October 1931, p. 1092, no. 540, p 1092.

<sup>3</sup> *Belfast Gazette*, 17 April 1936, p 137-8, no. 773.

<sup>4</sup> Standing Rules and Orders (SRO) 1956/199, 12 & 13, 1956, Geo. V. c. 5 (N.I).

<sup>5</sup> *Belfast Gazette*, 10 March 1967, p. 92, no. 2408. McAllister and Nelson (1979) argued that proscription had little practical effect and that Republican clubs never ceased to operate openly.

<sup>6</sup> Section 1, Civil Authorities (Special Powers) Act (Northern Ireland) 1922.

<sup>7</sup> Section 1 in Northern Ireland (Temporary Provisions) Act 1972

<sup>8</sup> Section 1 (3) in Schedule of Northern Ireland (Temporary Provisions) Act 1972

<sup>9</sup> Section 1(2) in Schedule of Northern Ireland (Temporary Provisions) Act 1972

<sup>10</sup> Section 19 of Northern Ireland (Emergency Provisions) Act 1973,

<sup>11</sup> According to Finer, Bogdanor and Rudden (1995, 66), the Statutory Instruments Act 1946, which deals with subordinate legislation made by ministers, does not require that all Statutory instruments shall be laid before Parliament and whether this is required or not is decided by the parent Act in question.

<sup>12</sup> *Official Report*, vol 40 (1956-1957), 18 December 1956, c. 3183-3121

<sup>13</sup> *Official Report*, vol 66, (1967), 16 March 1967, 143-202

<sup>14</sup> HC Debate 14 May 1973, vol 856, c 1147-71

<sup>15</sup> HC Debate 4 April 1974, vol. 871, cc 1417-1589; HL Debate 15 May 1974, vol 351 cc 1092-5

<sup>16</sup> *Official Report*, vol 65, c. 1825, 7 March 1967.

<sup>17</sup> HC Deb 17 April 1973, vol 855 cc 275-392, second reading of Northern Ireland (Emergency Provisions) Bill

<sup>18</sup> *Official Report*, vol 66 (1967), c149-50, 16 March 1967.

<sup>19</sup> *Official Report*, vol 65 (1967), c. 1764, 7 March 1967.

<sup>20</sup> *Official Report*, vol. 65 (1967), c. 1810, 8 March 1967

<sup>21</sup> HC Debate 14 May 1973, vol 856, c 1147-71.

<sup>22</sup> HC Debate 14 May 1973, vol 856, 1174.

<sup>23</sup> HL Debate 15 May 1974, vol 351 cc 1092-5

<sup>24</sup> HC Debate 4 April 1974, vol. 871, cc 1476

<sup>25</sup> HC Debate 4 April 1974, vol. 871, cc 1476

<sup>26</sup> HL Debate 15 May 1974, vol 351 cc 1092-5

<sup>27</sup> HC Debate 14 May 1973, vol 856, c. 1148.

<sup>28</sup> Question was: 'Generally speaking, what party do you usually think of yourself as supporting'

<sup>29</sup> Party attitudes are examined from data addressing the question 'which party did you vote for in the general election'.