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Northern Ireland' by Jane Suiter

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# Deliberating on the Constitutional Future

A RESPONSE TO ‘A MODEST PROPOSAL: BUILDING A  
DELIBERATIVE SYSTEM IN NORTHERN IRELAND’ BY JANE  
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The preparations for the concurrent referendums anticipated in the Good Friday Agreement are well underway. It is heartening and encouraging to watch the persistent calls for responsible management and adequate planning being heeded. This impressive contribution from Professor Jane Suiter examines how deliberative systems might assist the debate on the constitutional future of the island of Ireland. It is a welcome addition to the literature on constitutional change and includes proposals about next steps as well as recognition of what still needs to be done. While there are multiple calls for civic engagement, this article interrogates what that might mean in practice.

<sup>1</sup> Read a Reply to this paper by Jane Suiter, *Irish Studies in International Affairs: ARINS* 32 (2) (2021), <https://doi.org/10.3318/isia.2021.32b.27>.

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The potential of these deliberative mechanisms is made clear, as is the practical difficulty of making them work in deeply divided societies. A thread running through this article is a concern about guaranteeing unionist participation, an understandable worry that is dominating much of the literature and commentary. It springs from a desire to promote inclusion and ensure that all voices are heard in advance. In this work it impacts on the suggestions made about institutional design and sequencing, for example. But it is a theme that raises intriguing questions around equal treatment and parity of esteem in the Northern Ireland context. The article, and the suggested way forward, prompted the following reflections, some of which relate to aspects of the broader constitutional conversation and where it might go next.

First, much of the current discussion privileges the anxieties and fears of one community in Northern Ireland, and the possible negative reaction of its members to constitutional change. But the principles underpinning the Good Friday Agreement caution against the creation of such hierarchies; an essential point when viewed in the light of Brexit and its consequences for everyone. The hostility to the debate in sections of unionism/loyalism cannot be a permanent impediment to dialogue about the future.

Second, if there is to be genuine mutual respect, then there must be an appreciation that political unionism will be focused on defending the maintenance of the Union and will quite rightly want to proceed with that project. Too much public comment seems to forget that basic point. However, there is also a requirement to accept that people from unionist/loyalist backgrounds may well welcome the opportunity to engage with an all-island forum. There are related questions about how monolithic unionist/loyalist communities in fact are. This suggests that the language must be of invitation but without the expectation that it will necessarily be taken up. The spirit is one of cooperation in a context where those designing a new home want participation, interaction, and engagement. There is a sincere concern to get the planning right and ensure that the new arrangements are accommodating and successful.

Third, the ambition of those who seek constitutional change requires further recognition as a legitimate civic/political objective that can be manifested without fear. Looming in many of these conversations is the threat of violence, intimidation and harassment. It is often the first question raised in the public sphere. According positions equal concern and respect requires acceptance that many have cause for worry about the continuation of the present Union. How should those worries be addressed in designing processes

of civic engagement? Is there such a thing as ‘default unionism’ and are questionable hierarchies frozen into existing frameworks?

Fourth, terms such as ‘moderation’ and ‘extreme’ are intensely contested in Northern Ireland. They are often deployed by partisan actors in the public sphere as politicised tools. It is common, for example, to hear views accorded full recognition and respect in the Agreement labelled as ‘extreme’ or even ‘tribal’. Northern Ireland is a region where terms such as ‘centre ground’ are tactically used for partisan political purposes. Is there sufficient recognition in the wider conversation of this point?

Fifth, there is a major problem on the island of avoidance and disengagement. A siloed approach to citizen engagement risks perpetuating this difficulty and may even privilege design options that promote separation. Are there dangers of absorbing a communal veto into the initial architecture of participation? Is it really helpful to underline existing divisions in this way, particularly if the Northern Ireland deliberations happen before the rest of the island? If the referendums are to happen at the same time, on the same essential basis, why should the sequencing be different for the deliberative preparatory work?

Sixth, what is meant by ‘inclusion’? There is a strong emphasis in this article on, for example, youth participation, and Professor Suiter’s work reflects a commitment to inclusive processes, but the term ‘citizen’ itself remains exclusive. For example, eligibility to vote in referendums is narrowly drawn in the republic of Ireland, and citizens’ assemblies have their participative limitations. Given the implications of votes for constitutional change across the island, there are hard questions about who should have a say at all stages. Does this require further thought? If the objective of this constitutional enterprise is the unity of people, why is so much of the debate anchored around citizenship?

The context for much of the ongoing academic work, and proliferating number of projects and initiatives, is the post-Brexit acceleration of interest in exploring the option of a united Ireland. This is work intended to clarify questions around process and promote substantive proposals on what new arrangements would look like. Much of this collective effort is also taking place outside of ‘elite institutions’ and is being led by civic initiatives, which sometimes struggle to gain recognition and acknowledgement for their commendable efforts and proposals.

Professor Suiter’s work highlights the valuable role that participation can play before referendums, but also the challenges faced in achieving this

objective in a deeply divided society. The suggested solution here is to do the civic institution building first in the north on cross-cutting issues within a range of deliberative spaces, and then progress to the constitutional questions later. This would then feed into an assembly in the republic.

The problem that such processes face is that these will occur in advance of referendums that will be fought out on fundamentally opposing constitutional propositions. A singular outcome is not guaranteed, and the process will be fiercely contested at all stages. Those advocating constitutional change have the more problematic task, and there is much detailed work to be done. From this perspective it might appear that supporters of the status quo will be permitted to veto effective deliberative opportunities through disengagement.

The path that the island is on leads to concurrent referendums, north and south, in my view, on the same day and on the same essential basis. The preparatory work, if it is to be inclusive, needs to embrace all-island participation from the start, and thus avoid perpetuating separation and division. A position that privileges the concerns and anxieties of one community only risks further embedding patterns of domination and disrespect and may end up projecting them into any new arrangements.

This excellent article by Professor Suiter greatly assists current planning work by requiring participants to think much harder about what they mean when they talk about civic participation and deliberation on the island of Ireland. It also advances detailed proposals that will invite further conversations and more debate.