Dr. Angela Bourne
Associate Professor
Roskilde University
Universitetsvej 1
Roskilde 4000
Denmark
bourne@ruc.dk
Phone: ++4546753254
Securitization or Tolerance? The proscription of Sinn Féin and Republican Clubs

Dr. Angela Bourne, Associate Professor, Roskilde University, Denmark, bourne@ruc.dk


ABSTRACT

The article examines the changing legal status of Sinn Féin and its successor, the 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 theoretical statements on why some democracies respond to the democratic dilemma posed by the existence of anti-system parties by banning them but others do not. 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

All democratic communities include anti-system parties and thus face a ‘proscription dilemma’. Banning a party may 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). Proscription may also punish parties for inciting hate or discrimination, supporting political violence or challenging core attributes of state identity (such as territorial integrity or
secularism). 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. Despite the dilemmas posed, a recent survey showed that 17 of 32 European democracies had banned parties at some point between 1944 and 2014 (Bourne and Casals, 2014).

This raises the question of why some democracies respond to the proscription dilemma by banning parties, while others do not. This is an under-researched and under-theorised question. Existing literature 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). An exception is research examining rationales for proscription of radical Basque nationalist parties in Spain between 2003 to 2012 (Bourne 2013). In this case, political elites ‘securitized’ (Buzan et. al. 1998, 23) Herri Batasuna and its successors as ‘threatening’ and ‘abnormal’ parties requiring extraordinary state responses. However, securitization moves were only successful when all veto-players, including both partisan and institutional veto players (such as the judiciary), supported the ban. Opinion polls showed that pro-ban partisan veto players had the support of segments of the electorate likely to vote for them. Hypotheses drawn from this research have yet to be tested in further empirical research and require more extensive theorisation, tasks I undertake in relation to a case study on proscription and legalisation of Irish republican parties.

Irish republican parties enjoyed periods of legality and illegality, despite their continued implication in violent campaigns against established authorities conducted by the Irish Republican Army (IRA). In Northern Ireland (NI), Sinn Féin was banned in 1956 as part of responses to the IRA’s Border Campaign. 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. The issue of party bans 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 in NI, but do not look beyond official rationales to explain bans (eg. Colm, 1994; Finn 1990; Donohue, 1998).

Comparatively, the legalization of republican parties after 1974 is unusual. The failure of a party (of any type) to unambiguously reject violence as a means to attain political goals is usually a sufficient condition for proscription in democratic states (Finn, 2000: 60-1). The only comparable case in Europe are the radical Basque nationalist parties, Herri Batasuna and its successors, which were legal in Spain for around two decades before being banned (Bourne 2012b and 2013). These similarities between Spanish and British party ban cases permit case selection to follow 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 to those of 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 looked 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.

Empirical findings show that, as in the Spanish case, securitization processes, veto player preferences and supportive public opinion account for proscription of republican parties in NI. Desecuritization strategies, veto player preferences and supportive public opinion accounted for legalization of the parties by British authorities. The importance of veto players reveal limitations in securitization theory’s predominant focus on discourse and illustrate the advantages of an institutionalist operationalization of securitization concepts. This institutionalist operationalization focuses on political system variables to account for successes and failures of securitization moves. It can also address critiques that seminal securitization work (especially Buzan et. al. 1998) undertheorise the relationship between securitizing actors and audiences (Balzacq 2005 and 2011; Roe 2008; Vuori, 2008; Léonard and Kaunert, 2011). More specifically, 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’.

**Proscription and legalisation of Sinn Féin and Republican Clubs**
Following creation of the NI state in 1920-1, 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).

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

<table>
<thead>
<tr>
<th>Party</th>
<th>Ban year, legislation and jurisdiction</th>
<th>Legalisation year, legislation and jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Saor Éire</em></td>
<td>1931, Special Powers Act (NI)</td>
<td></td>
</tr>
<tr>
<td><em>Cumann Poblacta na h’Eireann</em></td>
<td>1936, Special Powers Act (NI)</td>
<td></td>
</tr>
<tr>
<td><em>Fianna Uladh</em></td>
<td>1956, Special Powers Act (NI)</td>
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</table>

In 1931 *Saor Éire*, a socialist party launched by the IRA leadership to replace *Sinn Féin*, was proscribed (Hanley, 2002, 179-80). 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. *Sinn Féin* was added to the SPA list of unlawful associations in 1956. 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 year before being banned, Sinn Féin 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 coincided with the start 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 (Coogan, 2000, 329). 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. 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.  

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, in accordance with the NI (Emergency Provisions) Act 1973. When the Heath government legalized Republican Clubs, it sought to permit the party’s participation in the June 1973 NI Assembly elections, 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 these elections, 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 the day after the Ulster Workers’ Council strike precipitated the end of the Assembly. 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).

Securitization and desecuritization of republican parties

The predominance of security metaphors like ‘militant democracy’ and ‘defending democracy’ in academic and public discourse on responses to political extremism suggests processes of securitization will be relevant for party ban decisions. 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 begins 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).

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; 2) 1967 debates in Stormont on the proscription of Republican Clubs; 3) 1973 debates in Westminster (UK) on the legalisation of Republican Clubs and 4) 1974 debates in Westminster on the legalisation of Sinn Féin.

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.”

Regarding the proscription of Republican Clubs, which Craig banned on the grounds that it was a successor to Sinn Féin, 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.

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. 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’. 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’. 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’. 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.’

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.

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’.

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, securitization or desecuritization strategies were employed to justify changing the legal status of Sinn Féin and Republican Clubs. In NI, 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.

The role of veto players: An institutionalist operationalization of securitization concepts

One of the key insights of the Spanish case was that discourse alone could not account for the proscription of political parties: securitization moves were only successful when all veto-players, including both partisan and institutional veto players (such as the judiciary), supported the ban (Bourne 2013). The relative ease with which republican parties were banned in the NI and UK single veto player systems support this conclusion. 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 veto players agree (2002, 2). In short, veto player theory identifies specific political system variables which may constrain or facilitate securitization and desecuritization processes.

In NI, the executive was empowered to initiate party ban decisions and as such was 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

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 executive and members of parliament were party ban veto players in NI.

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. 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’. If a draft was not approved by parliament within 40 days, the Order would cease to have effect. 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’. The 1973 Act does not include any formal requirement that parliament endorse the Secretary of State’s decisions on proscription. The Secretary of State could also remove ‘by Order’ a proscribed organisation from Schedule 2. In the UK, then, the executive and members of parliament were clearly the veto players when Republican Clubs were legalised. The executive was the veto player 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 ‘informal’ veto players in this case too.

Veto player theory helps characterise the nature of the relationship between securitizing agents and veto players 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 to 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 previous sections showed, 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. When these findings are contrasted with the Spanish case, the advantages of focusing on veto players and political system variables for explaining securitization and party ban outcomes become fully apparent. In the Spanish multi-veto player party ban system, it was not sufficient for mainstream party elites to securitize Herri Batasuna and its successors by claiming it was ‘one and the same’ as the terrorist group ETA. This was 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. As veto player theory predicts, policy change is more difficult in multiple veto player polities like Spain, than in single veto player systems like NI and the UK.

This is an important finding, challenging the predominant focus of most securitization theory on the constitutive power of discourse. It also highlights the need for a more explicit theorisation of the role of institutions in securitization research. 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). Nevertheless, the role of
institutions as an explanatory variable remains underspecified, particularly with regard to 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 in both
formal and informal institutions may affect securitization outcomes, even though many differ in
their views on the nature of institutions, how institutions affect politics, and ontological and
epistemological assumptions (see for instance Hall and Taylor, 1996; Hay 2002; Schmidt, 2008).
Veto player theory is just one of many possible conceptual tools from new institutionalism which
may be employed in securitization research to account for variation in successes and failures of
securitization moves.

One possible objection to the institutionalist approach I propose must be addressed. A
methodological tension emerges in the combination of securitization theory, which mostly draws on
post-structuralist and social constructivist traditions, and institutionalist concepts such as veto
players, elaborated most fully by rational choice scholars. This tension is not as problematic as it
might seem. Firstly, institutional rules determining veto players do not necessarily need to be
conceived as formal rules, constraining or facilitating purposive agents pursuing preferences in the
most efficient and cost-effective manner, as rational choice institutionalist assume. Institutions may
also be conceived as embedded norms, developed and contested discursively, that help stabilise
identities and roles governing notions of appropriate behaviour (March and Olsen, 1989 and
Schmidt, 2008). Williams has already remarked on the affinity between securitization approaches
and this kind of sociological institutionalism (Williams, 2003, 525), while others, such as Vuori,
employ conceptions of institutions broader than just formal institutions in their research (2008, 72).

Secondly, while hypotheses draw on insights from the Copenhagen School, which grew from
Wæver and Buzan’s work, my approach 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. The article’s empirical findings on the importance of veto
players are particularly challenging to this approach, given its predominant focus on speech acts. At the same time, the methodological prigodic of discourse in the Copenhagen School’s approach to securitization suggests my focus on political system variables will contribute little to it. 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). The institutionalist approach I propose can be conceived as part of the context shaping securitization and desecuritization processes and the power of both the speaker and the audience. Moreover, my focus on veto players accords with Balzacq’s own arguments about the role of institutions, particularly distinctions between the need for securitization agents to obtain ‘moral’ and ‘formal’ support (2005, 185). He argues that formal support - by, for instance, formal institutions such as a parliament, Security Council or Congress - is generally necessary and sufficient for achieving goals posited in securitization processes, while ‘moral support’ is ‘generally necessary’, but ‘alone it is not enough’ to achieve those goals (ibid).

‘Crucial’ and ‘relevant’ audiences

An institutionalist operationalization of veto player theory can also address critiques the 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 to such critiques, various authors advocate disaggregating the securitization ‘audience’ into multiple audiences distinguished by varying 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. More specifically, veto player theory can build on Balzacq’s reference to ‘formal’ and ‘moral’ supporters of securitization moves (2005, 185) to elaborate a clearer distinction between ‘crucial’ and ‘relevant’ audiences. Like ‘formal supporters’, 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. In the case at hand, for instance, securitizing agents were home office ministers and ‘crucial actors’ were Ulster Unionists in the
Stormont parliament and Conservative and then Labour members of parliament in the UK. 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. 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, if 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, as in the cases examined here, 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. In the remainder of this section, I illustrate the analytical importance of one type of relevant audience, ‘voting publics’, an important audience for the partisan veto players NI and UK party ban decisions insofar as their authority is subject to 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 places limits on the scope and validity of findings, as does the lack of time series data charting change and stability in relevant attitudes. These data can nevertheless 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, 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

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


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. 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.
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.
In contrast to the NI case, this survey suggest 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 1992 NI and 1992 UK surveys shows very low association between support for individual parties and support, in principal, for the proscription of extremist parties (1992 NI, Extremists allowed in elections $\lambda = 0.05, <.001$ significance; 1992 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, $\lambda = 0.03, <0.001$ 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 (simultaneously securitization agents and veto
players) 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 this article, I sought to develop more robust theoretical statements on why only some democracies respond to the dilemmas posed by anti-system parties by banning them. To this end, I examined the validity of hypotheses derived inductively from party ban cases in Spain for the proscription of the republican parties, Sinn Féin and Republican Clubs and sought to develop more elaborate theoretical underpinnings for hypotheses. I argue that, as in the Spanish case, 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 republican parties with a discourse of tolerance prioritising free expression and association and the role that party legalisation might play in conflict resolution. However, discourse alone could not account for proscription. The relative ease with which single veto player securitization and desecuritization actors could achieve their goals in the NI and UK contrasted with the Spanish case, where the multiple veto player system constituted an obstacle for securitization agents. The importance of this finding is that it highlights the importance of institutional variables as significant for explaining the success and failure of securitization moves. I also show how veto player theory provides a method for identifying who ‘crucial’ and ‘relevant’ audiences are and how it directs attention to the relationship between partisan securitizing agents and their likely voters. In so doing, I argue, veto player theory helps disaggregate the undifferentiated ‘masses’ that are often assumed in securitization research into ‘voting publics’. As in the Spanish case, opinion poll data suggested that those likely to vote for partisan securitization actors – 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. Statistical analysis on party bans in both cases also suggests that views on party bans cross cut party affiliation and that consequently 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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McAllister and Nelson (1979) argued that proscription had little practical effect and that Republican clubs never ceased to operate openly.

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.

Question was: ‘Generally speaking, what party do you usually think of yourself as supporting’

Party attitudes are examined from data addressing the question ‘which party did you vote for in the general election’.