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## Introduction: Theorising Politics

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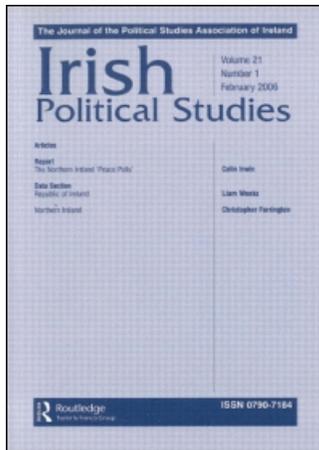
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### Introduction: Theorising Politics

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# Introduction: Theorising Politics

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The aim of this collection is to bring theoretical perspectives to bear upon a range of issues within the politics of Northern Ireland and the Republic. This may seem to some to be a distinctly quixotic enterprise to the extent that theory is supposed to aspire to a high level of abstraction in order to discern universal truths and avoid becoming too entangled in particular political contexts and local political disputes. The tendency to see the work of theory and the work of empirical social science as polar opposites is perhaps stronger still in Ireland where the prevailing intellectual culture has a distinctively literary-historical flavour (Kearney, 1997) rendering it somewhat inhospitable to philosophical concerns. This view of political theory as a utopian, platonic, enterprise floating above the world of real politics may still have some currency, albeit less amongst contemporary political theorists themselves than amongst non-theorists, but it is one which is firmly rejected by the contributors to this collection, who have sought to illuminate practical issues in Irish politics with a variety of theoretical tools, drawn from a range of theoretical traditions.

Of course, within political theory itself, there has been considerable disagreement over the years as to the precise nature of the relationship between theory and context, and it is possible to discern at least three main accounts of this relationship – there may, of course, be more; there are certainly nuances in each of those we have identified that we cannot do justice to here. First, there is the view that political theory is *necessarily* impractical. One popular source of this view has been the idea that the basic currency of political theory, ideas, are little more than reflections of an underlying political reality (Macpherson, 1962; Larrain, 1979). This view is recognisable as the main plank in the now largely defunct enterprise of historical materialism, and it places theory firmly on the sidelines to the extent that the most we could hope for from the study of ideas is to see them debunked as mystifications of underlying social and political realities (Skinner, 1988). Marxism always struggled with the issue of whether or not to include itself within this analysis (Lukács, 1971), an analysis which may perhaps draw some empirical support from the speed with which revolutions in the political landscape ultimately rendered Marxism itself redundant.

Naturally, there have also been versions of this view to be found on the right of the political spectrum, notably in the work of Oakeshott, for example, who argued that the work of political philosophy was fundamentally impractical, being essentially concerned with the analysis of the fundamental presuppositions underlying our practices (Oakeshott, 1990). Having identified these presuppositions, the work of the philosopher was done, and to suppose otherwise was to fall prey to the insidious disease of rationalism, of which no good could come (Oakeshott, 1991). The 'impotence' view political theory was also exemplified in the mercifully short-lived project of conceptual analysis which was briefly in vogue in Oxford 1950s and 1960s. This notoriously saw the business of mapping our use of political concepts as an end in itself, a study held to be philosophically interesting but not in any way relevant to politics. From this apparently barren soil, however, was eventually born a much more engaged, political philosophy of which more in a moment (Weldon, 1953).

The second version of the theory-context relationship is represented by a range of thinkers who came to prominence in the 1980s under the banner of 'communitarianism' (MacIntyre, 1981; Sandel, 1982; Taylor, 1985; Walzer, 1985). Communitarians reject the impotence view in favour of an altogether more *engaged* view of political theory as absolutely central to the cultural self-understanding of political communities. Michael Walzer famously set out this view of political theory as social criticism in his re-reading of Plato's cave analogy (Walzer, 1987). For Plato the business of the philosopher is to ascend out of the gloomy cave of common opinion into the light of the eternal verities, but for Walzer, the key move in this story is the philosopher's return to the cave in order to offer his fellow cave-dwellers the fruits of his reflections. Walzer points out the persistence of metaphors such as the ascent from the cave, or of prophets ascending mountains, all of which link philosophy to separation from everyday life, and he rejects them as representing an incoherent desire to occupy a disengaged 'view from nowhere' (Walzer, 1987). Instead we must embrace the fact that we are all situated in particular communities whose traditions of interpretation and particular values are what makes philosophy possible in the first place and gives it a purpose. Rather than aspire to universal truth, the role of the political philosopher is that of social critic, moving in the medium of a particular community's ethical and political tradition and offering to his fellow citizens not truths from on high, but better, richer, interpretations of that community's own practices so that the community might better live up to its own best view of itself. To do otherwise is not only mistaken, but also does violence to the ethical life of communities through the imposition of alien values and principles (Walzer, 1994).

Clearly, this communitarian view of the political philosopher as situated social critic is attractive in that it weaves the work of the philosopher into the public affairs of particular political communities, but it is also clear that it is not just a view about the relationship between philosophy and its context, but also, primarily indeed, a *normative* view about the value of community and tradition, a view at odds with liberal, impartialist, cosmopolitan outlooks (Taylor, 1995). While communitarian-inclined

philosophers have reflected more thoroughly than most on issues of context and situation then, their reflections are not ultimately innocent, but are rather premised on particular, controversial, views about politics and morality.

Is there a way to think about the relationship between political philosophy and its social and political contexts, that does not rob of it practical application or commit us to a communitarian politics, a view that might be both engaged, but also more hospitable to universalist moral and political argument? There are two main sources of this sort of view in contemporary political theory, one taking its lead from the Critical Theory formulated by the unorthodox Marxists of the Frankfurt School (Adorno & Horkheimer, 1979; Marcuse, 1987), but which now embraces a range of approaches from the work of Habermas to that of Iris Young and Nancy Fraser (Young, 1990; Fraser, 1996; Habermas, 1996), and the other a more narrowly focused analytical political philosophy of a broadly liberal egalitarian character (Barry, 1995; Rawls, 1999b; Dworkin, 2000). Both share a broadly universalist, egalitarian, cosmopolitan outlook and view political theory as essentially engaged with the business of politics. For those working in the Critical Theory tradition, the goal of the critical theory of society is to identify structural obstacles to human emancipation as an essential pre-requisite of the project of social transformation, a project which has a distinctively interdisciplinary character and which may arguably also embrace elements of post-structuralist social criticism, such as that of Foucault (Foucault, 1995; Butler, 1997, 2006). The 'Rawlsian' current in contemporary political theory seems, by contrast, aridly abstract to many, but, while it is true that it eschews the sort of sociological analysis on which Critical Theory is founded, this unpromising appearance is misleading for philosophers working in this stream have, more than any other, sought to bring philosophical analysis to bear upon issue of public policy, with a particular focus on the question of distributive justice.

For this group of theorists, which is engaged with its social and political context but also is moral universalist, the business of philosophical argument is inextricably tied to political dispute, for normative issues are seen not as eternal truths to be pursued at the expense of political engagement, but as arising directly from the day-to-day business of politics. To see politics as nothing more than a sphere in which self-interest is ruthlessly pursued without reference to ideas about justice and fairness is, for these theorists, wholly misconceived, for while we may all be tempted from time to time to pursue our own self-interest at the expense of others, it is also the case that we have an interest in others abiding by the same normative principles we may occasionally wish to bend (Hume, 1960). Anyone who has ever felt resentment at what they view as unfair treatment at the hands of another has manifested this implicit commitment to some notion, however vague and ill-defined, of justice (Strawson, 1974; Habermas, 1990). While rule bending and rule breaking are all too common, the central stuff of political life is constituted by the clash between differing conceptions of justice, whether between neo-liberals, egalitarians, and communitarians, between nationalists and cosmopolitans, or between secularists and religious adherents. The task of political theory then is to make sense of these

clashes and to offer some guidance as to how to resolve the underlying normative conflicts which drive them.

This view of political theory as engaged with issues at the heart of political struggles may seem to be at odds with the sort of abstract, seemingly apolitical view of theory exemplified in John Rawls's notorious idea that we should choose principles of social justice from behind a 'veil of ignorance' which deprives us of all knowledge of our identity, commitments, and social location; all of the things, surely, which make us who we are (Rawls, 1999b). This is taken by many as the very epitome of the unrealistic, abstract, quality of contemporary political theory, but whatever the precise merits of Rawls's metaphor (Barry, 1995; O'Neill, 1996) this view is entirely misleading, both with respect to Rawls, and to contemporary political theory more generally. Another of Rawls's ideas, reflective equilibrium, provides a more useful model of the relationship between theory and its context. Rawls suggests that the ordinary moral agent is engaged in an ongoing attempt to establish a 'reflective equilibrium' between his avowed moral principles, and his particular political judgements about the world (Rawls, 1999b). This is not a matter of simply imposing principles willy nilly on the real world, or of tailoring one's principles to fit the world as one finds it (Miller, 1992), but is rather a more delicate process of mutually adjusting principles and judgements until they cohere in such a way as to achieve equilibrium. The device of the veil of ignorance is just a thought experiment performed as part of this larger process and it is not meant as *description* of how we might actually converge on principles of social justice.

The significance of the notion of reflective equilibrium is first of all that it illuminates how even abstract, universalist, political theory is nonetheless inevitably engaged with particular social and political contexts, not as some sort of passive reflection of these contexts, but as part of an *active* process of deliberative problem-solving which we bring to bear in our efforts to cope with the world.<sup>1</sup> Second, it is suggestive of a division of labour between normative theory proper, which takes as its subject the analysis and justification of normative principles themselves, and a more empirically grounded social criticism, which takes as its subject the analysis of the constellation of particular values, discourses and institutions of particular societies – the sort of enterprise that Walzer takes to be the whole of political theory. The model of reflective equilibrium, however, suggests a more complex process, in which our responses to our context comprise both abstract normative argument and particular judgements about particular circumstances. The model of reflective equilibrium, understood to be a process not confined to philosophers, but rather as one necessarily engaged in to some degree by all citizens, not only sheds light on the link between theorising and political deliberation, but also suggests a way of thinking about the interconnections between different styles of social and political theorising. Rather than seeing Critical Theory, analytical political theory, and post-structuralist social criticism simply as three rival approaches, it may also be possible to detect possible lines of communication between them. Where the analytical political theorist one maintains a relatively narrow focus on normative argument, others working within the traditions of Critical Theory and post-structuralist social

criticism can supply the sorts of rich sociological reflection which the former lacks. Both of these enterprises seem to be necessary, however, to enrich the reflective, deliberative, engagements of the democratic citizen.<sup>2</sup>

What, then, has political theory to offer the analysis of Irish politics at this particular historical juncture? It is clear from the contributions to this volume that two broad themes can be discerned, reflecting particular political developments within Irish politics and the wider world of contemporary political theory, namely the issues of recognition and respect, and of democratisation. Where some might like to think of these as simply superceding an older politics of left and right, centred on the issue of the distribution of economic resources, we take the view that these are rather *diversifications* of that politics, which continue to connect in a variety of ways with questions of equality as conceived through the lens of distributive justice and that these connections will become clearer still as debates on the politics of recognition and democratic legitimacy develop in the years to come (Baker *et al.*, 2004).

The politics of recognition, as it has come to be known in political theory circles, was first formulated by Charles Taylor in the early 90s, at a time when the political scene was still reverberating with the collapse of the Berlin Wall and, with it, Marxism as a significant intellectual and political force (Taylor, 1994). This was simply the culmination of a process already at work for a number of years: the eclipse of traditional class politics by a more diffuse politics of identity, and of national and cultural identities in particular. Of course, this is a highly stylised account of events: the politics of identity, conceived as a politics centring on the complexities of gender, race and sexuality had been underway in various forms for a couple of decades by then (Benhabib, 1995). However, by the early 90s, it was clear that, both theoretically and in terms of practical politics, questions of identity were now occupying centre-stage. In some ways, this may not have been so immediately apparent in Ireland, neither jurisdiction having developed a particularly robust class politics, and the politics of each having been dominated, to different degrees, by questions of national identity and their intersection with religious traditions since their foundation.

The politics of recognition and its near cousin, the politics of difference, both react against the perceived inadequacies of the egalitarian 'distributive' paradigm (Young, 1990). For Taylor this is a matter of the insensitivity of traditional enlightenment notions of equality and of universal respect to people's attachment to their particular social identities, and the rich tapestry of cultural diversity within which these are located. Taylor contrasts the notion of universal respect with that of particular recognition, arguing that the latter enjoins a positive valuation of difference, while the former fosters an attitude of indifference to particular identities at best, and outright hostility, at worst (Taylor, 1994). The enlightenment notion of equality, is complicit in an insidious sort of fundamentalism insofar as it wrongly privileges what we have in common, even if these commonalities are little more than universalist abstractions, and it treats the rich variety of our differences as merely *accidental* to our humanity.

This has significant implications for political life. Multiculturalists have argued that liberal 'neutrality' is both unattainable and undesirable: opposing the establishment of a particular religion is all very well, but the liberal state can scarcely claim to be culturally neutral itself. Insofar as it is embedded in a particular social context, it will be biased in favour of the majority culture. On this view liberal 'pluralism', turns out, on closer inspection, to be culturally assimilationist, as the price of admission to citizenship for members of minority cultures is the surrender of their cultural distinctiveness (Kymlicka, 1995). The traditional liberal strategy for coping with difference, it has been suggested, is to treat it as essentially a private matter, rather than a public concern (Parekh, 2000; Modood, 2005). The politics of recognition adopts the opposite strategy: cultural differences must be publicly recognised. What this means in practice is that certain group rights, designed to permit groups to preserve their cultural distinctiveness ought to be recognised by the state, not only in symbolic terms but also in legal and political institutions that go beyond earlier notions of non-discrimination and of toleration in seeking to accommodate, and even celebrate, cultural diversity (Modood, 2005). These rights typically include language rights but also limited rights to political autonomy and/or special group representation in representative bodies (Kymlicka, 1995).

While it may be tempting to give in to a quasi-historicist view of the supersession of equality by difference, or of the emergence of group-inflected rights out of an individualist prehistory, this would be too simple (Kymlicka & Norman, 1994). On the normative front, despite the efforts of Will Kymlicka in particular to articulate a version of multiculturalism which presents it as a logical development of liberal principles (Kymlicka, 1989), others worry that the recognition paradigm requires undue deference to the claims of cultural conservatives and is insensitive to the problem of 'internal' hierarchies (Okin, 1999; Barry, 2001). While the politics of recognition has, in its multicultural variant, posed a significant challenge to egalitarian thought, it might be argued that in identifying the issue of recognition so closely with that of cultural and religious identities in particular, this model has taken too narrow a view of the scope of the politics of recognition. Certainly, contributions to this collection not only identify the emergence of a multicultural politics of recognition in Ireland, primarily in the Republic, but also touch on the extension of this paradigm to an even wider range of issues, notably those of children's rights and disability rights.

An alternative, more systematic, account of recognition is offered by Axel Honneth, who resists tying it so directly to cultural identity and varieties of symbolic affirmation (Honneth, 2003). Instead, he offers a tripartite analysis of recognition, with developmental aspects, which distinguishes different modes and potential sites in which struggles for recognition may take place (Honneth, 1992, 1995, 2007; Fraser & Honneth, 2003). While most theorists in the analytical tradition are content to accept the claim that there *is* a straightforward contrast between an egalitarian politics of respect and the group identity-centred politics of recognition, Honneth's model challenges this dualism, by distinguishing between recognition as love, respect and esteem (Honneth, 1992). While talk of celebrating

cultural difference and moving beyond the traditional notion of toleration seems to correspond to the notion of recognition as the pursuit of esteem, or endorsement of particularity, Honneth argues that much of what appears to be a ‘politics of identity’ turns out, on closer inspection, to be a version of the struggle for universalist respect recognition, even when carried out in the name of particular social groups (Honneth, 2003). What matters for many marginalised groups, including but not restricted to cultural minorities, is that they count as equal members of the community, i.e. that they are respected as equals. Honneth’s model arguably extends the scope of the concept of recognition, and reveals its dynamics at work in political struggles which seem far removed from traditional multicultural contexts. Even disputes that seem to be purely concerned with the distribution of resources, e.g. strikes for better pay, may turn out to have an important recognition dimension, to the extent that income can be read as a symbolic form of social esteem – even a small wage increase may signal to workers, particularly in the public sector, that their activities are deemed socially valuable (Honneth, 2003).

The second major development, that of a resurgence of democratic theory, in the form of theories of deliberation, has clear affinities with the first, insofar as multicultural political theory has devoted considerable attention to the issue of constitutional innovation as a pre-requisite of extending genuine political autonomy to culturally marginalised groups (Kymlicka, 1995; Tully, 1995; McBride, 2005).<sup>3</sup> The primary concern of deliberative democratic theorists, however, has been with the special character of public reasoning (Rawls, 1993, 1999a; Cohen, 1997), rather than with the pre-requisites of cultural survival. In contrast with thin, aggregative models of collective decision-making and democratic legitimacy (Schumpeter, 1965), deliberative theories impose a requirement of public reasoning on collective decision-making. While the traditional model follows the logic of the market in treating voters as consumers and voting as a matter, therefore, of the rational pursuit of self-interest, deliberative models regard political choices as fundamentally different to consumer choices insofar as the outcome of these collective choices will be binding on others (Elster, 1997).

This has two implications, one normative and the other institutional. First, it is argued that in virtue of the binding character of collective decision-making, voters acquire a duty to justify their political preferences to their fellow citizens, i.e. they must engage in a process of public reasoning as a central part of democratic politics. Rawls terms this the ‘duty of civility’, and it requires citizens to refrain from seeking to use what is in effect, their ‘common coercive power’ for private ends (Rawls, 1993: 217). This reading of political citizenship has distinctly counter-majoritarian implications, for to seek to mobilise a majority in support of a public policy that lacks the appropriate public justification would be a violation of the duty of civility. Second, it suggests that, in contrast to elitist models of democracy, democratic institutions should aim for greater transparency insofar as this provides incentives for political actors to engage in the business of exchanging appropriately public reasons (Elster, 1989, 1997).

The development of these public reason-centred models of democracy has been in large part a response to a growing awareness of the issue of value pluralism within

the literature on distributive justice. Where societies display a deep ethical pluralism, and not merely a pluralism of opinion or interest, then this will pose a significant challenge to the project of outlining a vision of social justice on which the citizens of a diverse society might converge. For this reason, philosophers such as Rawls have been led from the problem of determining principles of justice, to the problem of democratic legitimacy: if the pursuit of social justice will inevitably be complicated by the fact of 'reasonable pluralism', i.e. a pluralism in ethical and political outlooks that cannot be explained away as the product of self-interest or poor reasoning, then we must look to democratic procedures for a way of *handling* the disputes that must arise in a manner which all can regard as fair (Rawls, 1993). For Rawls, then, this means that a genuinely public reason is one that must avoid appealing to controversial moral views that one cannot reasonably expect one's fellow citizens to endorse (Rawls, 1993: 151). As Gutmann and Thompson indicate, deliberative procedures cannot hope to resolve the deep ethical disputes that arise from the fact of value pluralism, e.g. disputes over the morality of abortion, but they can hope to manage these disagreements in such a way as to ensure that all parties can receive a fair hearing and regard democratic decisions as legitimate (Gutmann & Thompson, 1990, 1996).

Perhaps the most striking aspect of the normative conception of deliberative democracy is the way in which it sets out a radical reworking of the traditional conception of the relationship between liberty and democracy, the view set out by Mill on which democracy must always be constrained from without in order that individual liberty be protected from the tyranny of the majority. While deliberative theories are similarly counter-majoritarian, they now present individual rights and democratic politics as 'co-original' such that one presupposes the other (Habermas, 1996, 1998: 259; Cohen, 1989; Rawls, 1993: 412; Nino, 1996). On this view, restraints upon majoritarianism are justified from *within* a theory of democracy itself, and ought not to be regarded as external restraints imposed upon popular sovereignty by grudging liberals.

This, then, is the first major contribution of deliberative theories: a conception of democratic autonomy on which restraints on the majority can be seen as required by democracy, and not as deviations from it. As such it paves the way for a more nuanced understanding of the interrelations between individual rights and political autonomy than that offered by earlier theories.

The second major contribution follows from the first: this public reason-centred account moves decisively beyond the opposition of 'authentic' direct democracy on the Athenian model, to modern, representative democracy, insofar as the normative conception set out here does not simply equate political autonomy with direct involvement in decision-making (Cohen, 1997: 85). As Fishkin notes, there is no guarantee that a direct democracy will be more likely to abide by the requirements of public reasoning than a representative assembly (Fishkin, 1991: 50). The criterion for institutional design is given by the ideal of public reason, i.e. institutions should be designed with the aim of enhancing the practice of public reasoning, and while this may mandate greater direct involvement in decision-making it is also sensitive

to situations in which this may in fact undermine public reasoning (Sunstein, 2002). While some have argued that there is an overly abstract quality to the deliberative literature (Phillips, 1999: 119), often this seems to mistake the role of a normative conception in our thought: it is not itself a blueprint for democratic institutions, but rather sets out an account of the criteria which should be followed when institutions are designed for particular polities. Seen in this light, deliberative conceptions of democracy can be seen to provide a coherent rationale for a tremendous range of institutional innovations, from participatory devices such as Ackerman and Fishkin's 'Deliberation Day' (Ackerman & Fishkin, 2004), through deliberative polling exercises (Fishkin, 1991), to at least some versions of special representation for marginalised groups (Phillips, 1995; Williams, 1998; Young, 2000) and, as several contributors here suggest, for the sort of consociational devices adopted in Northern Ireland under the terms of the Belfast Agreement.

Of course, deliberative theories of democracy, like any other, stand in a complicated relationship to the issue of substantive social equality. On the one hand, democratic institutions continue to be undermined by the way that social inequalities translate so reliably into political inequalities (Phillips, 1999). If the idea of genuinely equal influence on the conduct of our collective affairs is to be taken seriously, then these inequalities must be addressed. Of course, as our brief reflection on difference and equality above underlines, the very complexity of our ideas about social justice in general and about what constitutes equality (Rae, 1981; Temkin, 1993), in particular, means that there will be no legitimate way of realising any vision of social justice, outside of democratic politics. Given their contested nature, these ideas can only be thrashed out in the context of an inclusive, deliberative, set of institutions.

How, then, might we think about the relations between recognition, equality, and democracy? One tempting line to take would be to read them as part of some linear grand narrative, in the manner of Marshall's account of the development of the modern concept of citizenship: equal civil rights coming first, followed by political rights and then social, i.e. welfare, rights and now, perhaps, a new generation of identity-centred cultural or recognition based rights of some sort (Marshall, 1992). We might wonder, however, whether a linear account of any sort really does justice to the complexities of the situation? Rather than see one set of concerns giving way to another in an orderly progression as each issue is settled in some way, it might be more accurate to view this process as something more like a circle in which advances in one area have ramifications for others, which in turn may prompt a reassessment of other problems previously thought to have been settled, and so on. The pursuit of social equality, then, has not been superseded by newer concerns with identity and political inclusion, but has diversified into these areas, and has been enriched by this process. Recognition, may in some contexts be 'merely' symbolic, but in many more contexts, will involve the securing of substantial legal rights to autonomy across a range of contexts. Equally, welfare policy can no longer be regarded as confined to the allocation of resources, but rather embraces the recognition of a range of rights, not least the rights to equal participation in the formulation

of those policies, and rights to challenge aspects of its administration, not merely as private individuals, but as citizens taking ownership of the institutions which shape their lives (Habermas, 1996; Olson, 2006).

The contributions to this collection amply reflect the complexity of the relations between these concepts, from the centrality of issues of national recognition to Northern Ireland's political institutions, to questions of cultural equality the Republic's school curriculum, and the complexity of discourses of inclusion and citizenship in the politics of immigration.

Shane O'Neill sets out to place the analysis of the Belfast Agreement in a larger theoretical context, arguing, in the first instance for an engaged theoretical perspective on issues of ethno-national conflict resolution that is both empirically rich but also directed to the transformation of social relations. O'Neill then argues that critics of alleged 'sectarian' nature of the consociational arrangements established under the terms of the Belfast Agreement have failed to give adequate weight to the dynamics of ethno-national identity formation. While the critical theoretical approach may, in line with its egalitarian tenor, favour some measure of transformation in the group identities involved, a theoretical approach to conflict resolution that fails to come to terms with the importance which actors place upon these aspects of their self-understanding must necessarily fail. Viewed in this light, O'Neill concludes that the Agreement should be viewed as offering a successful model of conflict resolution.

Ronit Lentin, writing about the politics of immigration in the Republic, draws on a very different set of theoretical tools, derived from the work of Foucault and Agamben, but, in common with O'Neill, sees the work of theory as inseparable from wider public debates. In this case, she details the unexpected consequences of attempts to redefine Ireland as a 'diaspora' nation in the 90s. While intended as a move towards a more inclusive understanding of Irishness, with rising levels of immigration it has come to underwrite a racially exclusive model of Irishness, which the 2004 Citizenship Referendum has stitched into the Republic's institutions in such a way that it is fair to regard it now as a 'racial state'. In particular, she argues, the effect of these changes has been to create a new category of Irish 'citizen': one that is deprived of the same constitutional protections enjoyed by other citizens. Underlining the often contradictory character of political discourses, she contrasts this willingness to expose child-citizens to arbitrary treatment, with the Irish state's eagerness to defend the rights of Irish illegals in the US.

Ian O'Flynn, like O'Neill, seeks to address criticisms of the Belfast Agreement's consociationalism, and in particular the charge that these arrangements effectively stifle the emergence of any politics other than that of Green and Orange. The early successes but subsequent failure of the Women's Coalition seems to suggest that gender-based politics may be a particularly significant casualty of these arrangements. O'Flynn cautions against uncritical acceptance of this conclusion, however, and argues that any assessment of the institutions must begin with a clear account of the concept of political autonomy. O'Flynn's analysis suggests that there may be several different modes in which women may realise their political autonomy, and

that while voting for a women's party, such as the Women's coalition, is one of these it does not exhaust the range of options open to women. In view of this, and of empirical evidence about women's representation across the political spectrum in Northern Ireland, he concludes that a balanced assessment of the Belfast Agreement suggests that these institutions are not ultimately inimical to women's equal political representation.

Graham Finlay's contribution addresses a key problem in liberal political theory: how best to foster a sense of common citizenship while respecting cultural and ethical pluralism in the wider society. Where Lentin focused on the intersection of immigration with discourses of nationality and citizenship, Finlay addresses the challenges posed for civic education in an increasingly culturally diverse Ireland. Finlay argues that we should be concerned not simply with the content of education for citizenship, but also the mode of any such education. Thus, while new developments in civic education may no longer tie questions of civic responsibility as closely to religious values as in the past, there is still a risk that the new curriculum might seek to *directly* inculcate civic values, rather than foster the appropriate critical faculties in the students concerned. Rawls's apparently more 'pluralist' political liberalism, Finlay argues, turns out on closer inspection to favour an altogether too direct form of civic instruction, so he turns instead to Mill's 'comprehensive' liberalism, which, he concludes, offers a promising model for a programme of civic education that balances the liberal commitment to fostering a capacity for critical judgement with a sensitivity to cultural pluralism and diversity.

Aoife Nolan maps the legal and political debates about the place of children's rights within the Irish constitution, viewing them through an analytical framework which distinguishes primarily between rights-based constitutions and basically paternalist 'child protection' constitutions. She addresses the practical and theoretical challenges faced by attempts to treat children as right-holders, and assesses the likelihood that a rights-centred framework will be adopted in the forthcoming constitutional referendum. Nolan suggests that the prospects of the rights-based model being adopted are not particularly good – her contribution, like that of Walsh and De Wispelaere in particular, charts the resistance of the state to moves in the direction of a rights-based culture more generally, and the persistence of a traditional paternalism in matters of social policy which is resistant to rights *per se*, and not merely to the idea of socio-economic rights in particular.

Jurgen De Wispelaere and Judy Walsh's contribution illustrates the density of connections between rights, recognition and democracy through an examination of the 2005 Disability Rights Act in the Republic, which they argue constitutes a missed opportunity to institutionalise a sufficiently robust set of disability rights. Ideally, such rights would strengthen access to public services sufficient to meet the needs of disabled people, going beyond current legislation which restricts moves in this direction to the bare right to have one's needs assessed. While acknowledging difficulties with attempts to guarantee access to specified levels of public services, De Wispelaere and Walsh argue that the current arrangements not only fail to secure robust socio-economic rights for disabled citizens, but, in line with the deeply

embedded paternalism in the welfare model of disability policy, is insensitive to issues of dignity and recognition, and to the possibility that disabled citizens are vulnerable to arbitrary treatment at the hands of state bureaucracies. Linking socio-economic rights with the more political dimensions of citizenship, they argue that a rights-based approach to public services entails that disabled citizens are guaranteed a robust legal right to hold the state to account over its disability provisions. A justiciable right to challenge administrative decisions in relation to public services, it is argued, would promote the dignity of disabled citizens while at the same time strengthening democratic control over disability policy.

The Republic has, since the early 80s, experienced a series of constitutional upheavals over issues relating to sexuality. While the moral climate of politics in the Republic is now very different to what it was then, the issue of the relations between marriage and civil partnership is likely to prove a source of significant political controversy. Pete Morriss' contribution also deals with issues of rights and of recognition, in this case, as they play out in relation to the legal status of marriage. There are significant legal and economic implications attached to the way that states give legal recognition to personal relationships, and Morriss takes issue with recent legal judgments, which, he argues, focus too narrowly on the significance of sexual relationships to the question of legal recognition. This clearly disadvantages individuals, e.g. siblings and companions, involved in domestic relationships other than traditional marriages, and Morriss argues that a fairer, more inclusive, approach would be to focus rather on the issue of interdependence between those involved in a household, even where no sexual relationship is involved. In this way, Morriss would extend the debate on the legal status of marriage beyond that surrounding the recognition of civil partnerships involving same-sex couples. He suggests that the way forward for public policy in this area would be to avoid state-endorsement of any particular understanding of the institution of marriage, while honouring any domestic arrangements voluntarily entered into by their participants, irrespective of the presence or absence of sexual relationships between those concerned.

Ciarán O'Kelly and Dominic Bryan seek to analyse the performance of the Parades Commission in regulating the use of public space in Northern Ireland. They approach this task armed with the model of the 'enforcement pyramid' drawn from regulation theory, and use this to identify the various factors that have frustrated the efforts of the Commission to effectively regulate parades in Northern Ireland. They argue that, while it is true that viewed through this lens the Commission has not been as efficient at regulating parades as one would like, we should not underestimate the significant successes it has ensured in terms of reducing the violence associated with parades. Its status as an independent agency has helped to drastically reduce the incentives for opposing sides of the parades issue to escalate the use of violence and, while it has not resolved the parading issue per se, this is more a result of the larger political landscape in which the Commission exists, rather than of any particular flaws in its design. Successful governance, in Northern Ireland, as elsewhere, must rely ultimately on the degree to which the wider body of citizens

regard the operations of the state as legitimate and not merely as arbitrary interferences in their lives.

Finally, Cillian McBride's contribution addresses the boundary problem in democratic theory in relation to the politics of Northern Ireland. This, he suggests, has two dimensions: one pertaining to the issue of the preconditions of creating common citizenship within Northern Ireland, and the second to do with the question as to whether it is possible to conceive of a democratic politics developing around the issue of state boundaries, or whether, as a matter of logic, this must remain outside the purview of purely democratic politics, as opposed to one which rests on ideas of pre-political cultural membership, whether nationalist or multiculturalist. McBride offers a conception of public-reason centred politics which indicates, first, how a common citizenship may be forged through the practice of public reasoning itself, and, second, how we might conceive of a democratic politics of borders that does not lapse into a version of nationalism. This serves not to resolve Northern Ireland's constitutional question in favour of one side or the other, but to indicate the rational legitimate form which a civic Unionism or a civic Nationalism should adopt.

It is evident that there is a clear division here between those contributions dealing with Northern Ireland, and those dealing with the Republic: while the latter are focused on issues arising over struggles for civil and social rights, contributions dealing with the former deal primarily, although not exclusively, with struggles over political rights. This should not, of course, be surprising: it simply reflects the fact that the politics of Northern Ireland has, since partition been unable to put the constitutional question to bed, and it is too early to say yet whether the current settlement has finally succeeded if not in resolving the issue, at least in providing a framework within which it might become the subject of normal democratic politics. By contrast, the Republic's constitutional upheavals have focused primarily on issues of personal autonomy: abortion, divorce, etc. We conclude by suggesting that it would be a mistake to suppose that it will be ever thus. Clearly, ethno-national conflict in Northern Ireland, together with the machinery of direct rule, has displaced a whole range of social problems from the political agenda, but it seems likely that we will gradually see greater mobilisation around these issues (no doubt still inflected by the traditional divisions for the foreseeable future) now that there is a devolved administration to serve as the focus for such mobilisation. Equally, as the politics of rights continues to develop and diversify in the Republic, this must inevitably raise more fundamental questions about the appropriateness of existing political institutions for dealing in a fair and accountable way with these issues. The sorts of social policy issues discussed here in relation to the Republic may in time come to resonate with the politics of Northern Ireland, just as some of the fundamental questions about democratic legitimacy raised in relation to that jurisdiction may equally come to resonate in the Republic. To predict how the complex relations of recognition, equality and democracy will be come to be configured in each context lies beyond the reach of theory, but we would argue that, however these processes play out in practice, the work of theorising is indispensable for those caught up within them.

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1. Hume argued that justice was an 'artificial virtue' which was only needed because of the circumstances we happened to find ourselves in, those of scarcity and limited generosity. If the world were different we would have no need of any theory of justice. Normative theorising is, then, a particular way of responding to the world and not a pursuit of eternal truths for their own sake.
2. This is not to deny, of course, that there will not remain in many cases substantive normative and philosophical disagreements between adherents of these views, but only to suggest that each may have something to learn from the other, even if that 'learning' may necessitate some reinterpretation.
3. Kymlicka endorses a deliberative conception of democracy in (Kymlicka, 1995). Miller, however, argues that deliberation requires a more unified public culture, i.e. that provided by a civic nationalism. See also McBride (2005) for consideration of the tensions between the dominant version of the politics of recognition and deliberative democracy.

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