

The Trudeau Foundation

# PAPERS

VOLUME V • 2013

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The Trudeau Foundation Papers, Volume 5 • 2013

ISBN 978-2-924202-05-0 (print version)

ISBN 978-2-924202-06-7 (PDF)

Legal Deposit – Bibliothèque et Archives nationales du Québec, 2013

Legal Deposit – Library and Archives Canada, 2013

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## Preface

This year marked the 10th anniversary of the Trudeau Fellowship Program. Since the first cohort in 2003, the Foundation has selected 50 Trudeau fellows and held 25 Trudeau Lectures at universities across Canada. Each Trudeau fellowship is worth \$225,000 and is awarded to individuals who set themselves apart through research achievements, creativity, and commitment to critical social issues of importance to Canada. The Trudeau fellowships offer concrete support and encouragement for highly respected members of Canada and the world's intellectual trust—original thinkers with strong opinions that often diverge widely. Trudeau fellows possess the talent, drive, and potential to anticipate, understand, and engage in our most pressing challenges, ultimately helping us build a better Canada. Nominations are put forward by an extensive nomination network, and an independent jury of eminent researchers and intellectuals proposes to the Board of Directors a list of fellows on the basis of their leadership qualities, productivity, reputation, and demonstrated ability to communicate. In most cases, Trudeau fellows are not aware that they have been nominated until they receive a call from the Foundation.

The Foundation seeks to deepen engagement between the Trudeau fellows and its mentors and scholars, to put the scholars into greater and more meaningful contact with the Foundation's roster of Canadian intellectuals, and to stimulate new and productive collaborations between the three groups. To that effect, in 2013, the Board of Directors received recommendations from a committee tasked with reviewing the Trudeau Fellowship Program and making it even better. The committee, which Dr. Emőke Szathmáry chaired, included Dr. Marc Renaud, Dr. Sean Riley, and Mr. Alexandre Trudeau. I take this opportunity to thank them for their invaluable work, which led to significant adjustments to the Trudeau Fellowship Program.

The Foundation has four goals for the reform. First, the Foundation aims to create a stronger network of scholars, mentors, and fellows who meet regularly, develop projects together, share each other's networks, and transform one another, becoming ever more publicly engaged, more open to differences of politics or persuasion, and more familiar with innovations taking place in disciplines not their own. Second, the Foundation wishes to supply intellectual leadership to inject new ideas and ways of working into its activities. Third, the Foundation seeks to protect Trudeau fellows' intellectual freedom by allowing them to propose their own means of engagement with the Trudeau community. Fourth, the Foundation aspires to appoint truly bold and innovative thinkers for whom the Trudeau fellowship would make a real difference. As these adjustments are being implemented with the 2014 cohort of Trudeau fellows, I can only make the prediction that they will accomplish great things, contribute significantly to our understanding of the world, and inspire dialogue on issues of importance for all citizens.

It is in that same spirit that five years ago, the Foundation launched an annual series of lectures—the Trudeau Lectures—delivered by Trudeau fellows. Hosted by Canadian universities,

the lectures disseminate Trudeau fellows' ideas and publicize the Foundation's work on campuses and in communities across the country. The lectures give the speakers an opportunity to reflect on their intellectual career and on the institutional framework within which they developed their ideas.

The Foundation is building a community of creative and critical thinkers and providing ways for them to work together with the wider public to develop and communicate ideas that matter. Trudeau fellows and their contributions give meaning to the Foundation's role in supporting outstanding individuals who have the drive and ability to take on some of modern society's most critical issues. These public intellectuals undoubtedly contribute to generating a rich and stimulating dialogue.

I certainly hope that the text of their lectures published herein will inspire scholars in the social sciences and humanities to pursue their work, draw attention to the critical issues of our century, and show how great ideas can transform into concrete improvements for Canada and the world.

JOHN H. MCCALL MACBAIN

*Chairman, The Pierre Elliott Trudeau Foundation*

December 2013





## Why We Need Public Intellectuals

The term “public intellectual” in English-speaking Canada at least tends to be a bit dismissive, as though intellectual depth must be inversely related to the ability to communicate. One of the aims of the Pierre Elliott Trudeau Foundation is to encourage a more informed public discussion on themes that are important to Canadians. To do this we seek scholars and fellows who are willing, even eager, to share their thinking and to engage citizens on matters of public significance and indeed to provide policy-makers with a wider array of options to consider in addressing societal challenges.

But what, or who, is a “public intellectual”? In a recent book, 2003 Trudeau fellow Janice Stein defines an intellectual as “someone who is passionate about ideas,” and a public intellectual as someone who combines this passion with a deep commitment to “an engaged and informed citizenry.”<sup>1</sup> Given the discipline-based work of the academy, and the increasingly specialized vocabulary used by researchers and academics—often impenetrable to those outside their own field of work—this commitment to public understanding is no small thing.

1. *The Public Intellectual in Canada*, ed. Nelson Wiseman (Toronto: University of Toronto Press, 2013).

One might posit a continuum of public engagement ranging from those who seek to *interpret* the latest research findings within their particular discipline in layman's language, through those who connect their own field to the larger social, economic, and political context, to those rare people who can speak out credibly on public issues unrelated to their own field or discipline. From within the ranks of past and present Trudeau fellows one can identify examples of each of these; they serve as models too for our community of Trudeau scholars.

Do we need public intellectuals? We face an avalanche of information, most of it devoid of context, a never-ending stream of news and opinion (with the distinction between them often blurred or non-existent). The neo-liberal view that the market is the best arbiter of value leaves little room for intrinsic worth or expertise. Opinion trumps knowledge, and everybody has an opinion, so what could be more democratic? In place of the search for truth we have polls, blogs, "gotcha" journalism and wedge politics. Complex problems get flattened to sound bites or are simply left unaddressed in the public realm.

Knowledge per se carries no special power in a democracy, as Michael Ignatieff pointed out at the 2012 Trudeau Conference, but a healthy democracy needs citizens to be knowledgeable in making choices among competing options. Reliable guides help us to discern what is relevant and credible. Democracy draws its strength from healthy debate of issues that concern citizens. Reliance on elites to make the correct decisions on our behalf is no longer tenable. We want to believe that policy decisions are based on the latest knowledge and evidence, of course, but we also want to participate in arriving at those decisions.

The concerns that mattered most to former prime minister Pierre Elliott Trudeau and that remain the focus of the Foundation are of even greater importance today: the health of our ecosystem,

peaceful resolution of conflict, the integrity and dignity of the individual, and the promotion of responsible citizenship. These are not abstract issues; they play out in contemporary debates over the exploitation of our natural resources, our approach to entrenched conflicts in the Middle East and parts of Africa, attitudes toward diversity and the situation of Indigenous peoples in Canada, and the degraded state of our institutions of governance.

The authors of the papers presented in this edition of *The Trudeau Foundation Papers* demonstrate both a passion for ideas and a commitment to engagement. Depth of knowledge is combined with a desire to communicate that knowledge widely and make it relevant to current issues. John McGarry explains why it is important to go beyond the assumptions and narratives that provide a facile explanation of intractable conflict, drawing on his deep experience of Northern Ireland. That experience led him (with his colleague Brendan O’Leary) to provide not only analysis but also concrete recommendations to those who were seeking a lasting resolution of the protracted violence.

In his paper, Daniel Weinstock explores the contribution the philosopher can make to reconciling less violent but nevertheless firmly held divergent opinions on matters that are current and controversial, including the right to medically assisted death, the safety of sex workers, and ways of reducing harm for drug users—all subjects that have been, or are, before the Supreme Court of Canada. He champions the need for empirical research, inter-disciplinarity, and a willingness to engage in the “messiness of compromise” that is essential in the real world of hard choices.

Macartan Humphreys also emphasizes the need for empirical research in examining the *outcomes* of policy and programs, in his case an approach to aid programming that many agencies have adopted in a range of southern countries. Such evidence gathering can be time-consuming, expensive, and methodologically tricky, so

it is important that valuable learning result from it—and that the findings, even if they are discomfiting, are communicated to and understood by stakeholders.

The final two papers address the role of the socially engaged academic. Ronald Rudin explains how people seek to understand the past and how *public history* emerged in the last decades of the 20th century to explore the means by which people reach such understandings. Another aspect of the notion of “public” is his use of a variety of methods to reach a larger audience, including not least by championing *open access* to research findings.

Haideh Moghissi in her paper reminds us that being socially or politically engaged carries its own risks of marginalization. Her forced exile from her homeland led her to re-examine the role secular and liberal intellectuals play in ignoring the threats to values such as gender equality and democracy posed by the forces promising liberation from tyrannical rulers. She finds a similar blindness, or “intellectual astigmatism” in her words, among some Western intellectuals, quick to accept “reasonable accommodation” of religious practices even when they conflict with gender equality. Her paper illustrates another quality of public intellectuals—expressing unpopular views or moving beyond ideas to action takes courage.

Do we need public intellectuals? Yes—not to tell us what to think, but to remind us that thinking is indispensable for responsible citizenship and that complex problems defy simplistic solutions.

**TIM BRODHEAD**

*Interim President and CEO, The Pierre Elliott Trudeau Foundation*

December 2013



# MACARTAN HUMPHREYS

*2011 Visiting Trudeau Fellow,*  
University of British Columbia

## **BIOGRAPHY**

Macartan Humphreys is a professor of political science and the director of the Columbia Center for the Study of Development Strategies at Columbia University. His research focuses on the political economy of development, governance, and conflict processes. As a 2011 Visiting Trudeau fellow, Professor Humphreys contributed to academic life and research at the University of British Columbia during the 2011/12 academic year.

Professor Humphreys has published widely in peer-reviewed journals and has co-authored or co-edited two books on ethnic politics and natural resources. He sits on the editorial board of the *American Journal of Political Science* and is a founding member and the current director of the Experiments in Governance and Politics network.

His recent research has pioneered the use of an experimental approach in the study of the political economy of development. Ongoing projects include a field experiment on technological diffusion in Uganda, an experiment on political accountability in Uganda, and a set of experiments on post-conflict development and political participation in Liberia and Congo. Other research has examined ethnic politics in Uganda, the organization of fighting groups in Sierra Leone and Aceh, the political economy of natural-resource management, and the use of information technology to strengthen relations of political accountability. Professor Humphreys has undertaken field research in Chad, Colombia, Democratic Republic of Congo, Gambia, Ghana, Guinea Bissau, Haiti, Indonesia, Liberia, Mali, Mauritania, Morocco, São Tomé e Príncipe, Senegal, Sierra



Leone, and Uganda. He holds a BA in history and political science from Trinity College Dublin (1994), an MPhil in economics from Oxford (2000), and an MA and PhD in government from Harvard University (1998, 2003).

## **ABSTRACT**

Considerable resources are invested by rich countries into trying to alter social structures in the developing world. But there is little evidence regarding the wisdom or the effectiveness of these interventions. This paper describes a large-scale randomized experiment implemented in East Congo that sought to assess the effects of a major intervention of this form. The study found little evidence of any effects at all, good or bad. These null results, and the research approach used to generate them, raise critical practical and ethical questions for development policy but also for the practice and the communication of research in international development.

LECTURE

# “Experimental Research, Development Policy, and Agency Politics in the Congo: Reflections on a Null Result”

Munk School of Global Affairs, University of Toronto

FEBRUARY 6, 2013

## Introduction<sup>1</sup>

In early July 2006, I received a call from the International Rescue Committee to discuss the idea of working with it to assess the effects of a large aid program that it was planning to implement in East Congo. I had worked on a similar project in post-conflict Liberia and was growing very interested in this sort of development intervention.<sup>2</sup>

It was easy to see why the research the organization proposed could be important. The type of program in question—community-

1. This paper draws heavily on joint work conducted with Peter van der Windt and Raul Sanchez de la Sierra. Enormous thanks to them both for their leadership in the research and for our many conversations on the issues I discuss here. My thanks to the Pierre Elliott Trudeau Foundation for its generous support and to the University of British Columbia for providing a welcoming and challenging environment while I undertook this research. The full list of people who played critical roles in making this study possible runs to many pages, and I refer readers to the acknowledgements in our paper Humphreys, Sanchez de la Sierra, and van der Windt, “Social and Economic Effects of Tuungane,” Working Paper, Columbia University, 2012.

2. James Fearon, Macartan Humphreys, and Jeremy Weinstein, “Can development aid contribute to social cohesion after civil war? Evidence from a field experiment in post-conflict Liberia,” *American Economic Review* (P&P) 99, no. 3 (2009), 287-91.

driven reconstruction (CDR), a subclass of community-driven development—is being used by a range of development actors in countries as diverse as Afghanistan, Indonesia, and Liberia. The World Bank estimates that community-driven development programs count for about US\$1.3 billion a year in its portfolio alone.

These programs are not just large in terms of scale, they also have grand ambitions. The hallmark of these program is that, rather than engaging with national governments, they allocate development funds directly at the local level—often at the level of villages. In other words, citizens decide how to use the funds. What projects should be supported? Who should benefit? The idea is that making these decisions at a local level is likely to reduce cheating and produce better decisions about how to allocate funding, since the decision makers have every incentive to use the funds as well as possible. This might be called the *efficiency* argument for CDR programming.

CDR programs are also motivated by *intrinsic* or *instrumental* arguments: that it is intrinsically good for people to engage in decisions that affect them,<sup>3</sup> or, more cynically, that it can be politically useful for people to feel that they have a say.

Very often, however, a very different, and much more ambitious, argument is used to justify CDR programs: namely, that CDR is not just effective, but is also *transformative*. This argument holds that CDR does not just leverage the governance gains that arise from bringing decisions down to the local level; it also transforms the nature of governance itself.<sup>4</sup> In post-conflict contexts, this argument

3. The World Bank makes the intrinsic argument, noting that community-driven development “improves not just incomes but also people’s empowerment, the lack of which is a form of poverty as well” (World Bank, “IDA at Work—Community-Driven Development: Delivering the Results People Need,” 2009; available at <http://siteresources.worldbank.org/IDA/Resources/IDA-CDD.pdf>).

4. Note my use of the word “governance,” which is the term many groups working in this area use; what we are really talking about, however, is politics.

is motivated by the idea that social and political problems are at the heart of development failures, and that to be effective, aid must not only provide material support, but must also seek to induce political change.<sup>5</sup>

The transformative agenda has important implications for how aid takes place. Perhaps the most important implication is that local decision-making structures begin to be seen as the problem rather than the solution. Many CDR programs put pre-existing local institutions to the side and create new local decision-making groups, generally through local elections. Often, the programs place strong external impositions on what the new groups must look like, requiring them to include some populations (women, for example) and to exclude others (traditional leaders, perhaps).

The transformative agenda is intellectually intriguing. Understanding the evolution of political institutions is a holy grail of political science. Political scientists have paid tremendous attention to understanding why some states seem to be set up to provide benefits to their citizens while others appear to be intent on stealing as much as they can, as quickly as possible. According to classic political economy accounts, the key factors are elements such as the size of the middle class, the structure of inequality, and the fiscal demands of the state. Much of this classic work emphasizes structural processes, and generally internal structural processes, that move slowly. Other work emphasizes the role of institutions: set up the decision-making structures correctly, the reasoning goes, and good things follow. These accounts, too, focus on processes that unfold over many decades. This large literature calls into question the feasibility and the wisdom of the transformative agenda.

5. The World Bank summarizes the twin goals, arguing that “community-driven development operations produce two primary types of results: more and better distributed assets, and stronger, more responsive institutions.” World Bank, “IDA at Work—Community-Driven Development” (2009).

Outside of the academy, in contrast, there is hope that substantive change can happen relatively quickly and with light-touch interventions. The Congo program had exactly these transformative goals. The program was called Tuungane, Swahili for “Let’s Unite.” Funded by the Government of the United Kingdom in the amount of US\$46 million for the first phase and US\$95 million for the second phase, the program aimed to first reorganize existing settlements into new quasi-communities, then set up elections to create project management committees, and, finally, implement development projects in areas selected by the committees in consultation with local populations. The committees would be responsible for overseeing the quality of implementation and for reporting back to the populations; the populations would learn that they could select their leaders democratically, charge them with making decisions, hold them to account, and, at the end of the day, have nice infrastructural development to show for it. As one of the implementers of the CDR program argued, “This program is exciting because it seeks to understand and rebuild the social fabric of communities...It’s a program that starts to rebuild trust, it’s a grassroots democratization program.”<sup>6</sup>

Millions of dollars are being invested in this approach around the world, and some of the results from our work in Liberia seemed to support it. Perhaps there was something to it.

## **The Study**

So I agreed to work with the International Rescue Committee on this project. At the outset, however, I wanted to be sure that if we did it, we could do it credibly. Our study design had many pillars, perhaps the two most important of which were our use of randomization and our reliance on behavioural measures.

6. International Rescue Committee, “In Congo, Learning Democracy and Rebuilding Communities,” November 4, 2008, available at [www.rescue.org/news/congo-learning-democracy-and-rebuilding-communities-4414](http://www.rescue.org/news/congo-learning-democracy-and-rebuilding-communities-4414).

The idea behind randomization is very simple. Fundamentally, the argument is that because the world is so complex, one needs to do something a little dramatic in order to uncover underlying orders: one needs to inject some disorder. In other words, the complexity of the world comes not from the fact that there is too little order, but from the fact that there are so many orders that interact with each other, magnify each other, and hide each other. Separating one strand of order from another is hard, and generally we fail at it. But true randomness can interrupt these many orders and let individual strands stand out.

For the sort of problem we were looking at—understanding how introducing democratic decision-making institutions would alter local governance structures—one of the biggest challenges for figuring out the effects of the program lay in the normally hidden decision making that would determine where the development organization would operate. More specifically, if the organization were to operate in the most difficult areas of East Congo, skipping over the easier areas, then our analysis in those places would show poorer results than in places where the organization was not operating, possibly causing us to conclude that the program was making things worse. Conversely, some development programs concentrate on better-off places where program managers believe that they can work effectively without putting their staff, or the program, at risk. If this were the case for Tuungane, then our assessment might conclude that the program was having wonderful effects, even if the net effect was negative. Knowing how well an area was faring before the program started would not solve this problem. It is possible, for example, that if all the potential program areas were faring equally well or equally poorly before the program started, program managers might still choose to work in one area rather than another, because they had reason to believe that conditions in that area were likely to get better (or worse).

If, however, program areas were chosen by lottery, then the random selection of program areas would guarantee that there would be no systematic difference between the areas where the program was operating and the areas where it was not (except, of course, for the fact that the program was operating there). This randomness would give us grounds to conclude that any differences between the treatment areas and the control areas were attributable to the program alone.<sup>7</sup>

The arguments for randomization are strong, and we decided to apply it to Tuungane. To do so, Tuungane used public lotteries. Community leaders from different regions met, the names of all of the communities were placed in a hat, and the names of the communities where Tuungane would operate were drawn. In all, 280 communities—each with about 6,000 inhabitants—were selected for treatment, and 280 communities were not.

This left the problem of measurement.

Measurement is always difficult, but it is especially difficult for social outcomes. Classic approaches rely on different types of survey measures. Many clever innovations have improved the quality of data obtained from surveys, but the fear remains that, at the end of the day, people say what they think you want to hear. After all, is it

7. There are various ways that this can go wrong. One is if the lottery has an effect that is distinct from the program. For example, it could happen that being selected to take part in a program convinces a group that they are blessed and that this conviction has effects even if the program has none. For example, people might start making investment decisions on the basis of the fact that they have been selected: positive or negative consequences could arise even if the program never takes place. In medical trials, researchers use placebos to try to counter this type of effect. For many social science interventions, though, a placebo is not possible. It is also possible that areas that are not accepted for treatment are affected by those that are. In that case, too, a simple comparison of outcomes might be misleading. One might, for example, conclude that a program was effective simply because it made non-participants worse off.

not to be expected that after years of being told about the importance of transparency, accountability, and the rest of it, respondents know exactly what answers surveyors wanted to hear? Testimonials routinely provided by practitioner groups have an eerie 1984 quality that we wanted to avoid.<sup>8</sup>

Our study gave us the chance to examine directly this kind of bias (sometimes called “social desirability bias”). When we implemented the endline survey, we asked all of the respondents a straightforward question: “Do you think that elections should be used to appoint people to positions that require expertise?” For half of the respondents, however, we preceded the question with the statement, “Many organizations think that elections are not a good way to choose people for positions that require expertise.” For the other half, we preceded the question with, “Many organizations think that elections are always the best way to choose representatives, even for positions that require expertise.” Our hypothesis was that if people responded according to their prior convictions, their answers would not vary according to the statement that preceded the question (the “prime”). If, in contrast, respondents tended to give surveyors the answers that they thought the surveyors wanted (or if, more simply, they were easily swayed by arguments without content), then their responses would be very sensitive to the prime.

Some 65 percent of respondents told us that they favoured elections, even when we suggested that organizations maintained that elections were not appropriate for positions requiring expertise. This

8. The International Rescue Committee’s website, for example, includes a Q&A with a member of a development committee. “Q: What has your experience been, working with the Tuungane project? A: We’ve discovered a lot as a community here...Since becoming united through the CDC [Community Development Committee], we’ve seen that it’s important to work together. There is work that one person can’t realize, but with the force of everyone, we’ve realized great things.” In “Q&A from Congo: Paving the Way for Women in Leadership” (2008), available at [www.rescue.org/news/qa-congo-paving-way-women-leadership-4415](http://www.rescue.org/news/qa-congo-paving-way-women-leadership-4415).



high number suggests that large numbers of people support elections and are at least minimally willing to argue the point. When we suggested that organizations always favour elections, the number jumped to 84 percent. The effect of the prime was thus close to 20 percentage points. This is an enormous effect, much larger than the real effects that most programs hope to achieve. It suggests that respondents' willingness to please could be large enough to drown out any substantive effects of interest.<sup>9</sup>

So we needed something more reliable, a measure of what people do, not what they say. There has been a huge growth in the use of behavioural measures that seek to do just this. Classic examples involve things like dropping a wallet on the street in different neighbourhoods and seeing when and where the wallet is returned, or dropping stamped envelopes with different names and addresses on them to see which will or will not be picked up and mailed. In our Liberia study, one of our measures assessed how much of a private pot of money an individual was willing to contribute to a community pot. Approaches like this one have the virtue of decreasing the likelihood that subjects will seek to provide the "right" answer. The weakness of such approaches is that knowing what the measures mean is often difficult. If, on average, people in treatment groups are willing to give five cents more of a dollar to a public fund than are people in control groups, is this a big effect or a small one? How much does the difference depend on how the problem was presented to the subjects in the first place, or on other elements that researchers sometimes unwittingly control? The answers to these questions are often not very satisfying, especially for people who want to use findings to inform policy decisions.

9. Interestingly, we found that the bias effect was unrelated to participation in the program. Individuals who were not in the program were just as willing to try to provide the "right" answer and were no less willing to argue for electoral mechanisms.

Our solution was to present communities with a simple collective action problem not unlike one they might face under other circumstances. We introduced a new intervention—RAPID—in both the Tuungane and the non-Tuungane areas. Under the RAPID program, villages with populations of about 800 were given an unconditional community grant of US\$1,000. The communities were asked to form a committee to manage the grant (we imposed no requirements regarding the composition of the committee) and to describe how they would use the funding (constraints on admissible uses were very minor).

With this basic structure in place, we hoped to determine whether areas that took part in the Tuungane CDR program engaged differently in RAPID than areas that did not take part in the Tuungane program. Did more people participate in decision making in the Tuungane areas? Was decision making more consultative? Were the ultimate outcomes more or less equitable?

We also wanted to understand how information about development goods spread through the villages. To accomplish this, we introduced a wrinkle: when we introduced the project to communities, we told the whole village that US\$900 or more would be made available to it. Once the committee was formed, however, we handed it US\$1,000 in private. We were interested in knowing whether information about the extra US\$100 would spread through the village.

This structure allowed us to put some simple but tough tests in place. Did taking part in the development program make a difference to these communities, not merely a difference in the language they used, but a difference in the way they made collective decisions—a difference in how politics was done?

What did we find? To our surprise we found nothing. Or nearly nothing. We implemented multiple tests over hundreds of measures, and measure by measure, we found that places with the Tuungane program looked a lot like places without it. We confirmed that there

were elections, that there were meetings, and that there were projects. We also confirmed high levels of beneficiary satisfaction—most people said they liked the CDR project and wanted more of it. But they did not act differently, at least not on the items we looked at. They were no more likely to show up to community discussions about projects, they were no more likely to use voting to make decisions, they were no more likely to spread benefits more broadly, and they were no more likely to have leaders who did not engage in graft. The issue was not that they did not take part or that they did not use elections or that they did not use the money well. Very many of them did all these things. But so did the communities that did not take part in CDR.

In short, it is quite possible that CDR is an effective mechanism for disbursing funds, but we found no evidence that it is transformative.

## **Burdens**

This was a costly study, costly in every sense. Most obviously, it was financially costly. Setting the program up as a randomized intervention meant that it had to cover about twice as large a geographical area as otherwise. Randomization also made heavy demands on the organizations working on the program in terms of data maintenance and the timing of operations. The decision to use behavioural measures added costs, as it required transferring US\$1,000 to 560 communities and activating an extensive logistical and security apparatus. Finally, the study imposed costs on the organizations' political capital; these costs grew heavy when the governor of one province became convinced that our research was part of a political campaign against him.

Beyond the finances were heavy human costs. Our team of about 100 enumerators trekked for 18 months through some of the most difficult terrain imaginable. The enumerators spent many months at a time far from their homes and their families. They often had to

walk or push bikes over great distances, and they regularly suffered from malaria, cholera, and other sicknesses.

As in all research, the respondents also bore costs. In this case, thousands of people throughout the region sat for hours answering questions and engaging with our team. The members of the communities that participated in RAPID also engaged with each other, making collective decisions about how to use and distribute scarce resources—a process that can give rise to tensions and conflicts of its own.

The poor security and infrastructure of East Congo made things worse. More than once, staff members delivering payments to villages were taken hostage by armed groups. In a terrible incident unrelated to the project, but chilling for all of us, one of our enumerators was brutally assaulted in her home by a gang of Congolese soldiers, just days before she was meant to go into the field. In another tragic incident, a seven-year-old girl died in a motorcycle crash involving some of the enumerators.

These costs are much higher than those that researchers normally have to worry about, and, in my mind, they placed a lot of responsibility on me and on the research team.

I felt three types of responsibility most strongly. The first was the responsibility not to harm subjects. The second was the responsibility not to make a mess of the research. And the third was the responsibility to make sure that the learning was worth it.

### *The Responsibility to Do No Harm*

The responsibility to do no harm posed numerous challenges. This study was experimental in nature and involved the manipulation of human subjects: we were learning from the fact that some individuals had experienced a program and others had not. The way that we assigned people to treatment groups was orchestrated precisely to allow this learning to take place. In this sense, ours was a randomized experiment. But this experiment and others like it are not

randomized controlled trials for the simple reason that they are not trials. In a classical clinical trial, an intervention is set up to test a drug or treatment: the research question comes first and the intervention follows. In the political economy of development, things are often the other way around. An intervention is decided upon on its own merits; randomization is introduced afterward, to assess the intervention's effects.

In part because of this difference, the ethical standards of experiments in development often seem to fall very far below those used in clinical trials. Consent is often not sought; indeed, subjects frequently do not know that they are part of an experiment or are contributing, via their public actions, to knowledge. Moreover, control subjects do not generally receive a direct benefit. They are not provided with the best-known alternative, and even if the trial is successful, they are often not provided with the treatment.

These differences pose a challenge. On one hand, they mean that the practices of social scientists seem less ethical than those of our colleagues in health. On the other hand, introducing experimental variation is an improvement over more traditional development practice: since interventions happen anyway, it is more ethical to set them up so that we can figure out whether they are actually beneficial (or harmful) than if we do not set them up that way and continue to intervene in the dark.

This said, my view is that insofar as ethics is concerned, we need to improve on two fronts.

First, we need to do better at obtaining consent around manipulation on which this type of research relies. We are aided by the fact that the interventions we examine generally are not harmful; indeed, the rationale for implementing them is the belief that they will prove helpful. Moreover, *ex ante* lotteries, far from appearing arbitrary, are often seen as fundamentally equitable mechanisms. This was what we found in Congo. We opted for public lotteries so that people

would understand the selection process. People appreciated this because they saw the lotteries as equitable and transparent.

But consent is not just about transparency; it is also about being able to say no. When at the end of the CDR intervention we introduced RAPID, we wanted to be transparent about the fact that RAPID was part of a research project, and we wanted people to be able to opt out. Of course, we did not actually want them to opt out. At the same time, allowing people to opt out of a project worth \$1,000 that will generate measures for research purposes is not giving them a real option at all. So we worried that RAPID would wind up coercing people into consenting. In the end, we struck something of a middle ground. When we introduced RAPID, we gave those communities that we invited to participate in RAPID the possibility to opt in, where opting in meant agreeing that data from the project audits would be made available for research purposes. Once a community decided to participate in RAPID and had opted into using audits for research, we requested the right to take more measures—to record features of meetings, to photograph projects, and so on—that communities could refuse without putting their participation in RAPID at risk.

In practice, all of the communities consented to all of the processes. Upon reflection, it is not clear to us that much was gained from the niceties of our consent process. For one thing, for these populations little was at stake; the measurements were unintrusive and anonymity was preserved in any case. For another thing, given the unequal power relations between the villagers and the researchers, it is not clear that villages really felt free to opt out.

The second way that social scientists could work more ethically would be to generate more robust strategies for handling risk. My view now, after my experience with this study, is that the risks associated with studies like ours are often too large for researchers to bear, and that researchers should not bear them. The most important risk

we faced was that harm would come to our enumerators or to our subjects. But sending someone out on a motorbike in Congo or anywhere else risks doing harm. Similarly, providing development aid to a village with deep divisions risks doing harm. So taken literally, the responsibility to do no harm makes no sense. In practice, I think that the principle of “do no harm” really means trying to do more good than harm, or perhaps trying to do much more good than harm.

Under this understanding, our research was entirely consistent with the “do no harm” approach. There are plausible arguments for why development aid may do no good, and why it may sometimes do more harm than good; our study was designed to find out which, in the case of the CDR program, was true. In other words, the problem is not just the presence of risk, but the absence of knowledge.

Even still, our study presented risks of its own. Recall that RAPID imposed very few constraints on how its funds were to be used. We prohibited using the money to buy arms, for example, but we did not take action to ensure that the funding was used equitably. On the contrary: the whole point was to leave communities free to behave inequitably. This approach departed from the standard practice of our partner organizations,<sup>10</sup> but there would have been no point in our putting in place a tool to measure successes if our very study design ensured that there would be no failures. Even so, though, while we were willing to allow failures, we were not willing to force a design that would have allowed risks to escalate. Nor (rightly) would our partners have let us do so.

The team’s solution to this question was to share responsibility. While we could apply strong research designs and could bear responsibility for our findings, we could not bear the responsibility for the risks that our designs might produce in the field. Those

10. Somewhat perversely, having high standards to do no harm has meant that in standard programming, projects have not been allowed to fail and conflicts have not been allowed to escalate. If mistakes are a midwife of learning, then this refusal to allow mistakes might explain some of the limited learning.

risks lie within the sphere of responsibility of implementing agencies, which bear them as a part of their daily business and indeed have procedures to minimize them. Agencies are better placed than researchers both to assess the risks and to respond to adverse events. In this case, the agencies wanted to share the responsibility further, and they reached out to their funders in the Government of the United Kingdom for liability protection in the event that project funds were misused.

In sum, while clear lines of support and joint ownership of a strategy do not guarantee that unethical research will not occur, they are nonetheless, in my opinion, an important check on the impulses of scientists who might implement a research design without understanding the risks or without having the capacity to respond should things go wrong.

This said, even if there are clear lines for handling risks and all precautions are taken to minimize them, working in environments like this one still means accepting the risk that something will go wrong. This leaves the biggest question: whether experimental research such as ours should be done at all. In this instance, I find the question unanswerable.

Recall that I mentioned that, during our study, a young girl died in a motorbike accident. Here are some details. At one point during our planning, the question arose as to whether a motorbike could be shared by three people: two enumerators plus a driver. The International Rescue Committee argued against this set-up, which would violate Congolese law. In contrast, one of the local researchers argued strongly in favour, saying that carrying three people on a motorbike was how things were done in the area and was, in fact, the safer alternative, since professional motorbike drivers were better drivers than enumerators. The international organization responded by setting up drivers training for the enumerators. My instinct was to agree with the local researcher, who seemed to be valuing safety over legality. But I knew that I had no particular knowledge to bring to



the table, and so I did not weigh in. It turned out that when the girl was killed in a crash involving our enumerators, the motorbike was carrying three people. The enumerators had decided that even with driver training, it was safer for them to hire a professional driver.

Had I supported the enumerators' position at the outset, I would have felt a very direct responsibility for the death of the girl. But I still did not feel right about not having supported their request to use a driver. Either way, their decision to hire a driver might have been the right one. This particular question about how best to minimize risks seems almost impossible to answer; the truth is that there were risks either way. The greater problem concerns the risks that come with doing anything at scale in this kind of environment. Given environmental risks such as this one, should research at this scale be done at all?

Whatever the answer, one thing is clear: if research like ours is done, the learning had better be worth it.

### *The Responsibility Not to Mess Up*

Researchers generally do not want to make mistakes. In fact, we organize a lot of our work around catching one another's mistakes. But as a group, we are probably more tolerant of mistakes than many. My grandfather used to say that the person who never made a mistake, never made anything. I encourage my students to do projects that involve reasonable chances of getting things wrong, but to learn from doing them. Even so, I was particularly worried about making mistakes in this study, first because so many people were interested in it and were following it, but second, and more important, because the findings might matter.<sup>11</sup>

11. Or more precisely, the way in which they might matter was more obvious. A lot of research matters but often in very diffuse ways. In this case we could expect a fairly direct relationship between research results and decisions regarding the use of future development aid.

We saw the null results coming from a long way off. The way we had set up our study allowed us to analyze the data as it came in. We performed our first analyses with hardly any data (in fact, we performed them with fake data) and so did not expect to see any patterns. As more data came in, we expected to see things settle down and patterns to strengthen. But they did not. All of our interim reports painted a similar picture.

Coincidentally, just as we started our analysis, the Oscillation Project with Emulsion-tRacking Apparatus (OPERA) research team at the European Organization for Nuclear Research reported finding neutrinos that had arrived 60 nanoseconds faster than they would have if they had travelled at the speed of light. Theirs was the first recorded incidence of particles moving faster than light. I felt a tremendous sympathy for the scientists making this report. On the face of it, they were reporting what could be a revolutionary finding. But they also knew that they were probably wrong. Their finding was inconsistent with all existing theory and evidence; it looked to all the world as though they had made a mistake. So they checked their instruments and their results many times before making the announcement. They could not find any mistakes, so they presented their results and shared their data and continued to investigate. Sure enough, as others replicated their work and as investigations continued, it became clear that mistakes had been made. The problem was a loose cable. The particles had never travelled faster than the speed of light; things were as we had always thought they were. As the OPERA team made its announcement to this effect, it was clear that it was a formidable research group working with high standards of integrity. But while one could admire them, it was hard to envy them as they made their announcement.

Back in the more prosaic world of trying to figure out the impacts of CDR programs, our first goal was to make sure that we had not made any mistakes. In practice, this took the form of thousands

of data checks and robustness checks of various types. Checking our code, checking how things would look with different analyses, and so on. But things did not budge. The zeros stayed at zero.

Of course, the usefulness of all this checking and rechecking depended on the measures we were using. Were we using the right measures?

Here we found some solace from a strategy that we had adopted early on, before the results started coming in.

It turns out that statistics lie. Or at least they can be made to lie. In fact, some of us have mastered the art of making the data lie without even knowing we are doing it. Often when researchers meet data, they do not go straight to the business of analysis. First there is a get-to-know-you period when they try to get a feel for the data, how it is constructed, what its strong and weak points are. This is sometimes followed by a listening period when the researchers attempt to find out what the data is trying to say. They let the data speak. Next, they have a conversation, following the interesting patterns until they have a story that they can take away with them. Researchers can almost always do this. In the words of economist Ronald Coase, if you torture the data long enough, Nature will confess.

The only problem is that there is a good chance that Nature will make false confessions. When you follow the interesting patterns, you can end up settling on findings that are entirely spurious. This is called data fishing: the practice of extracting a finding from a pool of data and displaying it to the world without the full statistical context. In general, with a large data set like the one we were working with, you can poke about and select patterns that tell a rosy or a tragic story about the intervention. To a large extent, it would be your call.

The pressure to fish comes from many sides. It comes partly from researchers who find positive results more interesting than negative ones. It also comes from peers. The normal procedure in statistical analysis is to formulate a test, present the results, and gather feedback in the form of suggestions that the researcher try

this or that. Indeed, review and publication processes are organized around constructing or reconstructing tests after seeing the results from prior analysis. Simple analyses of the results published in political science journals conclude that without a shadow of a doubt, our discipline is deeply involved in data fishing. The practice is rampant.

In our case, we were concerned that, depending on what we found, various stakeholders might come back with new ideas for how to conduct the analysis. Some of these ideas would be bound to produce some results, even if they were entirely spurious. But at that stage, it would be very hard to know what to believe. The first results or the new results? How to weigh the two?

We resolved this dilemma by doing something that researchers often think about but almost never do. Before analyzing the real data, we specified our statistical tests down to the finest detail and wrote up an entire mock report based on simulated data. We then shared this report with the project implementers and the UK government so that we could nail down the tests before running them. Our thinking was that if anyone had an idea about better things to measure or better ways to conduct the analysis, he or she could say so up front, not after having seen the results. In effect, we practised a form of research registration—a practice that is now standard in medicine but that has not yet gained traction in the social sciences.

Writing and registering a mock report gave us political cover. It also gave us confidence that the areas where we expected to see change were the same as those where the implementers and the funders expected to see change. This shared ownership over the standards of interpretation helped lessen the burden of being wrong. It also revealed a pattern that I have since seen repeated: namely, people are much better at reacting to existing results than they are at thinking about future ones. *Ex ante*, people found it hard to say what they expected to happen and what the right indicators of success would be. The creative energy really starts flowing only once the results are in.

A final step we took to lessen the burden of being wrong was to embrace transparency. We made all of our protocols and instruments publicly available before conducting any analyses, and we made the core data available as soon as we had finished running the tests. Our view was that if we had made mistakes, then the sooner they were discovered, the better.

### *The Responsibility to Make the Research Matter*

Was it worth it?

Whether our research was worth it depends in large part on what is done with it next. The normal procedure with research of this form is to write up a lay-language report to share with partners, then to write an academic piece to share with colleagues. The normal response for both agencies and journals is to put null results to the side.

We have been trying to do a lot more than that, to make sure that our results are read and absorbed. As of the time of writing, we have presented our findings to development organizations and to the Government of the United Kingdom in London, Nairobi, Kinshasa, and elsewhere. The study has been covered in the *Financial Times* and has been featured in blogs of the World Bank and the United Kingdom's Department for International Development.

But it can be tempting to push things too far. In thinking about how to present and communicate our findings, we have struggled with four challenges.

The first challenge was not to exaggerate. Researchers might like clear positive results best, but they still prefer clear null results to ambiguous ones. But the truth is that there are always ambiguities. In our case, the economic outcomes of the project are especially ambiguous. We found no evidence that the projects we evaluated had economic effects. But I do not think that our study really provides an argument against infrastructure investments. We deliberately chose to take measurements at a time when governance effects

might be strong but economic effects might be weak. The effects from infrastructure projects such as schools take time to manifest, and it is not surprising that we did not find effects so soon after the project had been implemented.

Our second challenge was how to handle the politics of agency. When things go wrong, people often ask who is to blame. In this case, it is not clear that anyone is to blame. In fact, one of the oddest things about the results was how few people they surprised. High turnover in the agencies has meant that few of those who have read our results were present when the project was designed. In other words, the findings were important for the institutions involved, but less critical for the individuals who work in those institutions. In most cases, staff members had done their job well. The project implementers had conducted extraordinary work under tough conditions, and the designers had adopted models that had been promoted by numerous agencies and organizations (albeit without much proof). Furthermore, almost uniquely in the industry, the agencies had gone out on a limb to test the model they were employing. While they are not now actively publicizing the results, they are working hard to absorb them and to figure out whether and how to continue doing CDR. The systemic nature of the problems with the model will, I hope, make it easier for our findings to make a difference.

Our third challenge was to put our results in context. Ours is just one study, albeit a large one. Major policy decisions should depend on an accumulation of knowledge. So despite all our investment and work, our results should still be seen as a single data point. If other studies show very different results in other parts of the world, then it could well be that the effects we found can be attributed to Congo, or to the Tuungane program, or to our research design, but not to the CDR model as a whole.

Our final challenge was speculation. As soon as you hear that a program of this magnitude has failed, you ask why. A really satisfying explanation would pinpoint failures in design and in

implementation and would describe how to do things better next time. I have lots of ideas for why the program did not work. I think that excluding local leaders was probably a bad idea; I think that the investments were too small, and that communities' projects should have been allowed to fail. I also think that changing politics probably requires changing structures. To many of the would-be beneficiaries, the whole enterprise probably seemed odd: outsiders coming in to introduce consultative institutions using a design that was not based on consultations with the local population and that ignored existing mechanisms for local consultations.

But I also know that these explanations are speculative, and it seems particularly inappropriate to push speculations for why a program was unsuccessful on the back of the five years of research that it took to establish that the program was unsuccessful. Answering those questions, rather than speculating on them, is the stuff of future work.

## **Conclusions**

Let me close by emphasizing two themes.

The first theme is about the production of knowledge. Marx argued that knowledge is socially produced, even if it is privately appropriated. Most of the ideas we have and the concepts we work with have originated with others; most of our innovations are on the margins. Just as importantly, many of the effects of knowledge production are social as well. In our study, joint ownership with the program implementers was critical. We had to make sure that our voice remained independent and we had to be able to disagree, but we also had to coordinate our efforts in order to implement our research responsibly and to make sure that it would be meaningful and could have an impact.

It is striking, however, that while knowledge production is social, scholarly incentives often do not reflect this truth, at least in social science. Scholars compete to claim ownership of ideas; they hoard

their data, and they do not make their instruments and protocols public. Our system values innovation, not verification or replication. But if we want our research to make a difference in the world—and not just a difference to our careers—this is the wrong way to operate. We need to recognize the social character of research, to engage in building common agendas and joint designs, and to be willing to be wrong.

The second theme I want to emphasize relates to development practice. Perhaps the greatest oddity about this study is how quickly beliefs changed after our results came in. Before we gathered any measures, we surveyed practitioners and researchers, asking them what they thought we would find. We learned that respondents expected strong or very strong effects. It is true that some thought that for particular items, the effects would be weak, but on average, respondents expected clear positive effects. Once the results came in, however, the first reactions of most researchers and many practitioners were, Why are you surprised? How could you possibly expect that a program like this one would have substantial effects? Looking at it in hindsight, it does seem a little odd. But while there were early questions over the wisdom of the intervention, the possibility that the intervention would generate effects did not seem so odd before the results came in. On reflection, I think we fell prey to what might be called the “TED talk” fallacy: the mistake of constantly focusing on the most optimistic scenarios and thinking that just because big effects often result from small actions, small actions will probably lead to big effects. In truth, most small actions probably have small effects, if they have any effects at all. The lesson, then, is to try to think in a more *ex post* way, *ex ante*.



# JOHN MCGARRY

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## BIOGRAPHY

John McGarry was born in Northern Ireland in 1957 and immigrated to Canada in 1981. He received his BA from Trinity College Dublin and his MA and PhD from the University of Western Ontario. He taught at the University of Western Ontario and the University of Waterloo before moving to Queen's University in 2002, where he is currently a professor of political studies and a Tier 1 Canada Research Chair in Nationalism and Democracy. Professor McGarry has advised governments and appeared as an expert witness before a committee of the U.S. Congress. In 2008/09, he served as the first senior advisor on power-sharing at the United Nations (Mediation Support Unit, Department of Political Affairs). He is presently the lead advisor on governance to the UN-led negotiations in Cyprus. In 2010, he was elected a Fellow of the Royal Society of Canada. He was nominated a Trudeau fellow in 2011. In 2013, he won the Killam Prize (Social Sciences) and was awarded the Queen Elizabeth II Diamond Jubilee Medal by the Governor General and Royal Society of Canada.

Professor McGarry specializes in the academic and practical aspects of ethnic conflict resolution. He is the editor, co-editor and co-author of 12 books on this subject, including *Divided Nations and European Integration* (University of Pennsylvania Press, 2013), *The Future of Kurdistan in Iraq* (University of Pennsylvania Press, 2005), and *The Northern Ireland Conflict: Consociational Engagements* (Oxford University Press, 2004). He has written and co-written over 70 articles and book chapters on his research, which have appeared in such journals as *Ethnic and Racial Studies*, *Nationalism and Ethnic Politics*, *Nations and Nationalism*, *Political Studies*, *Parliamentary*

*Affairs, Government and Opposition, Political Quarterly, Journal of Conflict Studies, and Journal of Commonwealth and Comparative Politics.* He is on the editorial board of five academic journals and is a fellow of the Penn Program on Ethnic Conflict at the University of Pennsylvania. He is a former member of the executive board of the International Political Science Association's Research Committee on Politics and Ethnicity. Professor McGarry is a regular contributor to public media, including NPR in the United States and the CBC and TVO in Canada. He has written op-eds for several newspapers, including Canada's *Globe and Mail*.

## **ABSTRACT**

This paper discusses a key challenge that confronts anyone who wants to understand or resolve ethnic conflict. The challenge is the "metaconflict," or the conflict about the conflict. Metaconflicts exist in all conflicts and are waged not just by politicians and academics, but by everyone with a political view. The paper focuses on Northern Ireland's metaconflict, but it draws lessons from this experience for elsewhere.

There were four main explanations, and associated prescriptions, for Northern Ireland's "troubles." Irish republicans traced the conflict to British imperialism, with the inference that if Britain withdrew, Protestants/unionists could be peacefully integrated into a united Ireland. Unionists blamed it on unrepresentative republican militants, with the inference that Catholics/nationalists were prepared to accept the United Kingdom. Others claimed the conflict was materially rooted, and prescribed an end to inequality or an end to deprivation. The most common popular explanation was that the conflict was religious in nature, and required secularism or ecumenism if it was to end.

The paper shows that each of these accounts was seriously flawed, and that a proper, empirically informed, reading of Northern Ireland's conflict was that it was "bi national" in nature, waged by two rival ethnonational communities with ties to the Republic of Ireland and United Kingdom, respectively. The Good Friday Agreement of 1998 succeeded in addressing the causes of conflict because it was squarely based on bi-national principles.

The lecture draws three lessons for other conflicts. The first is the simple methodological point that appropriate prescription requires clear and accurate explanation. The second is that students or policy-makers seeking explanation should be wary of metaconflicts and be prepared to do their own assiduous research. Finally, it is argued that correct explanation and prescription are insufficient conditions for conflict resolution: there must also be political will.



LECTURE

# “Conflicts and Metaconflicts: Northern Ireland and Lessons for Other Hard Cases”

Dalhousie University

JANUARY 17, 2013

## Introduction

I was brought up in Northern Ireland as a Catholic during the 1960s and 1970s. My first exposure to the Northern Ireland “problem” came at age four, just after I had moved with my family from a farm into the predominantly Protestant town of Ballymena. My mother gave me sixpence and sent me out to the corner store to buy candy, but I was waylaid by a much larger Protestant boy who gave me a beating for being a “Fenian”—a derogatory term for a Catholic, as I later discovered. In spite of this first encounter, my antagonist and I later became the best of friends.

This incident took place in 1961, several years before the Northern Ireland conflict broke out in 1969. During the conflict, which raged essentially until the late 1990s, over 3,600 people were killed.<sup>1</sup> It was no Rwandan-scale holocaust, but it was significant nonetheless. The population of Northern Ireland was around 1.5 million people for most of the period in question—less than half the population of Metropolitan Toronto today, in an area less than twice the size of Ontario’s Algonquin Provincial Park. Northern Ireland’s per capita

1. There are continuing sporadic outbursts of usually non-lethal violence.

death rate in this period thus equates to 10 times the number of American casualties from the Vietnam war, or around half a million people being killed in the United States today. The British army lost 763 soldiers in Northern Ireland, more than in Iraq, Afghanistan, the Falklands, and the first Gulf War combined. Northern Ireland's police force, the Royal Ulster Constabulary, lost 302 officers from a force that numbered just 8,000 to 10,000. The death rate, moreover, represents a small fraction of the injured, including the seriously injured. It is hardly an exaggeration to say that virtually everyone in Northern Ireland knew someone whose life had been ended or whose body had been damaged by the conflict.

Fortunately for me, my exposure to the violence took place mostly at a distance. Like others, however, I had my share of incidents. One evening, for instance, I walked unknowingly past an Irish Republican Army (IRA) car bomb that was parked outside a Protestant pub and exploded minutes later. Another night, I arrived home late to find my family waiting up for me: neighbours had discovered the burning body of a man not far from my house and there was concern it was me. In the end, the dead man turned out to have been a developmentally challenged Catholic who had been killed in response to an IRA firebomb attack earlier that day on some neighbouring shops; I had spoken a few hours earlier to one of the people later convicted of his murder. There were other incidents, too: the murder of a student at my school who had been wearing our school uniform in the wrong place at the wrong time; the murder of a classmate's brother who was cut down by machine-gun fire in an attack on a pub; the murder of another student's father, who had been a police officer.

I spent my undergraduate years between 1975 and 1979 at Trinity College, Dublin, in part because it was safer than Belfast. I left for Canada in 1981 to pursue graduate studies, prompted by an economic recession but also by the conflict: the year I left, 10 young men starved themselves to death during an Irish republican hunger strike.

Given this background and my profound interest in politics, it seemed the most natural thing in the world for me to become absorbed in the study of violent conflict and conflict resolution. The same background produced the same result for my close colleague, Brendan O’Leary. He and I attended the same Catholic grammar school in Northern Ireland, St. McNissi’s College. After graduating, O’Leary went to Oxford and the London School of Economics, while I went to Trinity College and the University of Western Ontario. O’Leary is now a professor of political science at the University of Pennsylvania, while I am a professor of political studies at Queen’s University in Kingston, Ontario. Since the late 1980s, we have been individually and jointly researching and writing on conflict and conflict resolution. Both of us take the view that research on these questions can and should inform public policy. We have both advised multiple governments and worked as the senior advisors on power-sharing to the Mediation Unit of the United Nations.

In this lecture, I discuss a major challenge that confronts researchers, policy-makers, and others concerned with understanding and resolving ethnic conflict. This challenge is the metaconflict, that is, the conflict about how to explain the conflict, and how to end it. Metaconflicts exist with respect to every conflict and are waged by academics, journalists, political partisans, and impartial external agencies, indeed by everyone with a view on the conflict. My lecture discusses Northern Ireland’s metaconflict and applies lessons learned from Northern Ireland’s experience to research and policy-making in similar settings.

### **The Northern Ireland Metaconflict**

As any sensible medical doctor knows, one must diagnose properly before one can prescribe properly. Understanding the nature of ailments and their causes is vital to developing cures, or to offsetting the worst symptoms. This rule is just as applicable to doctors of philosophy and anyone interested in conflict analysis and resolution.



The difficulty that O'Leary and I discovered in trying to diagnose the Northern Ireland problem in the early 1990s was that there was no consensus about the nature of the conflict and, therefore, no agreement on the way forward.

In arguably our most important work on the Northern Ireland conflict, *Explaining Northern Ireland*, published in 1995, we set out to show what was wrong with the most common explanations of the conflict and to offer our own explanation. There were at least four dominant explanations of the conflict, all of which we thought were fundamentally wrong.

### **The Irish Nationalist Explanation**

The first explanation was the principal argument put forward by Irish nationalists, the overwhelming majority of whom were Catholics. Some Irish nationalists proffered an ethnic account of their nation in which Northern Ireland's Protestants were interlopers from Britain, who had been unjustly settled in Ireland by the English (and Scottish) Crown in the early 17th century and who should be repatriated. This was a logic that, if applied to the Americas or much of the rest of the world, would have produced absurd consequences, which perhaps explains why it was not usually aired to strangers. The dominant analysis of Irish nationalists, however, was republican and civic in nature. It held that all the people of Ireland, including Protestants, were members of the Irish nation and were entitled to collective self-determination. From this perspective, the problem (the obstacle to Irish unity and freedom) was that the British state had partitioned Ireland in 1921 and now occupied the northern part. Using classical imperialist divide-and-rule tactics, Britain was held to have promoted divisions among the Irish people by privileging sections of the Protestant community, who were now in alliance with London out of narrow self-interest. The British state, nationalists claimed, had a strategic interest in holding onto Northern Ireland because Northern Ireland was, at the time of partition, the

main industrial region of Ireland, and because, during the Second World War and the Cold War, it lay astride important shipping lanes in the North Atlantic.

The prescription associated with this analysis was straightforward: the withdrawal of the British state from Ireland. Britain should “give Ireland back to the Irish” as Paul McCartney, of Irish extraction, put it in song. For Irish republican extremists in the IRA and related organizations, the British imperial presence in Ireland justified the use of armed force: it was a war of national liberation. When Britain withdrew, it was thought, Northern Ireland’s Protestants would reconcile themselves to a united Irish republic, which would promote liberal freedoms of religion and association and would protect against religious discrimination.

The Irish nationalist explanation was popular not only in Ireland, but also in the Irish diaspora, particularly in the United States. Several Irish Americans supported the Irish republican armed struggle with financial donations. Ironically, the Soviet Union shared the republican view that the conflict was anti-imperialist. This may have been the only opinion that the Soviet Union had in common with Irish America, the community that had produced Senator Joseph McCarthy.

The difficulty with the Irish nationalist analysis was that it did not take seriously the manifest political position of the Protestant, or unionist, population of Northern Ireland. It was clear from opinion polls, election results, and the violent conflict between nationalist and unionist armed factions that the front line of the conflict lay within Ireland rather than between the people of Ireland and the British state. Unionists strongly rejected a united Ireland and insisted instead on maintaining the union between Northern Ireland and Great Britain. Whatever past role British imperialism may have played in fomenting divisions, they had developed deep endogenous roots and could not now be ignored. Britain may not have been the strictly honest broker that it portrayed itself to be, but neither, by

the 1990s, was it the key obstacle to Irish unification. Indeed, even by partition in 1921, many of the British elite were willing to abandon all of Ireland, seeing its retention as a risk to Britain's political stability. By the end of the 20th century, the consensus shared by the British elite and the British public alike was that Northern Ireland was more of a drain on the British treasury than it was an exploitable colony: it was a place apart that would be better off in a united Ireland.

Another difficulty with Irish civic nationalism was that while it expressed itself in the liberal language of impartiality between two religious communities, its core goal was profoundly biased against one of Ireland's two national communities. For at least some of its supporters, Irish civic nationalism seemed to be ethnic nationalism in tactical guise.

### **The Unionist Explanation**

Unionists (British nationalists) were more likely than Irish nationalists to take an ethnic view of their national community. The first unionist prime minister of Northern Ireland, Sir James Craig, declared to his followers that they had built a "Protestant parliament and a Protestant state."<sup>2</sup> During the conflict, however, and particularly from the mid-1980s, this ethnic perspective attracted strong intellectual competition from a civic unionist account that mirrored that of Irish republicans.

Civic unionists accepted that Northern Ireland's Catholics had been treated as second-class citizens by the exclusively Protestant and unionist Stormont regime that had governed Northern Ireland between 1921 and 1972, when it was prorogued by the British parliament at Westminster. For the unionist left, the problem in Northern Ireland was caused by ethnocentric political elites in both communities that were eager to prevent class politics that would unite their constituents. Electoral integrationists argued that the Northern

2. B. O'Leary and J. McGarry, *The Politics of Antagonism: Understanding Northern Ireland* (London: Athlone Press, 1993), 107.

Ireland problem was a consequence of the failure of the main British class-based political parties, Labour and the Conservatives, to contest elections in Northern Ireland; this failure left the field open to ethnic chauvinists.<sup>3</sup> Civic unionists, in agreement with their ethnic counterparts, blamed the violence on bands of fascist Irish nationalist paramilitaries who were waging sectarian war on Protestants and killed any members of their own community who dared to dissent from the Irish republican line by joining the police or by working on security installations. Irish nationalist elites within the government of the Irish republic were seen as tacitly or actively supporting these militants by offering a safe haven to republican gunmen, and by maintaining a constitutional claim to Northern Ireland that stood in the way of Catholics' acceptance of the Union.

The main prescription associated with civic unionism was the integration of Northern Ireland into the United Kingdom. In practical terms, in the 1990s, this involved normalizing the direct rule regime that had been in place from 1972, and governing Northern Ireland in the same way as Yorkshire or Kent, thereby abandoning any thought of returning to a devolved regional government. Drawing on a classic carrot-and-stick strategy, the proponents of this view argued that once Northern Ireland's Catholics came to experience prosperity and equal citizenship within the United Kingdom (the carrot), they would have little difficulty embracing a British civic identity. Electoral integrationists thus called for the main British political parties to contest elections in Northern Ireland, believing this would transform the local political culture from one of ethno-centrism/sectarianism to a so-called normal modern politics based on socio-economic issues like the economy or the environment. The stick of civic unionism involved a war on terror, the giving of no quarter to militant and chauvinist republicans or their political

3. H. Roberts, "'Sound Stupidity': The British party system and the Northern Ireland Question," in *The Future of Northern Ireland*, eds. J. McGarry and B. O'Leary (Oxford: Oxford University Press, 1990), 100–36.

allies. Civic unionists also thought that London should pressure the Irish state to abandon its irredentist claim to Northern Ireland.

The problem with the civic unionist analysis was that it did not take seriously the strong support of Northern Ireland's Catholic community for a united Ireland. Just as Northern Ireland's Protestant community had voted for unionist parties since the extension of the franchise to the male masses in the latter part of the 19th century, Catholics in what had become Northern Ireland had no less resolutely supported Irish nationalist parties. Opinion polls suggested that neither Catholics nor Protestants would vote for British political parties if they organized in Northern Ireland, or would vote for them only if the parties supported Irish nationalist or British unionist goals, respectively. This evidence suggested that electoral integration would have no discernible effect on the political divisions, and might also have resulted in lost deposits for the British parties. This in turn suggested that the absence of British parties from Northern Ireland may have been a rational response to the parties' lack of support there, and evidence of their unwillingness to become embroiled in Northern Ireland's politics, more than a contributing factor to the conflict. Republican paramilitaries did indeed kill Catholic policemen and sometimes targeted them because they were Catholics, but most Catholics shared the same constitutional aims as Irish republicans and did not want to join what they saw as a unionist police force. That Catholics' support for Irish nationalism long preceded the republican campaign of armed violence that began in the late 1960s suggested that republican intimidation did not explain Catholics' anti-police views. Similarly, as Irish nationalism had given rise to the Irish republic rather than the reverse, it was more sensible to see the republic's irredentist claim to Northern Ireland as an expression of nationalist sentiment than as the cause of it.

As with Irish civic nationalism, civic unionism, ostensibly based on equal rights for every citizen regardless of religion, was profoundly biased toward one community. Its central goal—the

protection of the Union—was identical to the central goal of ethnic unionists. Indeed, civic unionism emerged as a serious argument among unionist intellectuals only in the 1980s, at a time when the British government was showing exasperation with traditional ethnocentric unionist politicians—an exasperation that led it to begin cooperating closely with the Irish government in the management of Northern Ireland. This timing made civic unionism appear tactical in nature, an attempt to win hearts and minds in Great Britain rather than to appeal to Catholics in Northern Ireland.

### **The Materialist Explanation**

The materialist explanation for the conflict overlapped with the Irish and particularly the British integrationist accounts but was put forward independently in several forms. One prominent argument was that Catholic alienation was caused by inequality, particularly economic inequality.<sup>4</sup> This view was based on clear facts, depicted in the reports of independent commissions and in the academic literature, that Catholics had worse jobs, incomes, housing, and other material goods than Protestants.<sup>5</sup> Inequality, many argued, was caused by discrimination at the hands of the Protestant-dominated Stormont parliament and Protestant-dominated municipalities, although it was also linked to larger Catholic families, arguably an indirect result of inequality as well as of Catholic doctrine. Those who saw inequality as the problem pointed out that Catholic protests had begun in the mid-1960s with the mobilization of the Northern Ireland Civil Rights Association, whose main aim was civic equality.

A second and distinct materialist argument was that the conflict was based on deprivation. The advocates of this view pointed

4. D. Smith and G. Chambers, *Inequality in Northern Ireland* (Oxford: Oxford University Press, 1991).

5. E. Aunger, "Religion and occupational class in Northern Ireland," *Economic and Social Review* 7, no. 1 (1975), 1–17; *Cameron Report, Disturbances in Northern Ireland: report of the commission appointed by the Governor of Northern Ireland* (Belfast: HMSO, 1969).

out that the standard of living in Northern Ireland was significantly lower than in the United Kingdom in general and that paramilitarism on both sides appeared to be concentrated in working-class ghettos rather than in middle-class neighbourhoods. They also observed that the most radical parties on each side, Sinn Fein and the Democratic Unionist Party (DUP), drew disproportionate support from the less well off. A third argument was that the conflict was attributable to criminality on the part of the paramilitaries. Republican and loyalist paramilitaries were routinely described as “gangsters,” “Mafiosi,” “godfathers,” “racketeers,” and “mobsters,” all terms that suggested that they were rent-seekers primarily interested in self-enrichment. As an American journalist, Scott Anderson, argued in *Harper’s* magazine in 1994, “Assigning [Northern Ireland’s] violence to religious hatreds or skewed nationalism or mere senselessness is too easy. In fact, the hard men have a very good reason for wanting to sabotage any prospect of peace, one that has less to do with flags or gods and more to do with money.”<sup>6</sup> As the headline of Anderson’s article put it, the gunmen were “making a killing.” Supporters of the criminality thesis pointed to extortion schemes, bank robberies, and evidence of high-profile paramilitaries enjoying lavish lifestyles.

Materialist analyses produced materialist prescriptions. Those who thought that inequality was the problem prescribed civic equality, that is, a neutral state with anti-discrimination legislation, professional and impartial agencies charged with allocating public goods, and a bill of rights for individuals presided over by a judiciary blind to plaintiffs’ religion. The left counselled affirmative action programs aimed at establishing a level playing field and urged public investment in jobs, housing, and education. And the right, including the Thatcher government, prescribed the development of an “enterprise culture” that would produce economic growth.

6. S. Anderson, “Making a killing: The high cost of peace in Northern Ireland,” *Harper’s* (February 1994).

Indeed in 1989, Richard Needham, the Conservative minister for Northern Ireland, argued that the best way to resolve the conflict was to “[find work] for 10,000 unemployed boys in west Belfast.”<sup>7</sup> In line with mainstream unionist thinking, the explicit and implicit prescription of those who believed that paramilitaries were gangsters was to pursue anti-racketeering measures, such as investigations into the acquisition of assets and money laundering, as part of a “war on terror.”

The main difficulty with these materialist theses was that they abstracted from the political (nationalist) dimension of the conflict. Inequality and discrimination were indeed sparks that ignited protest in the mid- to late-1960s, but the protest also focused on an underlying Irish national identity that quickly came to the fore, with Catholics—including Catholics who saw inequality as a major problem—regarding Irish unity as the solution and voting for parties whose core platform had this aim. In contrast, small political parties that emphasized equality as an end in itself languished, as did the Northern Ireland Civil Rights Association. Even before direct rule was implemented by the British government in 1972, and increasingly under the direct rule regime, the British state took measures to outlaw discrimination. The distribution of public housing was handed over to the Northern Ireland Housing Executive, an impartial agency; discrimination in employment was banned under the Fair Employment Act of 1976, and a second, strengthened act followed in 1988. These steps helped to bring about the impartial allocation of public and private goods, but they did not succeed in reconciling nationalists to the Union or in appreciably diminishing the conflict, let alone ending it.

The difficulty with the deprivation thesis was that there were areas in Great Britain and in Ireland, notably the vast working-class neighbourhoods of Glasgow, Liverpool, and Dublin, that were just

7. Cited in J. McGarry and B. O’Leary, *Explaining Northern Ireland: Broken Images* (Oxford: Blackwell, 1995), 265.



as deprived as Belfast but suffered no similar violence. Indeed, there were many parts of the world that were much worse off, including native reserves in otherwise developed countries, where deprivation gave rise to apathy and self-abuse, not violent rebellion. The business cycle also suggested no linkage between the economy and violence: violence did not increase when unemployment was high or decrease when unemployment was low. Nor did violence increase when unemployment dipped after a period of sustained growth, as a more sophisticated account of the relationship between materialism and violence posited.<sup>8</sup> Rather, escalations in violence were likely to be correlated with political triggers linked to the international conflict, such as the increase in republican violence after the British internment of Catholics (nationalists) without trial in 1971 or the British army's killing of 14 unarmed protesters in January 1972 in an event that became known as "Bloody Sunday." And loyalist (unionist) violence was linked to republican violence as well as to perceived threats to the Union.

The argument that personal gain was important in motivating paramilitaries was belied by high death and incarceration rates among paramilitaries. Had the paramilitaries been primarily motivated by self-interest, these high rates would have driven these individuals toward less dangerous criminal activities. Similarly, material self-gain did not seem a plausible motive for the 10 hunger strikers who starved themselves to death in 1981, the year I left Ireland for Canada. It was true that protection rackets and money-laundering operations were numerous, but their proceeds were mostly used to fund the fighting. Personal criminal racketeering was rare, particularly on the republican side. Paramilitaries participating in personal enrichment at the expense of the "cause" were likely to incur the wrath of their colleagues as well as that of the security forces. In O'Leary and my view, those who focused on criminality as the

8. T. Gurr, *Why Men Rebel* (Princeton, NJ: Princeton University Press, 1970).

reason behind paramilitarism underestimated the importance of Irish and British nationalist motivations. Indeed, some of those who supported the criminality thesis did so as partisan participants in the struggle between the national communities: they were British nationalists (unionists) eager to deflect attention from the role of the British security forces in provoking armed Irish nationalist resistance through excessive force and collusion with loyalists.

### **The Religious Explanation**

The fourth principal explanation for the Northern Ireland conflict was the most popular of all, at least outside Northern Ireland. This was that the conflict was about religion. How else was one to make sense of a conflict in which the main protagonists were Catholics and Protestants, and in which the most popular politician in the region was the Reverend Ian Paisley, a fire-and-brimstone Protestant preacher? The religious explanation had several variants. Some of the devout believed that the problem was not religion per se, but the way that certain priests or preachers abused God's word. Secular accounts were more likely to portray the problem as inherent to religion itself. Proponents of this view maintained that the Northern Irish had too much religion, and saw the conflict as a sort of late 20th-century re-run of the 17th-century European Wars of Religion.<sup>9</sup> A corollary of the secular view was that the conflict was caused by educational segregation in religion-based schools, a system defended by the Roman Catholic hierarchy in particular.

Not all of those who accepted religious explanations proposed prescriptions. The belief that the conflict was based on religion led some to link it to atavism, the presence of ancient hatreds beyond which the rest of Europe had moved several centuries earlier. This

9. This view was particularly popular among the English, hence the joke that when airplane passengers were about to descend into Belfast airport, the pilot would come on the intercom to advise them to set their watches back 300 years.

engendered a sense of hopelessness, or a cynical view, popular in England, that the people of Northern Ireland should be left to their own devices to fight it out to the last man. Others argued that Northern Ireland needed modernization (less religion) and, in the meantime, proposed the classical liberal solution to Europe's religious wars: a separation of church and state that relegated the practice of religion to the private sphere where it would be protected and where discrimination on religious grounds would be outlawed. Still others focused on integrated education as the panacea to the conflict, that is, a single publicly run education system in which the children of all denominations and faiths learned together. In my estimation, this was by far the most popular prescription for the conflict in media coverage outside Ireland. Finally, those who thought that the way religion was presented caused the problem prescribed ecumenism and looked to the teachings of the Second Vatican Council and of moderate Protestant sects.<sup>10</sup>

There were many serious problems with these religious explanations. One was that Northern Ireland's political parties did not espouse religious goals, but rather nationalist (Irish nationalist and unionist) ones. The same was true for the paramilitary organizations on both sides. The IRA—the main Catholic paramilitary organization—was not calling for a Catholic theocracy, but for a united Ireland; meanwhile, its Protestant equivalents were not defending Calvin's ideas on predestination or Luther's 95 theses, but union with Britain. Opinion polls showed that most so-called Protestants did not even go to church; this suggested that further modernization/secularization or ecumenism would not appreciably affect their political views. Many Catholics went to mass, but the conflict persisted in spite of regular calls from the Catholic hierarchy, including the Pope himself, for paramilitaries to refrain from violence. Indeed, it seemed likely that more secularization in Northern Ireland would

10. E. Gallagher and S. Worrall, *Christians in Ulster 1968–1980* (Oxford: Oxford University Press, 1982).

have roughly the same effect as it had had on relations between Quebec and English Canada during and after the Quiet Revolution: namely, that it would do nothing to erode identity divisions.

Contrary to the position of a leading religious sociologist,<sup>11</sup> the Reverend Ian Paisley's popularity had little to do with his religious views. The church that Paisley led—the Free Presbyterians—had a minuscule following (less than 2 percent of the Protestant population) and was dwarfed by the much larger Presbyterian and Anglican churches. Rather, Paisley was popular because in addition to being a churchman, he led an important unionist political party (the DUP) and was by some margin the union's most articulate and strident political defender. His support could be tracked to his regularly displayed ability, during a polarized violent ethnonational conflict, to outflank moderate unionist politicians who suggested compromising with nationalists. As for segregated education, there was little evidence that it had caused division, since the division between Ireland (and then Northern Ireland's) two communities had long preceded the establishment of mass public education. Nor was there evidence that integrated education would solve the conflict, as it did not touch on the main constitutional question; or rather, to be more precise, by abstracting from the constitutional question, it did nothing to change the constitutional status quo. There was, finally, another very considerable obstacle to integrated education: most parents, particularly in the nationalist community, supported the current system, which meant that integrated education would have to be coercive in nature.

### **Our Analysis of the Problem**

O'Leary and my analysis of the conflict, as suggested by my criticism of these other explanations, was that it was fundamentally waged between two national communities, one Irish and one British, each

11. S. Bruce, *God Save Ulster! The Religion and Politics of Paisleyism* (Oxford: Oxford University Press, 1986).

of which wanted to be governed by its nation-state. It was this dimension that had to be dealt with squarely and fairly if the conflict was to end justly. The national division was rooted in the Crown's plantation of English and Scottish Protestants in Catholic and Gaelic Ulster in the early 17th century. Even at this early point, religion, while more important then than later, served as what Walker Connor calls an ethnic marker, delineating an ethnic division between planted settler and expropriated native.<sup>12</sup> By the end of the 19th century, this division had become ethnonational in character. The initial conflict was not preordained to last, as accounts based on atavism or primordialism might suggest. Rather, its transformation from a settler-native conflict into one between rival national communities was a direct consequence of British and Irish failures at state- and nation-building.<sup>13</sup> In the centuries after the plantation, British authorities proved unwilling or unable to enact policies that might have integrated Irish Catholics into the British state and nation. At the same time, from the outset of the movement for Irish independence in the 19th century, Irish nationalists and eventually the independent Irish state proved unwilling or unable to articulate a vision of an independent Ireland that northern Protestants could support or accept. In the language of recent social science, Ireland's ethnonational divisions were "constructed" from tangible socio-economic distinctions rooted in settler colonialism. The divisions were multigenerational and were entrenched by state policies, local politics, and episodic bouts of intercommunity violence. At every democratic election after the

12. W. Connor, *Ethnonationalism: The Quest for Understanding* (Princeton, NJ: Princeton University Press, 1994). This explains the perhaps apocryphal story about the Catholic farmer who was asked by a television reporter in the early 1970s to explain why he had voted for Bernadette Devlin, MP, a Trotskyist, an ardent opponent of the Catholic Church, and an avowed atheist. The farmer replied that it was because she was a "Catholic atheist."

13. B. O'Leary and J. McGarry, *The Politics of Antagonism: Understanding Northern Ireland* (London: Athlone Press, 1993), 54–106.

franchise was extended to the United Kingdom's male working class in 1881, virtually all Catholics and Protestants in the six northeastern counties of Ireland that became Northern Ireland in 1921 supported nationalist or unionist parties, respectively. Non-unionist or non-nationalist parties never polled more than 10 percent. Civil society mirrored political society: the main mass organizations, the Gaelic Athletic Association and the Orange Order, were respectively nationalist and unionist. Civil society organizations that transcended the divide were never anything other than minuscule.<sup>14</sup>

The entrenched nature of the ethnonational divide meant that the rival proposals of British and Irish integrationists were utopian. There was no prospect in the 1990s of Northern Ireland's unionist community accepting a united Ireland, even if the individual rights of its members were protected, and no prospect of Irish nationalists becoming reconciled to equal citizenship in the United Kingdom. The problem with the materialist and religious explanations was that they abstracted from the core constitutional issue in the conflict or, just as often, were put forward as part of the constitutional conflict. Thus, many of those who suggested that conflict resolution required economic growth or a dose of secularism were deliberately endorsing the unionist constitutional status quo by default, or explicitly argued for an integrated United Kingdom as the path to economic growth and secularism. Irish nationalists also endorsed materialist and religious explanations, but argued that ending partition was the way to eliminate sectarianism and sectarian inequality, and promote a vibrant economy.

14. F. Cochrane, "Unsung heroes? The role of peace and conflict resolution organizations in the Northern Ireland conflict," in *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, ed. J. McGarry (Oxford: Oxford University Press, 2001), 137–58. The United Irishmen of the late 18th century was an arguable exception, one that was wrongly magnified by Irish republicans at the end of the 20th century as an example of what was possible then.

A resolution of the conflict thus required prescriptions that were radically different from those discussed thus far. Political institutional arrangements were needed to deal with two vital dimensions. First was the question of how the deeply divided polity of Northern Ireland should be governed. It could not be governed exclusively from London or Dublin, as the rival integrationists wished, as this would have been nationally partisan. Government from Dublin *and* London would have been fairer, but was sub-optimal, as Northern Ireland's own citizens and politicians would have then played a limited role in deciding their own affairs. Regional self-government for Northern Ireland offered the best way forward, as long as it was constructed in a way that both communities could accept. This latter condition ruled out majoritarian political structures of the sort that are associated with the Westminster system used in Canada at the provincial and the federal level and in the central government of the United Kingdom. Northern Ireland's provincial government between 1921 and 1972 had been based on the Westminster system, with disastrous effects. It had resulted in a government that was exclusively Protestant and unionist, and that discriminated against the large Catholic and nationalist minority in the allocation of jobs and public housing and in other matters, thus entrenching its alienation from the constitutional order. Majoritarian structures have had some success in polities that are not deeply divided and in which a substantial body of floating voters are prepared to shift their support to different parties; this produces alternating governments. In a deeply divided polity, in contrast, voters vote ethnically, and majority rule produces permanent government by the ethnic majority.

Northern Ireland therefore required a power-sharing or consociational government in which the executive, legislature, and broader public institutions were broadly representative of all of Northern Ireland's communities.<sup>15</sup> Consociation also entails decision-making

15. A. Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977).

rules in the executive and the legislature that prevent majorities from outvoting minorities, at least on matters that the latter consider vital. Finally, consociation means some degree of self-government to the extent desired and practical.

But consociation was insufficient for Northern Ireland. A power-sharing government in Northern Ireland, as a region of the United Kingdom, would have accommodated Irish nationalists' aspiration to be included in their government, but would have done nothing to satisfy their national aspirations for political links to the rest of Ireland. In addition, the key reason why unionists were reluctant to share power with Irish nationalists was because the unionists feared that the Irish nationalists, because of who they were, would use their role in government to destroy the Union. As a second step, therefore, an agreement needed to address the national dimension of the conflict, including the fears and aspirations of both communities. It needed to confront the fact that Northern Ireland was not simply deeply divided, but deeply divided along national lines.

Our analysis of the Northern Ireland problem in *Explaining Northern Ireland* became in one academic's view the "most orthodox modern explanation of the conflict."<sup>16</sup> Another described it as having achieved "hegemonic status."<sup>17</sup> Although we claim no credit, Northern Ireland's landmark agreement of April 10, 1998 (hereafter, the Agreement),<sup>18</sup> met our broad prescription for the conflict: the Agreement was negotiated by Northern Ireland's political parties and by the British and Irish governments with help from the United

16. A. Edwards, "Interpreting the Conflict in Northern Ireland," *Ethnopolitics* 6, no. 1 (2007), 137–44; quote: 138.

17. R. Taylor, "Introduction: The promise of consociational theory," in *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*, ed. R. Taylor (London: Routledge, 2009), 310.

18. The Agreement was called "The Agreement" in a brochure that was mailed to every household in Northern Ireland, outlining its details. It is also known as the Belfast Agreement or the Good Friday Agreement, the latter because it was finalized on Good Friday, 1998.



States. *Explaining Northern Ireland* provided part of the intellectual backdrop against which negotiations on, and discussion of, the Agreement took place.

The internal or power-sharing dimension of the Agreement provided for a consociational government that would be constituted in most part according to the d'Hondt rule. This meant that each political party would automatically receive seats in Northern Ireland's executive branch in proportion to its seats in the Northern Ireland Assembly (hereafter, the Assembly), which was itself to be elected by a form of proportional representation based on the single transferable vote in 18 six-member constituencies. This had the effect of ensuring inclusivity, that is, it meant that every sizable party, including the radical parties of Sinn Fein (nationalist) and the DUP (unionist), were entitled to seats in the Assembly and the government in proportion to their share of popular support. This executive power-sharing was criticized not just by those who favoured majority rule, but also by those who thought that power-sharing should be restricted to moderate parties from each community on the grounds that a moderate coalition would be more likely to cooperate than a fully inclusive coalition would be. O'Leary and I, in contrast, have consistently supported d'Hondt on the grounds that inclusion in government for Northern Ireland's radical parties would strengthen moderates within their ranks, because it would give them a stake in government and the means to achieve important aspirations constitutionally. In the 15 years since the Agreement, Sinn Fein and the DUP have indeed moderated dramatically and now cooperate closely with each other. Indeed, they are now difficult to distinguish from their so-called moderate counterparts, the Social Democratic and Labour Party and the Ulster Unionist Party respectively.

D'Hondt also provided for a sequential method of portfolio allocation that prevented the large parties from monopolizing the most important ministries. Each of the parties entitled to a ministry was allowed to select one ministry, with the largest party selecting

first, the second-largest party selecting second, and so on. Once each entitled party had one ministry, the largest party was then given its second pick from the remaining ministries, the second-largest party got the next pick, and so on, until all ministries were allocated. This rule meant that smaller parties were more likely to receive reasonably important portfolios (and portfolios they wanted) than would have been true had the largest party or parties been responsible for allocating all portfolios. The rule also meant that two of the most controversial elements in power-sharing agreements—how many ministries, and which ones would go to which political parties—were resolved immediately and automatically after elections to the Northern Ireland Assembly.

The executive was to be led by a first minister and a deputy first minister who in spite of their titles were equals. They were to be elected by a concurrent majority of nationalist and unionist deputies who would have to identify themselves as “nationalist,” “unionist,” or “other” for this purpose. The effect of this rule was to ensure that one of the two most important positions would be occupied by a unionist and the other by a nationalist. This rule was replaced in 2007 by a qualified form of d’Hondt in which the nominee of the largest party in the Assembly became the first minister, while the nominee of the largest party from the largest designation in the Assembly other than the first minister’s designation became deputy first minister. This subtle shift, which approximated what we had been arguing for since 2004, meant that the entire executive, including the first minister and the deputy first minister, would now be appointed automatically after elections to the Assembly.<sup>19</sup> It also meant that, as before, both posts could not be held by either nationalists or unionists, but that for the first time it allowed that one of the two positions could now be won by the “others.”

19. J. McGarry and B. O’Leary (2004), “Stabilising Northern Ireland’s Agreement,” *Political Quarterly* 75, no. 3 (2004), 213–25.

Consociation also allows for communities to exercise mutual vetoes so that they, and particularly minorities, can prevent others from passing measures that seriously harm their interests. According to the Agreement, a number of designated “key” measures would require “cross-community votes.” This meant that to pass, the measures in question would require the support either of a concurrent majority of nationalists and unionists, or of 60 percent of the Assembly, including at least 40 percent of nationalists and unionists. Moreover, 30 members of the Assembly could raise a “petition of concern” over other measures that would make these measures subject to cross-community votes as well.

The Agreement dealt with the national dimension of the conflict in a number of important ways. Within Northern Ireland, the unionist and nationalist traditions were to enjoy “parity of esteem.” To accommodate Irish nationalists’ aspiration for links to Ireland, the North South Ministerial Council was established, comprising the Irish government and the Government of Northern Ireland. It was agreed that the council would meet in plenary twice a year, and in a smaller format to discuss sectoral issues (e.g., agriculture or education). The British and Irish governments also established a British-Irish Intergovernmental Conference in which the two governments agreed to cooperate on all policy matters that had not been devolved to the Northern Ireland Assembly (as well as all devolved matters in the event of the Assembly’s collapse). The Agreement recognized the right of the people of Ireland to self-determination and established a process through which a united Ireland could be established by concurrent majorities voting in simultaneous referendums in Northern Ireland and the Irish Republic. This was a compromise. The provision that the people of Ireland alone would settle their future was designed to satisfy Irish nationalists, but the requirement for concurrent majorities rather than a simple majority of the Irish people was included to allay unionists’ fears that a united Ireland would be imposed on them without their consent. The Republic of

Ireland also addressed unionist fears by amending its constitution to remove its irredentist claim to Northern Ireland. The Agreement further established the British-Irish Council, which involved the British and Irish governments and the devolved authorities of the United Kingdom, including those in Scotland and Wales. Although this was a weaker institution than the North South Ministerial Council, unionists saw it as a tool for strengthening ties on an east–west basis. These steps to address the national dimension of the conflict were crucial to reaching an agreement.

In addition to power-sharing and national dimensions, the parties to the Agreement confronted a number of crucial security issues, reflecting the fact that the region was not just divided or just nationally divided but was emerging from bitter violence. Among the most important of these issues was policing reform. For Irish nationalists, the existing police, the Royal Ulster Constabulary, which in 1998 was 93 percent Protestant, was a profoundly partisan body that had been responsible for serious abuses against their community, including collusion with loyalist gunmen in the assassination of Catholics. Nationalists preferred the police force to be radically reformed or disbanded and some of its members to be indicted for war crimes. For unionists, in contrast, members of the Royal Ulster Constabulary were heroes who had been on the front line defending Northern Ireland from a terrorist onslaught and had suffered grievously for it, losing 302 officers in the line of duty. The unionists maintained that the Royal Ulster Constabulary was the best police in the world and deserved medals for valour as well as hefty pay increases. Given these polarized views, it was hardly surprising that the negotiating parties were unable to reach agreement on this issue, instead handing it over to the Patten Commission, an independent international commission tasked with making its recommendations to the British government by the fall of 2009.

At this point, O’Leary and I wrote a short book, *Policing Northern Ireland: Proposals for a New Start*, aimed at influencing the

Patten Commission.<sup>20</sup> The book drew on best practices from around the world but was informed by the two principles that governed our general approach to the Northern Ireland conflict: namely, that to be acceptable to both communities, the police would have to be reconstructed on consociational and binational principles. The consociational element meant that the police force, at all ranks, should be proportionally representative of the community it policed. This again involved confronting integrationist arguments, many of which were based on civic principles of individual equality, but which masked a defence of the unionist status quo. One argument from this perspective was that what mattered was an impartial, professional, and human-rights-respecting police force and that, beyond this, the composition of the force was unimportant. Supporters of this position went further and claimed that any attempt to change the composition of the force, which would necessarily involve affirmative action, would be wrong, as it would offend the merit principle—the key liberal premise that the only justifiable basis for discrimination is talent. Any police service built on affirmative action, they argued, was bound to be less competent than one that was strictly meritocratic.

Our position, in contrast, was that a police service in any deeply divided polity was unlikely to be impartial unless it represented both communities. Police officers from one community could not reasonably be expected to shed their political and cultural background when they donned their uniforms, and even if they could, they would not be seen as impartial. Regarding competence, we argued that a police force from one community could not be effective in a situation where only a little more than half of the population trusted it enough to cooperate with it. Representativeness was essential for trust, and trust was needed for efficiency. This meant that affirmative action was required, at least for an interim period, until the police

20. J. McGarry and B. O'Leary, *Policing Northern Ireland: Proposals for a New Start* (Belfast: Blackstaff Press, 1999).

had appointed an adequate threshold of officers from the nationalist community.

We stressed, however, that as with consociation in the political sphere, proportionality in policing was insufficient. Comprehensive policing reform would need to address the fact not just that Northern Ireland was divided, but that it was nationally divided. The consociational principle of proportionality (affirmative action) was not enough because the main problem was not that Irish nationalists were eager to join the police force but were being turned away because of discrimination. Rather, the difficulty was that Irish nationalists had little interest in supporting or joining a police force from which they were alienated because they saw it as a nationally partisan force charged with defending the Union. The wider political provisions of the Agreement would deal with some of this nationalist alienation by making the political order something that both communities could accept, but additional steps, particular to the police itself, were needed to demonstrate that the police was nationally impartial (or binational). Toward this end, we recommended a number of fundamental symbolic changes, which sounds oxymoronic but was not. First, the name of the police would have to change. The Royal Ulster Constabulary was not something Irish nationalists were likely to want to serve in, and not just because “Royal” was in its name.<sup>21</sup> We suggested instead the Northern Ireland Police Service, a neutral name that made it clear that the police were there to serve the people rather than to act as a coercive instrument. We also recommended nationally neutral symbols to replace the Royal Ulster Constabulary’s harp and crown. The defenders of the Royal Ulster Constabulary had argued that the harp and crown

21. “Ulster” is a term that unionists, but not nationalists, use for Northern Ireland. For nationalists, Ulster is the historic province of Ireland, which includes the six counties of Northern Ireland and three counties in the Irish Republic. Nationalists therefore felt it inappropriate to use Ulster in the name of a police force that had jurisdiction only in six counties.

symbol was binational, but nationalists were quick to note that the harp was under the crown, which suggested colonial subordination. These suggestions for reform, and several others that focused on police accountability and the need for human-rights training, were endorsed by the Patten Commission and were eventually implemented by the British government. One senior Belfast journalist noted after the Patten Report came out that “What really surprised me was the number of times Patten refers to a book by two academics, John McGarry and Brendan O’Leary, *Policing Northern Ireland*. Its summary makes 10 points, most of which find their way into the report in some form.”<sup>22</sup>

### **The Success of the Agreement**

Fifteen years old now, the Belfast Agreement has experienced intermittent instability, particularly in its early years, when the new political institutions were suspended by the British government on several occasions. Significant social segregation and political division persist. The Catholic and Protestant working classes still live apart. Catholics still largely vote for nationalist parties and Protestants for unionist ones. But Northern Ireland has nonetheless changed dramatically since 1998, and for the better.

The starkest way to measure the success of the Agreement is through statistics on lethal violence. In the 14 years before 1998, the year of the Agreement, 626 people were killed in Northern Ireland. Since 1998, 91 people have been killed.<sup>23</sup> The discrepancy is even more marked in the figures for the security forces. While 110 police officers and 142 soldiers were killed in the earlier period, the numbers for the later period are 2 and 2, respectively. Even this contrast

22. B. Whyte, “Patten...finding the gems in the detail,” *Belfast Telegraph*, September 18, 1999.

23. All statistics are from Deaths due to the Security Situation in Northern Ireland 1969 – 29 February 2012, available at [www.psni.police.uk/deaths\\_cy.pdf](http://www.psni.police.uk/deaths_cy.pdf).

arguably underrepresents the Agreement's contribution to peace, as the period before 1998 contains a number of years (1994–96) when republicans were adhering to a ceasefire as part of the negotiations that produced the Agreement. The discrepancy between lethal violence in the 20 years before the peace process began (1974–93) and the 20 years after (1994–2013) would therefore show an even starker reduction in lethal violence. Violence in the post-Agreement era has also tended to be more intra- than intercommunity, which contrasts with the earlier period. In other words, this violence is more the result of turf wars and personal rivalries than of ethnic conflict, and is arguably a result of peace and the absence of “real” enemies. Finally, the trend since 1998 has been consistently downward. The last two years for which statistics are available (2011 and 2012) are the only years since 1969 in which no one in Northern Ireland—neither civilian, nor soldier, nor policeman—has died from political violence.<sup>24</sup>

In addition, for the first time in Northern Ireland's history, both communities significantly support Northern Ireland's police service. In January 2007, even the republicans of Sinn Fein voted to support the police, and by November 2012, the composition of the police service was 30 percent Catholic, by far the highest proportion since 1921 and much higher than the 7 percent of 1998.<sup>25</sup> While support for Sinn Fein and the DUP has increased significantly since

24. Statistics on lethal violence are reported on an annual basis, which is why I left out 1998, the year of the Belfast Agreement. One effect of this is to miss the massive Omagh bomb that exploded just after the Agreement and killed 29 people. Even if the Omagh deaths are added to the statistics for the post-Agreement period, however, they do not substantially change the fact that there has been a massive drop in lethal violence after the Agreement was signed. Adding the Omagh casualties would also make the trend away from violence after 1998 even starker.

25. Police Service of Northern Ireland, Workforce Composition Figures, available at [www.psni.police.uk/index/updates/updates\\_statistics/updates\\_workforce\\_composition\\_figures.htm](http://www.psni.police.uk/index/updates/updates_statistics/updates_workforce_composition_figures.htm).



the Agreement—an argument that is sometimes used to suggest that the Agreement has deepened divisions in Northern Ireland—these parties are pale shadows of their former radical selves. In addition to supporting the police, Sinn Fein, the political wing of the IRA, has accepted that the status of Northern Ireland cannot be changed without the support of a majority within Northern Ireland and that this or any other political change must be achieved peacefully. For its part, the DUP has accepted the Agreement's power-sharing institutions, its North-South Institutions, and Dublin's involvement in Northern Ireland through the British-Irish Intergovernmental Conference. Of course, none of these institutional arrangements are the first preference of either party, but both parties have chosen to compromise in order that the institutions function. Power-sharing arrangements have been working successfully since 2007, and the Agreement as a whole is supported by an overwhelming majority of Northern Ireland's electorate and by 107 of 108 members of the current Northern Ireland Assembly. This remarkable progress does not mean that violence and political instability will never return to Northern Ireland, but it helps to explain why the region is often considered a role model for other deeply divided places.

### **Lessons from Northern Ireland for Other Hard Cases**

This brings us to the relevance of Northern Ireland's experience to elsewhere. To suggest this relevance does not mean that the Northern Ireland model can simply be exported, in all its institutional complexity, to other conflict zones. Each case has its own context and requirements, and there are no off-the-shelf solutions. Nonetheless, my work and my experience in Northern Ireland point to three important and generalizable lessons for those interested in conflict resolution, whether academics, policy-makers, or others.

The first is a simple and uncontroversial methodological point: an appropriate prescription requires a clear and accurate explanation. A starting point is to assess the depth of divisions, as polities

that are divided or deeply divided must be treated differently from those that are not divided but are ethnically diverse or homogeneous. Divided, especially deeply divided, places are often violently divided or potentially so. They are predominantly organized into mobilized ethnopolitical communities with distinct parties and civic associations, at least where this is permitted. This does not mean that every individual in these places identifies ethnically, but it does mean that ethnicity is the dominant basis of identification, and a durable one.

Other polities, in contrast, are not divided in any meaningful sense but are merely heterogeneous or multicultural, or even monocultural. In such cases, inter-ethnic violence is absent, and identification with ethnic communities, to the extent that it exists, competes with multiple other means of identification and is usually privatized (through churches, clubs, and the like) rather than the basis for political mobilization. Voters in these cases are generally prepared to support broad programmatic parties that deliver policies that are trans-ethnic or multicultural in nature. The depth of divisions is an empirically testable phenomenon.

Places that are not divided but are simply diverse or homogeneous can make do with political institutions that are “integrationist” in nature.<sup>26</sup> A governing executive that is composed in the standard majoritarian fashion need not be a problem as long as parties are broadly based, programmatically focused, and not deeply antagonistic to each other. The presence of floating voters in such places generally provides for alternating governments. The existence of broadly based parties also makes majoritarian or plurality-based electoral systems acceptable. There is generally no need for anything other than a single integrated public education system, except where

26. J. McGarry, B. O’Leary, and R. Simeon, “Integration or Accommodation? The Enduring Debate in Conflict Regulation,” in *Constitutional Design for Divided Societies: Integration or Accommodation?*, ed. S. Choudhry (Oxford: Oxford University Press, 2008), 41–90.

territorially concentrated linguistic minorities seek to maintain their language and culture.

In divided societies, in contrast, political institutions require rules that ensure that they are inclusive of all the state's sizable communities. This points to the need for consociational power-sharing within central or regional institutions, whether by way of parliamentary coalitions or rotating or collective presidencies.<sup>27</sup> It also points to the need for decision-making rules that protect minorities from having measures imposed on them, particularly in areas of special sensitivity. Deeply divided places are best served by proportional electoral systems, as these allow the various communities to be fairly represented by their own leaders, rather than restricting their choice, as plurality or majoritarian electoral systems might, to no representation or to representation by politicians from other larger communities.<sup>28</sup> Divided societies may also require community-based schooling, when there is resistance to assimilation into the culture of the dominant community.

The nature of divisions is also important to prescription. Where a deeply divided place is composed of what Ted Gurr calls communal contenders, that is, mobilized communities that compete for a share or all of the state's resources, the consociational institutions just described may be all that is needed.<sup>29</sup> This would seem to be appropriate for Burundi, Fiji, Lebanon, and Malaysia, for example. But other places, like Northern Ireland, are also ethnationally divided, that is, they comprise communities that see themselves as nations entitled to self-determination. In these cases, prescriptions also need to take account of the national division, which frequently entails

27. J. McGarry, "Is Presidentialism Necessarily Non-Collegial?" *Ethno-politics* 12, no. 1 (2013), 93–97.

28. Majoritarian or plurality-based electoral systems are consistent with minority representation in legislative elections where the minority is territorially concentrated.

29. T.R. Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington, DC: United States Institute of Peace Press, 2000).

emphasizing territorial autonomy for minority communities, and sometimes pursuing other forms of national recognition. Size also matters. If ethnonational minorities are small and cannot realistically aspire to sharing power in central institutions, their goal may be restricted to autonomy. This is the case for the Bougainvilleans, the Aland Islanders, Mindanao's Moros, and the First Nations of North America. In cases where ethnonational communities comprise a significant share of the state's population, as in Bosnia or Cyprus, autonomy may need to be combined with power-sharing at the level of a central or federal government, with the exact trade-off between the two a matter for negotiation. Another contextual matter concerns whether an ethnonational minority is fully encapsulated within a state's territory, as is the case with the Scots and the Québécois, or if it is part of a larger ethnonational community that exists on both sides of a state border, as in the case of the Basques, the Irish nationalists, and the Kurds. In the former instance, autonomous institutions can be internal to the state; in the latter, there may also be need for institutional accommodation that stretches beyond states.

If deeply divided places are attempting to transition from violence or civil war to peace, they will need to agree on a range of matters in addition to the creation of power-sharing and power-dividing political institutions. Frequently, the most important of these matters, as the case of Northern Ireland shows, relates to security. Questions of security require equitable answers to what international peacemaking specialists call DDR (disarmament, demobilization, and reintegration) and SSR (security sector reform). They may also include a range of matters that are legacies of violence and that require sensitive handling, such as the return of refugees to their homes, how to address the past (that is, violence) in a way that consolidates a peaceful future, and how to rebuild a shattered economy. In Cyprus, for example, agreement is not just necessary on a Cypriot government that is inclusive of Greek Cypriots and Turkish Cypriots, and on an appropriate form of self-government for the

Turkish Cypriot minority. Agreement is also needed on the withdrawal of Turkey's army from the island and whether Turkey will retain what it sees as its treaty right of armed intervention in Cyprus. Other matters include the treatment of those refugees (mostly Greek Cypriots but also some Turkish Cypriots) who lost their property in 1974, and the recovery of the bodies of the missing from the fighting of that period.

The second important lesson I take from my work in Northern Ireland is that those who work on conflict resolution cannot rely on the academic literature, on the pronouncements of local politicians or external bodies, or on media sources to determine what sort of place they are involved in, including the degree and nature of its divisions. This is because there is always a metaconflict.

Researchers and policy-makers need to be wary of two sets of claims made in metaconflicts. One involves an exaggeration of the nature of divisions and a plea for prescriptions that are unnecessary or wrong. The most egregious example of exaggerated divisions is South Africa's apartheid regime. As a device for maintaining white, or Afrikaner, domination, Pretoria and its academic and media supporters exaggerated the divisions between whites and others, and the divisions among the others. Different African ethnic communities were given their own autonomous homelands, which were intended to provide the bases for independent states. In reality, the communities involved did not want autonomy, and the elites who were put in charge of these Bantustans were not representative of their communities—indeed, they were allies of the apartheid state. Far from seeking autonomy, communities in South Africa preferred integration into a common South Africa based on equal citizenship, combined with some moderate multicultural protections. Any aspiration for territorial autonomy or cultural protections that might otherwise have existed was sullied by the association between group rights and apartheid. The international community correctly rejected the apartheid regime's enforced division, which it interpreted as a farcical

attempt to get around the international consensus on decolonization and self-determination. Other racist regimes have similarly exaggerated differences for the purpose of maintaining control, or worse. At a less harmful level, people and organizations everywhere argue for territorial autonomy for communities, or communally based schools, even when most of the communities in question do not want such things. Think, for example, of the many Southerners in the United States who petitioned for their state to be able to secede from the union just after Barack Obama's re-election as president.<sup>30</sup>

The second set of exaggerated claims comes from the opposite perspective and is arguably more ubiquitous but less apparent. Integrationists frequently underestimate ethnic divisions while exaggerating social and political unity. Their claims flow from at least three Western enlightenment values that are generally seen as progressive and modern. First, Jacobin republicans and their heirs celebrate the virtues of a united and fraternal nation composed of a sovereign citizenry. Second, socialists celebrate class solidarity over ethnic identification, and see the nation-state as a basis for social solidarity, albeit as a transitional point en route to a post-national socialist world order. And third, classical liberals champion individualism and frown on all forms of communal thinking that could threaten individual rights and liberal freedoms.<sup>31</sup> All three of these perspectives see ethnic divisions as either superficial, stirred up by self-serving elites, or based on material causes, discrimination, or backwardness. They emphasize not just constructivism—the view that ethnic identities are human-made rather than primordial—but the feasibility of deconstructing and transforming these identities relatively quickly. To this end, integrationists shun publicly protect-

30. Anonymous, "Let's Stay Together," *Economist*, November 24, 2012, available at [www.economist.com/blogs/democracyinamerica/2012/11/secession-and-elections](http://www.economist.com/blogs/democracyinamerica/2012/11/secession-and-elections).

31. J. McGarry, B. O'Leary, and R. Simeon, "Integration or Accommodation? The Enduring Debate in Conflict Regulation" (2008).

ing minorities through power-sharing and territorial autonomy, and instead prescribe integrationist solutions—including majoritarian and centralized (unitary) institutions, common education systems, and single public languages—that are likely to fail in divided places.

Individuals who value unity, solidarity, equality, and freedoms may genuinely adhere to these republican, socialist, and liberal principles. If we examine the sociology of integrationists in divided places, however, we discover that integrationists are invariably the members of dominant or majority communities and sometimes of small scattered minorities, such as immigrants, who do not want or cannot realistically aspire to accommodation through power-sharing or territorial autonomy. In contrast, the members of significant minority communities reject integration and seek the accommodation of their culture and identity in political institutions, although, hypocritically, they may be integrationist toward minorities in their midst (minorities within minorities).

Looking closer still, we find that integrationism is not only favoured by republicans, socialists, and liberals from majority communities who aspire to fraternity, solidarity, liberty, and equality. Rather, many ethnocentric majority elites use integrationism opportunistically and cynically to cement their domination. This occurs in two ways. First, the core institutional prescriptions associated with integration are often perfectly compatible with ethnic domination.<sup>32</sup> Republicans defend unitarism as the best path to unity, but majority chauvinists know that unitarism means that the entire state will be controlled by the dominant community. Socialists prescribe material policies to promote equality, but these policies leave fundamental political inequalities intact; or, in concert with other integrationists, socialists propose social “mix and fix” solutions

32. J. McGarry, “Ethnic Domination in Democracies,” in *The Political Participation of Minorities: A Commentary on International Standards and Practice*, ed. M. Weller (Oxford: Oxford University Press, 2010), 35–71.

that can result in minorities being assimilated into the dominant community's identity and culture. And liberals may defend majority rule as the best decision-making mechanism because it is consistent with the equality of individual voters (one person equals one vote), but majority rule also clearly suits the interests of a dominant majority in a deeply divided place.

The second way that integrationism benefits ethnocentric majority elites concerns public opinion. Appeals to celebrated republican, socialist, and liberal "universalist" ideologies have significant propaganda value over unashamed and naked chauvinism. These appeals resonate with international actors, particularly in the West, for whom integrationism is a dominant and legitimate method of managing diversity. They also resonate with the followers of dominant group elites, whose unity and esprit de corps are strengthened by the belief that their community's interests are consistent with enlightenment values. Ethnocentric politicians' use of integrationist language is virtually universal, but a recent example from the uncompromising Sri Lankan president and Sinhalese leader Mahinda Rajapaksa, who presided over the military conquest of Tamil regions in 2009, will suffice: "When the people live together in unity, there are no racial or religious differences... Therefore, it is not practical for this country to have different administrations based on ethnicity. The solution is to live together in this country with equal rights for all communities."<sup>33</sup>

Assiduous research is required to avoid this Scylla and Charybdis of exaggerated division and exaggerated unity. The task is much easier in long-standing democracies, because the best measure of citizens' political aspirations is the parties they vote for (although one must still control for the effects of electoral systems and other political regulations that favour certain parties over others). In

33. G. Harris, "Sri Lankan Leader Seems to Reject Greater Autonomy for Tamils," *New York Times*, February 4, 2013.



essence, if a polity has reasonably free elections and the traditionally dominant parties are ethnonational, the polity is ethnonationally divided. If the polity is dominated by programmatic parties, it is not ethnically divided. Opinion polls are also valuable but are more subject to fabrication on the part of voters, who may fear displaying their true sentiments, particularly if these sentiments are radical and unorthodox. The depth of divisions can be assessed by studying social patterns (intermarriage rates, the extent to which housing or workplaces are integrated) and intercommunity violence.

Where democracy is lacking and opinion polls are impossible, the researcher can combine comparative analyses with objective social and geographic facts, notwithstanding those who warn against determinism. Thus, if it is true that every large territorially concentrated and culturally distinct minority in Western democracies seeks at least self-government and the ability to protect its language and culture intergenerationally, this is likely to be true also of similarly positioned groups in non-democratic or less democratic settings, the claims of dominant elites in these settings notwithstanding. Thus, Tibetans and Uighurs are likely to want significant territorial autonomy, irrespective of the opinions of the authorities in Beijing or those of integrationist thinkers.

The third and final lesson from the Northern Ireland conflict is one on which this lecture has had no time to focus: namely, that resolving the metaconflict, that is, establishing an accepted, orthodox position on the nature of the conflict and what is necessary to address it, is not enough to agree on a way to resolve the situation. Even if academics, political parties, and international actors broadly concur on the metaconflict, the parties must be willing to compromise. Plenty of places are the site of intractable conflict in spite of at least some significant meeting of minds on the metaconflict. In Cyprus, both sides and all of the relevant international parties have accepted since 1977 that the conflict is between two communities that are “politically equal” and whose conflict should be resolved

by way of a bizonal and bicomunal federation. Still, a settlement in Cyprus remains famously elusive. In Israel–Palestine, both communities demonstrate significant support for the position that the conflict is between two peoples and that a resolution should be based on two states. There is even a reasonably broad acceptance of details, including that the Palestinian right of return will have to be limited and that Jerusalem will have to be divided and shared in some way. But none of this has produced a resolution of the conflict.

So agreed conflict resolution requires not just consensus on an appropriate prescription but a consensus on a prescription that all of the relevant parties see as preferable to the status quo. Reaching such a conclusion depends on a number of factors, including the balance of power among the communities and the role played by outside actors. The Belfast Agreement was the product of a military stalemate between Irish republicans and the British security forces and loyalist paramilitaries; demographic change (a steady increase in the proportion of nationalists), which led unionists to fear that majority rule was a double-edged sword, and caused nationalists to conclude they could exercise substantial power within Northern Ireland without ruling out Irish unification in the long term; and close cooperation on the part of the main external forces, particularly the British and Irish governments, but also the United States. Just conflict resolution in other cases will require a similarly propitious combination of circumstances in addition to a resolution of the metaconflict.

# HAIDEH MOGHISSI

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## **BIOGRAPHY**

Haideh Moghissi is a professor of sociology and women's studies at York University in Toronto. Before leaving Iran in 1984, she was one of the founders of the Iranian National Union of Women and was a member of its first executive and editorial boards.

At York, Dr. Moghissi has served as associate dean of external relations at the Faculty of Liberal Arts and Professional Studies, as coordinator of the Certificate for Anti-Racist Research and Practice, as chair of the executive committee of the Centre for Feminist Research, and as a member of the executive committee of the Centre for Refugee Studies. She has commented on Iran and women in the Middle East on CBC, TVO, the BBC World Service, Radio France, and Voice of America, and has sat on the editorial and advisory boards of the *Journal of Comparative Public Policy*, the *Women and Politics* series by Routledge, *Resources for Feminist Research*, and *Feminist Forum*. Her second book, *Feminism and Islamic Fundamentalism*, won the Choice Outstanding Academic Books Award for sociology.

She was nominated a Trudeau fellow in 2011.

## **ABSTRACT**

A personal narrative of life experiences that sparked engagement with the subjects of academic inquiry, this paper reflects upon the populist anti-colonial standpoints within and outside the Middle East. It is argued that, rejecting such notions as universalism, secularism, and human rights, a good number of the left and liberal intellectuals, feminists included, are caught in an apologetic valuation of all political movements and activism that challenge the West's economic

and cultural hegemony, including radical Islamism. Even though the intention is to support the rights to self-representation of peoples who have long been demonized by racist perceptions and Islamophobia, this wrong-headed advocacy has negative consequences for opposition groups, most specifically women, in the region and in the diaspora.

LECTURE

# “‘The Return of the Sacred’ and the Politics of Cultural Difference”

Université du Québec à Montréal (UQAM)

OCTOBER 3, 2012

## Introduction

Years into exile from my homeland, one grey, gloomy afternoon, I was drawn to the heavenly voice of Cecilia Bartoli, singing a Rossini opera. In the libretto, I heard an amazing concept: “victime volontaire.” Bartoli sang the words in a manner that resembled sobbing and moved me greatly. The poetic notion of “victime volontaire” aptly defines things we sometimes do in life, temptations to which we sometimes surrender, impulses on which we act even though our inner self warns us against the suffering that could ensue. On that gloomy afternoon, those two words resonated profoundly with the trajectory of my own life, a trajectory in which I willingly took part in a revolution that later turned against me, my family, and my friends and forced me to leave behind all that I had worked for and loved.

Of course, what I have experienced in my life is just one variation of the experience of many hundreds of thousands of middle-class, secular, left and liberal Iranian intellectuals and other women and men whose lives were shattered by the Iranian revolution. We accepted the leadership of a clergyman whose actions and words should have signalled his disdain for political democracy, freedom of expression, individual liberties, and the right to choice. This leader had for years opposed any legal reforms in favour of women, and he was committed

to the re-Islamicization of women's rights and status. It was not until our legal rights and personal freedoms had been crushed under the authoritarian Islamist regime this man established that we recognized that freedom and progress cannot arise from ideologies and movements that claim divine origin, demand blind obedience, and are determined to resurrect the past.

From these opening comments, it is no doubt clear that the political and social milieu of post-revolutionary Iran, and the events in which I was such a passionate participant, reshaped my life. These experiences also sparked my engagement with the subjects that I took up in my research, writing, and social activities. Yet, with the passage of time and my acceptance of the permanency of my displacement, my new social reality has also pushed me into additional sites of inquiry, ones that have been equally complex and conflict-ridden and that have marginalized me intellectually. I will come back to this later.

Let me begin, then, by stating that my physical departure from my homeland, four years after the revolution, catalyzed my political departure from the paralyzing populist illusions and self-negating activism of the left, wrapped in an anti-imperialist robe in post-revolutionary Iran. Edward Saïd was right in suggesting that separation from one's homeland and one's own culture—a displacement that repositions one to look back at the country of origin through detached eyes—might be the only way to reassess critically the social relations, cultural values, and practices of one's home country, and to think through ways that one's country of origin might be salvaged from its own vices.<sup>1</sup>

In my case, a change in geographical location, compounded by a decline in my social status—I was now variously cast as a *visible minority*, a woman *of colour*, and an immigrant—pressed on me a sense of marginality. Distance from the fears, concerns, and pressing

1. Edward Saïd, "Reflections on Exile," in *Out There. Marginalization and Contemporary Culture*, eds. R. Fergusson et al. (New York: New Museum of Contemporary Art and MIT Press, 1990).

responsibilities of life under Islamic rule also allowed me to rethink and reconsider the old dogmas. This departure from the past created yet another layer of marginality. But at the same time, my double or triple marginality opened a space from which I could more closely ponder the ways in which the ideological and theoretical standpoint that I had embraced for so long worked in practice. I saw more clearly how it was possible for a people that for a long time lived under the iron fist of a corrupt tyrant supported by foreign powers, and that had been deprived of the freedom and the exposure to alternative ideas necessary for political education, to fall next under the spell of yet another undemocratic, rights-negating, charismatic individual.

Of even greater significance to me, personally and politically, was the question of whether the secular left and liberal forces, which had put off claims for democracy, freedom, and human rights in favour of the seemingly higher goals of anti-imperialism and class struggle, had a political and moral responsibility in all of this. This question underpinned my first book in English, *Populism and Feminism in Iran: Women's Participation in a Male-Defined Revolutionary Movement* (Macmillan, 1994), a work whose origins lay in my doctoral dissertation. The political uprisings in the Middle East and North Africa in 2011 and 2012 resonate with this question, and subsequent developments in Tunisia, Egypt, Libya, and Syria demonstrate both that the Iranian experience was not unique and that many progressive intellectuals in the region and beyond have not learned from it. But that is a different subject.

What I find striking though—and it is on this that I will focus when I refer to discourses on Muslims in and outside the larger Middle East—is that the populist, anti-imperialist stance of the left has also permeated and shaped the discourses of progressive, left-leaning post-colonial intellectuals in the West. More precisely, a good number of individuals and groups within and outside academe, concerned with the rights of peoples who have long been demonized by racist and colonialist perceptions, seem to be caught in an apologetic, self-denying



valuation of all political movements that challenge the West's economic and cultural hegemony. This is unfortunate, because local tyrants are using the views of this category of Westerners to discredit dissenting voices inside their regimes. The negative consequences for the people in the region, especially women who are engaged in life-threatening resistance against their own subjugation, are significant.

No doubt the sweeping political events of the 1980s and 1990s, and the subsequent developments in world politics, have sharpened these intellectual tendencies around the world. These were indeed disturbing decades, marked by the establishment of a bloody, religious regime in Iran, and followed by the Reagan–Bush (senior) era in the United States; the Soviet invasion of and the war in Afghanistan, whose impact has continued into the 21st century; dashed hopes over the visionary promises of socialism; a global wave of regressive economic and social policies at home and military adventures abroad; and so on. It seems that for some Western intellectuals, these events prompted the collapse of the appeal and desirability of secularism, by which I mean not only religious freedom but also freedom from religion, a basic element of democracy.

Hence the “return of the sacred,” in the words of Bassam Tibi, and, along with it, the growing tendency to focus on the imperfections of modernity and to express skepticism about history's sense of direction. This retreat from the democratic ideals and values that have been the hallmark of modern society has set off a relativist approach to human rights, cultural difference, anti-colonial movements, and feminist strategies in the periphery, namely in Muslim-majority countries. Many anti-war activists and some feminists located within and outside academe fall into this intellectual domain. The phenomenon has led these players to reject the universal in favour of the particular, to overemphasize culture and cultural difference, and to favour a culture-bound meaning of such important issues as democracy, justice, and human rights. At the same time, we witness a celebration of the agency of the oppressed without

an interrogation of the classed, gendered, racist, and heterosexist manifestations of these agencies, including the sometimes violent ways in which they are expressed. This thinking, presently in fashion, has been detrimental to justice-seeking struggles in the region, especially the struggles of women, at a time when there is an urgent need for intelligent and well-thought-out global support for the struggle of progressive women and men the world over.<sup>2</sup>

I fear that “intellectual astigmatism,”<sup>3</sup> which I have discussed in my book *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (Zed and Oxford University Press, 1999 and 2000), frequently causes all anti-West cultural claims and discourses, including variations of radical Islamism, the Muslim Brotherhood, Jamaat Islami, Elnahda, and Khomeinism, to be perceived as progressive, even though the beliefs, actions, and words of these groups negate the very notion of progress. This viewpoint diminishes all other social and political conflicts, rendering them secondary to conflicts between the colonialists and the colonized, and defends the rights of the previously silenced to self-representation without much concern for the dissenting voices of sections of those same populations who, if they speak out, are castigated, silenced, and accused of siding with the oppressors by the same anti-colonial, oppressed heroes.

2. In his “The Left and Jihadis” ([www.opendemocracy.net](http://www.opendemocracy.net), September 7, 2006), the late Fred Holiday, a Middle East expert and socialist public intellectual, listed examples of left-wing support for Islamist rights. Among them are the Socialist Workers Party signs carried in an anti-war rally in London that read, “We are all Hezbollah.” For more examples of similar positions, see Meredith Tax, *Double Bind: The Muslim Right, the Anglo-American Left, and Universal Human Rights* (New York: Centre for Secular Space, 2012).

3. I have borrowed the word “astigmatism” from James Jones (who borrowed it from someone else) to refer to the incapacity of some professionals to make moral judgments in their “scientific” research. See James Jones, “The Tuskegee Syphilis Experiment: ‘A Moral Astigmatism,’” in *The “Racial” Economy of Science: Toward a Democratic Future*, ed. Sandra Harding (Bloomington and Indianapolis: Indiana University Press, 1993).

Let me elaborate on this point. I often feel that I cause discomfort, and sometimes even resentment, when I discuss the Islamic politics of gender in some left-wing and/or feminist academic gatherings. Some people respond with a condensed lecture on colonialism and imperialism, and recount a range of atrocities committed against Muslims past and present. Others mention the principle of respecting difference and a diversity of views and lifestyles; they good-heartedly but paternalistically cite examples of how the Western ideal of gender equality has remained partial, superficial, and flawed, and suggest that feminist strategies in the West are not a model to follow. Still others ask questions or make comments that directly or indirectly question my political and emotional connection and loyalty to the people and culture from which I originate.

At times, the rationale for silence about Islamic gendered practices or Islamists' agendas is that populations suffering from poverty, unemployment, and neo-colonial aggression should not be polarized by gender-related questions. This rationale fails to acknowledge that women represent the overwhelming majority of the armies of the poor, the unemployed, and the exploited in these societies, and that they are the daily targets of misogynist humiliation and violence.

During the debates over the introduction of the Ontario Arbitration Act, for example, while several Canadian women's groups<sup>4</sup>

4. Among these groups were the Women's Legal Education and Action Fund, the National Association of Women and the Law, the Metropolitan Toronto Action Committee on Violence Against Women, and the National Council of University Women. An open letter signed by Margaret Atwood, Maude Barlow, June Callwood, Shirley Douglas, Michele Landsberg, Flora MacDonald, Margaret Norrie McCain, Maureen McTeer, Sonja Smits, and Lois Wilson asked then premier of Ontario Dalton McGuinty not to ghettoize women's rights by allowing religion-based arbitration. The debates ended when the premier declared that all Canadians would be covered under existing family law.

joined the Canadian Council of Muslim Women’s<sup>5</sup> lobby against the application of sharia law during arbitration, other prominent feminist academics adopted a hands-off approach in the name of respecting cultural diversity and exhibiting tolerance and fairness to Muslims. In effect, they were siding with a small minority of conservative men who presented themselves as the voices of the Muslim community and who were aggressively pursuing their own agenda for the Islamicization of the legal and social life of the diasporas in direct opposition to the challengers of sharia law. For instance, to show that theocratic states were not alone in oppressing women, these feminist academics warned their audience that women’s rights were not fully protected under Canadian family law or under the Canadian Charter of Human Rights and Freedoms. To illustrate their argument, they pointed to the gendered character of the workforce, the lower status and poorer remuneration associated with female work, the unpaid child-rearing and domestic tasks in which women engage, and the ongoing violence in secular states perpetuated against women, including sexual assault, domestic battering, femicide, and sexual harassment. They then advised “Westernized” Canadian feminists “to consider redirecting their critique from the gender dynamics within Muslim cultures to a critique of the racism and level of intolerance that other Canadians have demonstrated towards Islamic communities.”<sup>6</sup> And who were these “Westernized” women? They were members of the Canadian Council of Muslim Women and members of an international group, Women Living Under Muslim Laws, who had stated that a fully secular state was women’s best protector and that the

5. For the position of the Canadian Council of Muslim Women, see the press release “One Law for All Ontarians,” available at <http://ccmw.com/one-law-for-all-ontarians>.

6. Constance Backhouse, “Muslim Women in Western Societies,” Trudeau Foundation Annual Conference, November 16–18, 2006 (Vancouver), conference presentation (unpublished).

proposal to apply sharia amounted to “the political manipulation of culture and identity.”<sup>7</sup>

The response of another post-colonial, anti-racist academic to the debate was similar: she too raised important issues and implied that struggling against these issues was more morally valuable than working on the controversial policy at hand. This academic made valid points, including the point that the colour line drawn between the civilized West and the uncivilized East has become particularly pernicious post 9/11. She also argued, with reason, that “feminism can be easily annexed to the project of empire,” as during the preparation of the war on Afghanistan.<sup>8</sup> But no one should deny the importance of the battle in which Muslim women in the diaspora are engaged.

In yet another instance of the phenomenon, a known scholar acknowledged that sharia law might privilege male entitlement but accused Canadian feminists who lobbied to prohibit religious arbitration of perpetuating “the dichotomy between the modern, enlightened West and pre-modern, backward Islam.”<sup>9</sup> This scholar’s point was that “in a post 9/11 world where the surveillance and control of Muslims and those perceived as Muslims has been justified under the guise of national security, feminist endorsement of an exclusively state-run apparatus has failed to understand the legitimate resistance to government policies that perpetuate punitive and stigmatizing measures against people of colour.”<sup>10</sup> This analysis may be true in a Western context. But the relationship between women and the

7. See Sherene H. Razack, “The Sharia Law Debate in Ontario: The Modernity/Premodernity Distinction in Legal Efforts to Protect Women from Culture,” *Feminist Legal Studies* 15, no. 3–32 (2007), 8.

8. *Ibid.*

9. Natasha Bakt, “Were Muslim Barbarians Really Knocking on the Gates of Ontario? The Religious Arbitration Controversy—Another Perspective,” *Ottawa Law Review*, 40th Anniversary (2005), 67–82; quote p. 13.

10. *Ibid.*

state in non-Western societies, including Middle Eastern societies, is much more complex than in the West. A myriad of factors have historically given the state in these societies the role of arbitrating between women and religious leaders, or even that of promoting women’s rights and protecting women from the cultural and religious prescriptions and restrictions imposed on them by their own communities.

Following the Arab uprising, this cultural relativism has resurfaced against feminist activists in the region who speak up against the Islamists’ gendered narratives and the agendas of post-“liberation” states. For instance, the Egyptian American writer and activist Mona Eltahawy<sup>11</sup> was resentfully criticized for having written an article in which she expressed concern about the policies of the Muslim Brotherhood: Eltahawy had argued that although Big Mubarak is gone, real freedom requires Egyptians to do away with the Small Mubarak in their minds and their bedrooms. Eltahawy’s critics decried manifestations of racism against Muslims in the West to silence Eltahawy and others who criticized Islamic gender roles in the Muslim Brotherhood’s agenda. According to the logic of these critics, nationalist movements and the well-being and self-worth of a people are harmed less by specific indefensible practices than by speaking out against those practices.

Similarly, a Palestinian hip-hop group, DAM, was denounced for a music video it produced about honour crimes. The critics argued that the group had presented “Palestinians as uncivilized, blaming the community and devaluing the culture” and that it had

11. As reported by *The Guardian* on Wednesday, September 26, 2012, Mona Tahawy was also arrested in New York for spraying paint over an anti-Muslim poster on the subway. The poster, which had been put up by the American Freedom Defense Initiative led by Pam Geller, equated Muslims with “savages.” See “Activist arrested in New York for defacing anti-Muslim poster,” *The Guardian*, September 26, 2012, available at [www.siawi.org/article/3986.html](http://www.siawi.org/article/3986.html).

“followed the script of an international campaign” against what they identify as “*so-called* honour killing.”<sup>12</sup> Using the same rationale, others condemn Western advocacy of women’s rights in the region on the grounds that Western support is about “secular, pro-Western, often anti-Islamic” women and does not consider the suffering of “the women belonging to the Brotherhood” under Mubarak.<sup>13</sup>

I must add that many women in the region are anxious about the consequences of the rise of Islamists to power and about Islamists’ agenda for women. This was the predominant theme at a 2012 conference in Istanbul, Turkey, that several groups within the Association for Women’s Rights in Development organized and at which I spoke. Not a single individual among the 150 or so experts and activists present from almost every country in the region saw any positive outcome of the Islamists’ capture of state power in their country or the country of others.<sup>14</sup> And, honestly, I do not believe that anyone was prepared to accept the recommendations of scholars such as Margo Badran, who advocated that “we need to widen our definition of Islamism” in order to see “more liberal and progressive manifestations or radical (in a positive sense) potential of present political Islamic movements.”<sup>15</sup>

12. Lila Abu Lughod and Maya Mikdashi, “Tradition and the Anti-Politics Machine: DAM Seduced by the ‘Honor Crime,’” available at [www.jadaliyya.com/pages/index/8578/tradition-and-the-anti-politics-machine\\_dams-s...1/25/2013](http://www.jadaliyya.com/pages/index/8578/tradition-and-the-anti-politics-machine_dams-s...1/25/2013).

13. Haroon Siddiqui, “Forked Tongues Parse Arab Spring,” *Toronto Star*, July 8, 2012.

14. Algerians and Iranians who had experienced the atrocities of Islamists first-hand were the first to worry about what was in the making in Tunisia and Egypt. Self-identified Muslim human rights lawyer and 2003 Nobel laureate Shirin Ebadi expressed these concerns when she called upon Arab women to learn from the experiences of women in Iran and warned them against making the same mistakes. (Shirin Ebadi, “A Warning for Women of the Arab Spring,” *Wall Street Journal*, March 14, 2012, available at <http://online.wsj.com/article/SB10001424052970203370604577265840773370720.html>).

15. M. Badran, “Understanding Islam, Islamism, and Islamic Feminism,” *Journal of Women’s History* 13, no. 1 (2001), 48.

Many women also find appalling cultural relativists’ stance about the human-rights framework. The suggestion that the discourse and practice of universal human rights are “coercion by intellectual means,” “cultural imperialism,” and “the use of soft power”—in the words of the editors of the book *Negotiating Culture and Human Rights*<sup>16</sup>—is honey to the ears of the power elite in certain nation-states whose privileges would be threatened by the intervention of universalist monitors or scholars of human rights.

I grant the limitation of the human-rights paradigm, namely, its focus on civil and political rights while ignoring economic, social, environmental, and cultural rights. That Western governments’ use of the human-rights discourse is politically motivated, self-serving, and a double standard is also true. At the same time, though, hundreds of thousands of women living in Middle Eastern and North African societies are making good use of the human-rights framework to claim their rights and mobilize support for their claims. These women resent human-rights organizations such as Amnesty International and Human Rights Watch for their failure to expose violations of women’s rights with the same force as they expose violations of the rights of Islamists. Amnesty International, for example, has been criticized for vigorously defending Islamists’ rights, notably in Algeria in 1991, while granting little attention to “the rights of women, intellectuals, and civilians who were terrorized, raped and killed by these same Islamists.”<sup>17</sup> A letter written by 17 global women’s

16. Lynda Bell, Andrew J. Nathan, and Ilan Peleg, “Introduction, Culture and Human Rights,” in *Negotiating Culture and Human Rights* (New York: Columbia University Press, 2001), cited in Reza Afshari, “Iran: An Anthropologist Engaging the Human Rights Discourse and Practice,” *Human Rights Quarterly* 34 (2012), 507–45.

17. See Meredith Tax, “Human Rights Groups Blur Issues of Women’s Rights,” February 28, 2012, available at <http://womensenews.org/story/equalitywomen%E2%80%99s-rights/120227/human-rights-groups-blur-issues-women-rights#.UjBdemSDShY>.



human-rights groups also criticized United States-based Human Rights Watch's 2012 report for having "lowered the bar" for the advocacy of human rights. During the Cold War, the women wrote, "the normative human rights subject" was an Eastern European dissident. Now, the subject is the accused jihadi in Guantanamo, whom the organization characterizes simplistically as victims while refusing to examine "fundamentalists' ideas and practices for fear of complicating the issue."<sup>18</sup>

Daily we learn of crimes against Muslims, and of Muslims' crimes against themselves and others, even as we are confronted with the spectre of state terrorism in the name of the war on terrorism. And it is daunting to sift through media reports and political analyses for truthful, balanced interpretations. But it helps to remember that social realities are multi-layered, multi-dimensional, and integrated. We do not have to choose between forces of oppression in an effort to determine what is detrimental to peaceful and dignified living.

It is all a question of balance. In the context of the present discussion, maintaining balance involves paying careful attention to all voices. This is of the utmost importance: enjoying unjustifiable support in some circles, radical Islamists are posing political and moral challenges to the West's hegemony and its dominant liberal values. These challenges are playing themselves out not only in the Middle East and North Africa, but also, increasingly, on the streets of Toronto, London, and New York. In Canada, the policy implications are already being felt.

Before focusing on this issue, though, let me set the record straight in regard to my own position. Pleading for greater tolerance and respect for difference, particularly when diasporic Muslim communities are the target of anti-Muslim racism, is most certainly the right thing to do. Indeed, revealing specific forms of discrimination and racism against Muslims, such as those relating to Muslims'

18. *Ibid.*

access to jobs, housing, and social services, and exposing the general unwarranted suspicion and disrespect to which Muslims are subject, have been the central focus of my research and publications in the last decade. For example, I was the principal investigator of a major collaborative research initiative that was funded by the Social Sciences and Humanities Research Council of Canada and was international in scope. For this initiative, my research team pinpointed social and economic factors that could promote or impede individuals’ sense of belonging to their new country and undermine or enhance their loyalty to the goals of social cohesion and social harmony of multi-cultural, plural societies like Canada.<sup>19</sup>

But my team also took care to differentiate between two groups of Muslims, the first of which comprises the overwhelming majority of the Muslim population, which emigrated in the hope of finding a decent life free from violence, disrespect, discrimination, and harassment; is determined to live by the socio-cultural codes of society at large; and is eager to be accepted and included in this country.<sup>20</sup>

Majority or not, the fact remains that Canada’s largest cities are now the sites of a small, new hyper-Islamic group of people who want to turn this country into an extension of their religion-soaked neighbourhoods in Tehran, Kabul, Kerachi, and Cairo. These people are often mobilized and organized in exclusivist associations and assemblies of different sorts by imported Salafi and Wahabi imams and Shii preachers, some of whom are inspired, and sometimes even funded, by Saudi and Iranian dollars. They insist on exceptional privileges by making cultural claims, and they promote social conservatism targeting youth and women. And I continue to believe that it is easier for the Canadian government to accommodate the cultural and religious demands of this second group than to address the genuine economic and

19. Haideh Moghissi et al., *Diaspora by Design: Muslim Immigrants in Canada and Beyond* (Toronto: University of Toronto Press, 2009).

20. *Ibid.*, 194.

political grievances of the majority of the Muslim population that struggles so hard to lead a decent, peaceful life free from disrespect and discrimination in this country.

I know that I am not alone in my terror before the long-term consequences of the seemingly benign and neutral policy of non-interference in religious and community institutions. The threat to girls and young women is the most worrying, as the alarming number of cases of child abuse and honour killings (16 reported and publicized cases in Canada between 2006 and 2012) will attest. But there are other consequences as well, namely, the further ghettoization of this section of the population, a sidelining that strengthens the power and authority of the conservative leadership. The outcome is that other groups in these communities find it increasingly difficult to raise their voices, and the conservatives become emboldened to intimidate the rest of the population further.

Consider, for example, such actions as the dispatch of indoctrinated youth from mosques to Muslim households in certain neighbourhoods to pressure residents to attend Friday prayers—a distressing trend reported to me by a relative in Mississauga, Ontario. Another example: following the decision to organize Friday prayers in publicly funded schools, the same messianic call to prayer takes place in the classroom. It was further brought to my attention recently that in a school in a middle-class neighbourhood in Toronto, Muslim girls must go to the gym to arrange the prayer rugs; they are then expected to sit at the back of the gym until the boys finish praying and leave, at which point the girls are responsible for clearing and rearranging the space. It does not take much imagination to envision the poor sense of worth thus projected onto these 13- and 14-year-old girls.

All this points to a distressing reality: that zealous members of various religions are not being influenced by Canadian secular, democratic values but rather are influencing Canadian society and forcing secular Canadian institutions to yield to religious

orthodoxies. The most recent episode in this saga is the petition produced by a group of Christian and Muslim parents against Ontario’s anti-bullying legislation, Bill 13. These parents mobilized against an inclusive curriculum that covered sex education and same-sex love, and demanded that their children be exempt from the instruction.

To conclude, I am sadly aware that the subjects that I have felt compelled to explore and debate have often put me at odds with some of my left-leaning feminist colleagues, who, in their efforts to counter the dominant Eurocentrism, resort to what is, in my view, relativist Third-Worldism. I have tried to argue that it is just as crucial to disclose, criticize, and put a stop to religiously sanctioned crimes, such as honour killings, stoning women to death on charges of adultery, and legislated practices of child marriage, as it is to struggle against racism that targets Muslims within or outside the Middle East. To keep silent about the obscurantist ideas and policies of radical Islamists, or worse, to condone and justify their actions, contradicts the internationalist character of feminism, which promised that its ideals and commitment would transcend national borders and nationalism. For many of us, a feminism whose commitment to revolutionize human relations and embrace all the oppressed groups of all “races” presented itself as an intellectual and political refuge from the traditional left, and I, for one, hate to think that we have gone full circle in the last two decades. It would be demoralizing to find ourselves back at our point of origin, forced once again to prioritize the struggle for gender equity vis-à-vis other battles for justice and democracy.

My position on these matters has forced me to walk a fine line between orientalists and the apologetics of Islamism, as I have felt compelled to confront two conflicting realities: on one hand, the new wave of anti-Muslim racism and Islamophobia, and on the other, the surge in radical Islamism. In all cases, I have weathered hostile reactions. So it seems that I continue to play the role of “*victime volontaire*” in my new country, Canada.

# RONALD RUDIN

2011 *Trudeau Fellow*, Concordia University

## BIOGRAPHY

Ronald Rudin, who earned both his MA and PhD from York University, is a professor of history at Concordia University. He engages in research that touches upon the economic, social, intellectual, and cultural history of French Canada, and—as a public historian—looks for ways to bring his findings to an audience beyond the academy. While he has authored six books, he has also created two multimedia websites and produced two documentary films. He is currently leading a project that aims to bring little-known stories about Canadian history to a larger public by way of a series of episodes made for television.

Professor Rudin's most recent projects have focused on issues dealing with the Acadians of Atlantic Canada. His 2009 book *Remembering and Forgetting in Acadie: A Historian's Journey through Public Memory* (University of Toronto Press), with its associated website Remembering Acadie (<http://rememberingacadie.concordia.ca>), was awarded the 2010 Book Award of the National Council on Public History and the inaugural Public History Prize of the Canadian Historical Association in 2011. He is currently completing a project that focuses on the creation of Kouchibouguac National Park in New Brunswick, which resulted in the removal of 260 families from their lands and led to significant resistance from the expropriated residents throughout the 1970s. A book is forthcoming, but the testimony of some of the residents can be seen and heard at the Returning the Voices to Kouchibouguac National Park website (<http://returningthevoices.ca>).

A fellow of the Royal Society of Canada since 2009, Professor Rudin has been both chair of the History Department at Concordia and a Concordia University Research Fellow. He was also the academic convenor for the Congress of the Humanities and Social Sciences held at Concordia in 2010.

He was nominated a Trudeau fellow in 2011.

### **ABSTRACT**

This lecture is based upon a simple proposition, namely, that almost anyone with a teaching position at a Canadian university has reached that rather high rung in society thanks to significant public support. Accordingly, it seems only reasonable that researchers should make the knowledge they generate as accessible as possible to as many people as possible. In this “Case for Public Knowledge,” I draw upon my own experience to show that small gestures can make a difference, exploring first my use of digital media in my practice as a public historian and then turning to my support for the implementation of open access policies at my university. Without sacrificing the quality of what we do, such small steps can go a long way toward providing our patrons—the public—with access to the research that they support.

LECTURE

# “The Case for Public Knowledge”

University of Manitoba

FEBRUARY 28, 2013

## **Servants of the State**

In preparing this lecture, I was encouraged by the Trudeau Foundation to provide a sense of what inspires me to do what I do. So what follows is not a narrowly conceived talk about my current research projects (although glimpses will emerge). Rather, I am going to give a sense of my own intellectual journey, which has led to my involvement with making the knowledge that we develop within the academy as widely accessible as possible.

This lecture is based upon a simple proposition, namely, that almost anyone with a teaching position at a Canadian university has reached that rather high rung in society thanks to significant public support. In my own case, taxpayers have largely paid for my training (by subsidizing my tuition), my living expenses (when I was a graduate student), my salary (as a professor), and my research (through grants from government agencies). In that context, it seems only reasonable that researchers like me—supported generously in various ways by public funds—have a responsibility to make the knowledge that we generate as accessible as possible to as many people as possible. And so the title for this lecture: “The Case for Public Knowledge.”



More specifically, the lecture is organized around two ways that I have been engaged with the effort to make knowledge public. In the first part of the lecture, I am going to reflect upon my own efforts, in my practice as a public historian, to create tools that bring my research to an audience far beyond the academy. In the second part, I will turn to my involvement in our efforts at Concordia to provide leadership in the movement to make academic research accessible to the public, what is often referred to as “open access.”

I am not trying to present myself here as some sort of pioneer either within the field of public history or in the open access movement. Nor is it my intention to criticize those who have taken another path in disseminating their research: I can talk only about my own journey. However, to the extent that I can be a bit of a missionary, my goal is to encourage others within the academy to take some small (and not very dramatic) steps that—if they were widely adopted—would make the work that we do (with public support) more accessible to our patrons (the public, which foots the bill).

## **Public History**

When people ask me what I do, I tell them that I am a public historian.

Over the past 40 years, my research has dealt almost entirely with the history of French Canada—first focusing on Quebecers and more recently on the Acadians of Atlantic Canada (more about them later). But since the late 1990s, I have defined what I do as much in terms of my own engagement with the public as in terms of the time or place on which I focus my research. Indeed, both of the courses that I am teaching at the moment are designed to train students to become public historians, but do not have a particular geographic or temporal focus. So let me explain what public historians do.

There have always been historians who have felt that they should present their work in a way that is easily accessible to a larger public. In Canadian history, Pierre Berton is perhaps the clearest example. But public history is much more than simply an effort to write for a

general audience. Rather, it is a field of enquiry that only really took shape in the last decades of the 20th century and that tries to engage with questions connecting the public and the past in a number of ways.

Some public historians study the means that allow the public to secure an understanding of the past, in both our own and earlier times. Sometimes, these means are associated with what is often called public memory, as societies develop a common understanding (or understandings) about their past through such tools as public statuary, spectacles, parades, commemorative events, film, and (most recently) the Internet. Each of these tools has its own language that influences how the past is understood, and public historians have been sensitive to the motives of leaders of society who have often employed these tools in order to generate a sense of the past that served their purposes.<sup>1</sup>

Other public historians have not been content to study the tools used to communicate a sense of the past, but have been involved with creating tools of their own in order to reach an audience that extends beyond the academy. In this regard, public historians are involved in such activities as producing documentary films, creating digital tools (such as websites and phone apps), and curating museum exhibits.<sup>2</sup> Along the way, public historians frequently work with members of the larger community in creating knowledge, often

1. The literature on the creation of public memory is vast, but among the indispensable contributions to the field are Pierre Nora, *Les lieux de mémoire* (Paris: Gallimard, 1997); *Invention of Tradition*, eds. Eric Hobsbawm and Terrence Ranger (Cambridge: Cambridge University Press, 1983); and David Lowenthal, *The Past Is a Foreign Country* (Cambridge: Cambridge University Press, 1983).

2. Public historians have little reflected on the tools they have been creating, an exception being Daniel Cohen and Roy Rosenzweig, *Digital History: A Guide to Gathering, Preserving and Presenting the Past on the Web* (Philadelphia: University of Pennsylvania Press, 2006).

by means of oral history interviews. In such circumstances, the historian is not the “expert” and the interviewee the “subject.” Rather, the historian is involved in what Michael Frisch has called an exercise in “shared authority,” an expression that communicates well the spirit of engagement with the public that is at the heart of public history.<sup>3</sup>

In all its guises, public history took a prominent place within the academy during the last decades of the 20th century, symbolized by the emergence of a professional journal (*The Public Historian*) in 1978, a professional organization (the National Council on Public History) in 1980, and public history programs in numerous universities.<sup>4</sup> This was no accident, but rather part of a reaction to an existential crisis being experienced across the historical profession, a crisis that very much influenced my own journey toward public history.

To understand this malaise, it is necessary to go back to the roots of an autonomous historical profession in most parts of the Western world in the late 19th and early 20th centuries. By and large, from its beginnings to the 1960s, history developed as a discipline that—for better or worse—was closely related to literature. Historians wrote in a way that made their works accessible not only to their colleagues, but also to a larger, well-educated audience beyond the academy. They prided themselves on being skilled communicators (although to be sure there were exceptions) and were pleased to take a prominent role in the public discussion of current affairs.<sup>5</sup>

3. Michael Frisch, *A Shared Authority: Essays on the Craft and Meaning of Oral and Public History* (Albany: State University of New York Press, 1990).

4. I recently spoke at Ball State University in Indiana on the occasion of the 25th anniversary of its public history program. The director of the Ball State program, which was established in 1987, was confident that it was the first or one of the first public history programs in the United States.

5. The history of the history profession has been analyzed in various national contexts. The American context is superbly discussed in Peter

But there was also much wrong with that picture. The historians in the immediate decades after the Second World War were a rather homogeneous group of white men who frequently came from privileged backgrounds. They studied a rather narrow range of subjects, and in Canadian history their work was particularly marked by the writing of political biography. So when I was a doctoral student in the early 1970s, much of what I was expected to read about Canadian history was about the lives of great men. This all started to change with the rapid expansion of universities, in Canada and across the Western world, bringing significant diversity to the student body and eventually to the professoriate. I guess I identify with all of that, having been the first person in my family to attend university—let alone go to graduate school.

And when “outsiders” like me arrived at university, we were no longer interested in studying the lives of the privileged, but rather wanted to bring groups into the picture that previously had not been deemed worthy of study—women, First Nations people, immigrants, workers...and the list goes on. In short, here were the roots of a focus on social history.

But the revolution in historical writing was not only about content, but also about methodology, because historians were increasingly seeing themselves—with their new-found interest in social history—as social scientists, no longer so closely linked to the humanities. Historians were caught up in a larger process that spanned a wide range of disciplines in which researchers took on the

Novick, *That Noble Dream: The “Objectivity Question” and the American Historical Profession* (Cambridge: Cambridge University Press, 1988). The English-Canadian story had been told in Carl Berger, *The Writing of Canadian History* (Toronto: University of Toronto Press, 1976) and Donald Wright, *The Professionalization of History in English Canada* (Toronto: University of Toronto Press, 2005). Also, I described the writing of professional history in French-speaking Quebec in *Making History in Twentieth-Century Quebec* (Toronto: University of Toronto Press, 1997).

guise of the objective scientist whose work was marked by a certain distance from both their subjects and the larger public.<sup>6</sup>

As part of this process, I was encouraged in graduate school to use sources that had never much been used—aided with the early application of computer technology—to understand, in my case, the behaviour of Quebecers in the business world. My first book, *Banking en français*, was dedicated to figuring out (in light of much that had been written about their failings in business) if there was anything to distinguish French speakers from their English-speaking counterparts, after controlling for a number of variables such as the funds at their disposal.<sup>7</sup>

This was a typical project of the late 1970s and early 1980s, written from the point of view of the detached social scientist. I am satisfied that *Banking en français* played some role in revising our view of Quebecers' place in the world of business, and I think it made an important contribution at a time when Quebecers were debating their place within Canada. But the book was not written in a manner that made it likely to be read by anyone but my colleagues. Of course, those colleagues in universities across Canada passed along findings such as mine in their lectures to undergraduates. But it is hard to deny that the audience for our work was shrinking. And as historians increasingly wrote for each other, they retreated from the public scene and ceased to be viewed as the go-to people for comment on public affairs that they had once been.

There was significant evidence in the late 20th century that the public was as interested as ever in history—witness the audiences for the History Channel, attendance at history exhibits at museums,

6. This point was central to Novick's *That Noble Dream*. I described that process in *Quebec in Making History in Twentieth-Century Quebec* (1997).

7. *Banking en français: The French Banks of Quebec, 1835–1925* (Toronto: University of Toronto Press, 1985).

and tourism at historical sites.<sup>8</sup> But the historians within the academy were largely disconnected from those trends, mired in a period of introspection about whether the objectivity they had so prized for decades was really possible in the face of the inevitably illusive nature of knowledge about the past. And so by the 1990s, having retreated from the public and unsure about their mission, historians became involved in a period of intense reflection about the future of their profession. Whole courses could be taught using the books generated by this period of introspection.<sup>9</sup>

There were various reactions to the direction that the historical profession had taken. One reaction was to wish that social history had never happened and that we could just go back to the “good old days” when historians wrote about great men. In Canada, the leading advocate of this reaction was J.L. Granatstein, who in 1998 wrote *Who Killed Canadian History?* in which he took historians to task for having produced “unreadable books on minuscule subjects.”<sup>10</sup> To be fair to Granatstein, much historical writing had become unreadable, as the reward structure in place valued communication among colleagues but showed little concern about communicating with the larger public. But Granatstein’s focus on the elite suggests that he was not particularly concerned with studying the larger public. His classic statement was to mock women’s historians (and social historians more broadly) whose work he characterized as studying “the history of housemaid’s knee.” He may have been interested in the public as an abstraction that might buy more books about wealthy men, but

8. Eric Foner, *Who Owns History? Rethinking the Past in a Changing World* (New York: Hill and Wang, 2002), ix–x.

9. The list is long, but for starters see Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987) and Joyce Appleby, Lynn Hunt, and Margaret Jacob, *Telling the Truth About History* (New York: Norton, 1994).

10. J.L. Granatstein, *Who Killed Canadian History?* (Toronto: HarperCollins, 1998), 140.

he showed no real inclination to engage with the 99 percent (to take a page from the Occupy Movement).<sup>11</sup>

But there was another, more constructive, response to the “crisis” facing history, and this brings us to public history. In 1998, the same year that Granatstein’s book appeared, Roy Rosenzweig and David Thelen published *The Presence of the Past*, a book that literally changed my life by steering me in the direction of public history.<sup>12</sup> Rather than treat the public as an abstraction, not worthy of serious study, the authors carried out a survey of 1,500 randomly selected Americans, who were contacted for long telephone interviews regarding their engagement with the past. Rosenzweig and Thelen’s findings make great reading and have stimulated similar studies in other countries, including Canada.<sup>13</sup> Essentially, they found that nearly all Americans were engaged by the past in one way or another, in the process rejecting the idea that the reason why historians had lost their influence was the population’s lack of interest in the subject.

But perhaps their most interesting finding came when they asked Americans about the activities by which they engaged with the past. Prominent in the list were various activities that ordinary Americans undertook without the intermediary of professionals of any sort, for example, collecting photos, working on family genealogy, or keeping a diary. By labelling these people “popular history-makers,” Rosenzweig and Thelen gave them the agency to figure out

11. Granatstein originally made this dismissive comment in Christopher Moore, “The Organized Man,” *The Beaver* 71 (April–May 1991), 59.

12. Roy Rosenzweig and David Thelen, *The Presence of the Past: Popular Uses of History in American Life* (New York: Columbia University Press, 1998).

13. The Canadian version of the Rosenzweig–Thelen approach is the Canadians and Their Pasts project ([www.canadiansandtheirpasts.ca](http://www.canadiansandtheirpasts.ca)), led by Jocelyn Létourneau. The Australian project is described in Paul Ashton and Paula Hamilton, *History at the Crossroads: Australians and the Past* (Sydney: Halstead Press, 2007).

the past on their own. Beyond those activities was a wide array of perhaps more expected forms of engagement by way of museums, movies, and even reading books by historians. The study went on to show which types of engagement were most “trusted” by ordinary people (museums did well; history teachers not so well), but I think you see the point. If historians were feeling marginalized from the larger public, it was not because of a lack of interest in the past.

What to do with this finding? It is here that public historians found their niche. Some public historians sought to satisfy the demand for historical knowledge by developing new tools that would be easily accessible to the public, particularly with growing access to the Internet in the late 1990s when Rosenzweig and Thelen published their book. Indeed, Rosenzweig went that route by founding the Center for History and New Media at George Mason University; the center has been a leading force in the field of public history for nearly 20 years.<sup>14</sup>

I ultimately went that route as well, but it took me a while to get there. So let me tell you about my journey toward public history. In the early 1990s, I was working on a book about historical writing in 20th-century Quebec, in the process charting some of the processes I described earlier—the movement of historians from an engagement with public affairs to their taking on the guise of technocrats who firmly believed in the objectivity of their work. *Making History in Twentieth-Century Quebec* was published in 1997, at roughly the same time as Granatstein’s jeremiad and Rosenzweig and Thelen’s survey, and so I wrote the book in the midst of that period of intense reflection among historians.

Ultimately, when I came to the end of the book, I stepped back from the historians I had been studying and reflected on the various means that allow the public to learn about the past. Rosenzweig

14. Available at <http://chnm.gmu.edu>. Following Rosenzweig’s death in 2007, the centre added his name to its title.



and Thelen were interested in the tools available in our time, but I set off to explore some of the tools that had been available in earlier times—a classic public history exercise. The result was my book *Founding Fathers*, in which I explored some of the tools that had been used in the late 19th and early 20th centuries to bring the stories of Quebec’s two “founding fathers” to the public. Samuel de Champlain occupies a privileged place in Québécois culture as the founder of Quebec City, while Monseigneur François de Laval fills a similar role as the first bishop of Quebec. To put it in other terms, Champlain was the secular father and Laval, the religious one.<sup>15</sup>

I explored how the stories of these two figures had been kept alive in the public mind through the use of a number of tools that ranged from staging public processions to constructing monuments. However, the most significant single event that allowed the public to learn their stories was the tercentenary of the founding of Quebec in 1908, by far the largest commemorative event in Canada until Expo 67.<sup>16</sup> And the most significant tools for telling stories during the summer of 1908 were the historical pageants staged in an amphitheatre especially constructed on the Plains of Abraham. In various ways, these pageants engaged the public: from the people who filled the stands, to the individuals who were recruited from the population to play the characters in the drama, to the countless volunteers who sewed the costumes and provided meals to the cast of thousands.

I truly enjoyed trying to understand those pageants, particularly in terms of the stories that were being told. But at some point in the process, I started to wonder what it would be like to actually be

15. *Founding Fathers: The Celebration of Champlain and Laval in the Streets of Quebec* (Toronto: University of Toronto Press, 2003).

16. The story of the 1908 tercentenary is also told in H.V. Nelles, *The Art of Nation-Building: Pageantry and Spectacle at Quebec’s Tercentenary* (Toronto: University of Toronto Press, 1999).

on hand to watch the creation of a large commemorative event and then to be in attendance to watch it unfold. I wanted to be able to understand the motivation of people (not professional historians) who wanted to tell a story about the past in public, and I wanted to be on hand for such public storytelling, instead of having to judge such events by means of photographs.

The opportunity to be the fly on the wall presented itself when I learned that plans were under way to stage a series of commemorative events to mark the 400th anniversary (in 2004) of the establishment of the first permanent French settlement in North America on Île Ste-Croix in 1604, four years before the founding of Quebec City. The story of what happened is fairly simple: the 79 members of a French expedition (including Champlain, who was part of the crew as a cartographer) arrived in the summer of 1604, and against the advice of the local Aboriginal people, the Passamaquoddy First Nation, chose to settle on an island, Île Ste-Croix, which today sits on the border between New Brunswick and Maine. The winter of 1604/05 was a difficult one, and half of the Frenchmen died despite the aid of the Passamaquoddy. When the spring of 1605 arrived, the survivors moved on to create more permanent settlements that formed the basis for the French colony of Acadie, in what is today Nova Scotia.<sup>17</sup>

Although the story of Île Ste-Croix in 1604 was one of failure, I quickly learned that this was precisely the sort of opportunity that I was looking for, because three different groups of people all had a claim on telling the story in public. I discovered Acadians who viewed the Île Ste-Croix saga as their founding story, much as the Québécois look to the founding of Quebec City. But the Acadians had not lived in the region for centuries (especially after their

17. I tell this story at greater length in *Remembering and Forgetting in Acadie: A Historian's Journey through Public Memory* (Toronto: University of Toronto Press, 2009).

deportation in the mid-18th century), and the people who now live there are English speakers, some of whom viewed the 400th anniversary of the Île Ste-Croix adventure as an opportunity to attract tourists. There were also the Passamaquoddy, today a cross-border tribe that is recognized in the United States but that the Canadian government insists does not exist. On this anniversary, the Passamaquoddy saw an opportunity to tell their story and advance their efforts to secure recognition in Canada.

For me, the richness of the story provided an opportunity to observe ordinary people engaging with the past. But once I started going down this road, it seemed like I would have been missing an opportunity to tell this story to a larger public if I did not explore the possibilities of using media other than print, particularly given the rapid development of the Internet in the late 20th and early 21st centuries and the rapid reduction in costs connected with the development of digital technology. In other words, I was led from studying how the public engages with the past to creating tools about the past that are accessible to a large public.

And so while this project led to the publication of *Remembering and Forgetting in Acadie*, it also resulted in the development of a website that accompanied the book and included a wide array of photographs (both from earlier anniversaries of the Île Ste-Croix adventure and from the events staged in 2004), as well as video footage of interviews with members of the three groups connected with the 400th anniversary (the Acadians, English speakers of the region, and the Passamaquoddy First Nation). Some of that footage had been produced as part of a documentary film project that resulted in *Life After Île Ste-Croix*, which I produced and which was directed by the filmmaker Leo Arsitimuno, a colleague at Concordia at the time.<sup>18</sup>

18. Available at <http://rememberingacadie.concordia.ca>; *Life After Île Ste-Croix* (Montreal: National Film Board of Canada, 2006).

Working with Leo in making this film helped demystify the process of presenting the past by means of a different medium and revealed the possibilities that exist for people like me (trained within the academy) to tell stories through other, more accessible means. Leo taught me a variety of tricks to keep our budget within limits, and we benefited greatly from the spectacular reduction in the cost of high-quality cameras and professional editing software as these products evolved from tools designed for high-end professionals to products for a larger, consumer market.

Once I had had a taste of telling stories through means other than books, I went on to produce a second film, *Remembering a Memory/Mémoire d'un souvenir* (a 2010 production in collaboration with Robert McMahon of the Royal Ontario Museum)<sup>19</sup>, which also engaged with public history on various levels. This film focuses on a large commemorative cross that was constructed in 1909 on Grosse Île, an island in the St. Lawrence just east of Quebec City. In the 1840s, Grosse Île was a quarantine station where 5,000 Irish emigrants from the potato famine of the 1840s died, making it the site of the largest famine cemetery outside Ireland. The film explores the creation of the cross (a public history moment in its own right) and the stories that were told at its unveiling. We then attended the 100th anniversary of the cross in 2009 to see how the stories had changed—and they had changed dramatically. The film, available to the public on the Internet, was produced for less than \$15,000, which reinforced my sense that what historians need to bring their stories to the public is not large amounts of funding (although it is nice), but rather a blend of persistence and imagination.

With the generous support of the Pierre Elliott Trudeau Foundation, I am working on two other film projects at the moment, one of which is nearing completion as I write this lecture. The video/

19. Available at <http://rememberingmemory.concordia.ca> and <http://memoiredunsouvenir.concordia.ca>.

website project *Returning the Voices to Kouchibouguac National Park* builds on my interest in how Acadians have remembered their past.<sup>20</sup> This project focuses on stories inspired by the creation of a national park along the east coast of New Brunswick in the late 1960s and early 1970s. At the time, creating a park required removing the resident population because officials believed that nature could be shown to visitors only by removing all evidence of a human presence. In this case, over 1,200 people were forced to relocate; given that most of the residents were Acadians, they did not take kindly to what some saw as “une deuxième déportation.” As a result, there was significant resistance, and the leader of the resistance—Jackie Vautour—ultimately returned to his land, where he remains today (over 30 years later) as a squatter.<sup>21</sup>

But most people left quietly, and their stories have rarely been told. And so the website has been constructed to tell a wide array of stories, virtually returning the voices of over 20 of the expropriated families to their lands. A visitor to the website can interact with a map of the area before the park was created and click on various properties to hear different stories. One feature of the project is that the website is viewed differently depending upon whether it appears on a computer screen or a hand-held device. In the latter case, visitors to the park will have access to a map that will lead them to stand exactly where a resident once lived when hearing that resident’s story. In this way, the project returns residents’ voices a bit more directly to their lands.

20. Available at <http://returningthevoices.ca> and <http://leretourdesvoix.ca>.

21. For the backstory regarding the creation of Kouchibouguac National Park and its place in Acadian culture, see my “Kouchibouguac: Representations of a Park in Acadian Popular Culture,” in *A Century of Parks Canada*, ed. Claire Campbell (University of Calgary Press, 2011), 205–33; also available at the Spectrum Research Repository, <http://spectrum.library.concordia.ca/7352/>.

To end this part of the lecture, I thought I would complete the tour of my life as a public historian by briefly introducing a further project supported by my Trudeau fellowship, which is currently in production. The long-term goal of the *Lost Stories/Histoires retrouvées* project is to create a television series, each 30-minute episode of which will allow viewers to watch someone tell a story about Canadian history that is not well known and that has a geographical anchor. More specifically, the storyteller is shown passing the story on to an artist, who is given the mission of creating an inexpensive commemorative marker that, at the end of the 30-minute episode, is shown installed on the site connected with the story. For me, this is an opportunity to show that the history we see in public was not created by chance. Decisions have to be made; a story has to be selected.

My team and I are currently working on a pilot for the series. Towards that end, in the summer of 2012 we put out a call for stories in Montreal, where we are headquartered and where the pilot will be shot. A terrific storyteller brought us the story of Thomas Widd, a deaf educator of the deaf (they were uncommon) in the late 19th century who founded a school that still exists in Montreal today. That school ended up bearing the name of a wealthy Montrealer who gave the money for the building, and so Widd's story disappeared. We have an artist who is currently working on the commemorative marker in her studio, and we are in the midst of filming. So I can only hope that this series sees the light of day.

But in the end, universities provide tenure (at least in part) to allow professors to use their imaginations without worrying about the consequences of things not going as planned. Because little job security exists anywhere anymore, tenured faculty members are an easy mark for commentators who see us as pampered denizens of ivory towers. So why not use the freedom conveyed by tenure to speak directly to our patrons?

## Open Access

I did not seek out public history, it found me. And in a sense, the same can be said in regard to the other activity in which I have been involved in terms of trying to provide the public with easy access to the knowledge whose production it funds.

As it turns out, at the same moment (the late 1990s) that I was starting to reflect on the connection between historians and the larger public, a significant development was taking place with respect to how knowledge created within the university was disseminated. Twenty years ago, the most common tool for dissemination was the journal article. Articles were widely available in libraries, venues that are accessible to both scholars and the larger public. Then along came the Internet and the opportunity to publish the same content online. This was supposed to liberate information and make it more accessible.

In the pre-digital world, university libraries purchased their journals from the publishers, sometimes at significant costs, and so the emergence of digital technology offered the promise of making that same knowledge available less expensively, given that the costs of production and distribution of physical objects had been eliminated. But this is not quite how the story developed.

In the late 1990s, firms emerged to make the knowledge communicated in journals available in digital format. Some of these firms, such as JSTOR, are not-for-profit suppliers, while others, such as Elsevier and EBSCO, are designed to earn a return for their shareholders. This distinction is significant in light of the fact that most of the labour in the creation of journal content is provided freely by members of the academic community. As most readers surely know, neither the authors of journal articles, nor the evaluators of those articles (who help decide which articles to publish), nor the members of the editorial boards that handle the nuts and bolts of journal publishing are paid for their labour. In the pre-digital era,

this system of “free labour” made sense. People like me were paid by universities and saw providing service to the larger academic community as part of our jobs. No one was making any profit in what was essentially a form of artisanal production. But in this new model, some corporations were making profits, a practice that has led to the well-publicized decision by a group of prominent mathematicians to boycott journals distributed by Elsevier.<sup>22</sup>

But even when the profit motive is removed from the equation, content providers are still engaged in a process of erecting gates that cut large parts of the public off from reading about the knowledge that they helped create through their taxes. By and large, these providers bundle packages of journals that they offer to libraries, which are often left with little choice as to which specific journal to acquire. In the process, libraries find their acquisition budgets stretched to the breaking point, and some libraries find themselves incapable of acquiring journals altogether, a problem that is particularly pronounced in the developing world.

When libraries are able to foot the bill, only those users who are connected with the subscribing institution are able to secure access to content that might interest them. Typically this means having a university identification card. But what happens when an unsuspecting member of the public tries to access content provided by a supplier such as JSTOR? Informative in this regard is the experience of a mother of an autistic child who tried to search for articles dealing with autism. As Laura McKenna described, “I could not access any of the first 200 articles that contained the word ‘autism.’ That’s because, for the most part, only individuals with a college ID card can read academic journal articles. Everyone else, including journalists, non-affiliated scholars, think tanks and curious individuals, must pay a substantial fee per article, if the articles are available

22. The statement against Elsevier can be found at <http://thecostofknowledge.com/>.



at all.”<sup>23</sup> McKenna’s experience was hardly unique: the *Chronicle of Higher Education* found that in a typical year some 150 million failed attempts to access JSTOR articles occur.<sup>24</sup>

In recognition of the absurdity of this situation, during the past decade a growing number of individuals within the academy have coalesced around the concept of “open access.”<sup>25</sup> The idea was to find tools that would preserve the high quality of published research, but without erecting gates that unnecessarily restrict access to all but a few—those affiliated with institutions that have the funds to buy the corporations’ journals.

Just to dismiss a myth that is frequently noted (I hear it from time to time among some of my colleagues), open access is not about lowering standards to allow anything to pass as if it had been vetted through peer review. Rather, it is about finding new models of making knowledge accessible—and so to me, it seemed parallel to my interest in finding ways to connect the past with the public in my practice as a public historian.

My point here is not to advocate for any one route to deal with the issues highlighted by the open access movement. The options are numerous: from creating open access journals that are free of corporate control so as to provide unrestricted access to the public,

23. Laura McKenna, “Locked in the Ivory Tower: Why JSTOR Imprisons Academic Research,” *The Atlantic*, January, 20, 2012, available at <http://www.theatlantic.com/business/archive/2012/01/locked-in-the-ivory-tower-why-jstor-imprisons-academic-research/251649/>.

24. Jennifer Howard, “JSTOR Tests Free, Read-Only Access to Some Articles,” *Chronicle of Higher Education*, January 13, 2012, available at <http://chronicle.com/blogs/wiredcampus/jstor-tests-free-read-only-access-to-some-articles/34908>.

25. There is a large (and growing) literature on open access. For a good introduction, see John Willinsky, *The Access Principle: The Case for Open Access to Research and Scholarship* (Cambridge: MIT Press, 2006). The book is (appropriately) available at [http://mitpress.mit.edu/sites/default/files/titles/content/9780262512664\\_Download\\_the\\_full\\_text.pdf](http://mitpress.mit.edu/sites/default/files/titles/content/9780262512664_Download_the_full_text.pdf).

to developing repositories for research that would (again) be widely accessible. All new models have potential problems, but they also offer the possibility of getting us to a better place than we are in at the moment.

And so my point is to show how individuals of good will within the academy, with a bit of imagination and a dose of motivation, can make a difference. I base my comments on my experience at Concordia, which began with the interest of our university librarian, Gerald Beasley, to use Concordia's hosting of the Congress of the Humanities and Social Sciences in 2010 as an occasion to demonstrate Concordia's commitment to the principles of open access. I was the academic convenor of Congress, and Gerald and I, together with a group of interested faculty members and administrators, tried to come up with a concrete reflection of our university's commitment to open access that could be revealed at the event. As part of that reflection, we aimed to offer programming connected with the issue.

What followed was a two-year campaign (culminating with Congress) to bring the university community around to the idea that all faculty should (we avoided "must") deposit their research in journal articles in the university's open access Spectrum Research Repository or publish it in an open access journal.<sup>26</sup> I would be the first to admit that this initiative was not perfect, but it began a discussion throughout the university about open access, a discussion that was focused on the value of making knowledge accessible and not on the mechanics of any one solution. In the process, departments and faculty councils debated the merits of the proposed mandate, along the way spreading understanding (and reducing misinformation) about the meaning of open access. In the end, there was almost no opposition to the proposal when the Concordia Senate passed

26. The Spectrum Research Repository can be found at <http://spectrum.library.concordia.ca/>.

it—on the eve of Congress—making Concordia the first Canadian university to introduce such a mandate.<sup>27</sup>

To be sure, the simple passage of this mandate did not force recalcitrant academics to make the knowledge they produce more readily available, because the mandate did not have any teeth. But it did change the nature of discussion in the university, which took pride in the very positive feedback it received for its initiative. And having assumed this leadership role, Concordia—with the ongoing encouragement of its university librarian—has followed up with other initiatives. One involved creating an authors' fund to allow faculty to publish in open access journals that demand a small payment to help fund their operations (since they are free). This is a good investment for university libraries, which often look after such initiatives, because the growth of open access journals offers the promise of freeing libraries from the charges imposed by the large journal providers. Concordia is not alone in taking such an initiative. Indeed, the University of Manitoba, which hosted this Trudeau lecture, has an open access authors' fund of its own.

Why have I told you this story? Much like my engagement with public history, open access constitutes another tool for making what academics do more freely available to an audience beyond the academy. In both cases, the tool for making a difference has been digital technology. But perhaps most importantly, taking the initiative to make what we do accessible does not require actions that are particularly heroic. I see myself in both of these contexts, not so much as a leader, but rather as a good soldier. And from that perspective, my goal tonight was to try to encourage others who think that making what we do accessible to the public is a cause worth pursuing. In terms of both public history and open access, I have had the good

27. For a review of the mandate, see Karen Herland, "Concordia opens access to its research output," available at [http://cjournal.concordia.ca/archives/20100429/concordia\\_opens\\_access\\_to\\_its\\_research\\_output.php](http://cjournal.concordia.ca/archives/20100429/concordia_opens_access_to_its_research_output.php).

fortune to work with people similarly committed to this cause. What this means is that the small actions of individuals do matter, and we can all make a difference—that is, if we believe that engaging with those who are responsible for our funding is worth the effort.

DANIEL WEINSTOCK

2004 *Trudeau Fellow*, McGill University

## **BIOGRAPHY**

Daniel Weinstock taught in the Department of Philosophy of the Université de Montréal from 1993 to 2012. From 2001 to 2012, he was the Canada Research Chair in Ethics and Political Philosophy. Until 2011, he was also the director of the Research Centre on Ethics at the Université de Montréal, which he founded in 2002. He joined McGill University's Faculty of Law in August 2012, and was named director of the Institute for Health and Social Policy at McGill University in August 2013.

Professor Weinstock's research explores a number of public policy challenges faced by modern liberal democracies. His past research has in particular focused on the way in which best to manage the ethno-cultural and religious diversity that has come to characterize such societies.

He received degrees from McGill University (where he worked under James Tully and Charles Taylor) and Oxford University (where he was supervised by Joseph Raz and Baronness Onora O'Neill). He was a Visiting Doctoral Researcher at Harvard University, and a Post-Doctoral Researcher at Columbia University. He was also awarded a Laurence Rockefeller Prize Fellowship at Princeton University.

Professor Weinstock is a 2004 fellow of the Pierre Elliott Trudeau Foundation and a recipient of the André-Laurendeau Prize given by the Association canadienne-française pour l'avancement des sciences (Acfas). His areas of expertise include the politics of language and identity, democracy, citizenship, and pluralism

He has published many articles on the ethics of nationalism, problems of justice and stability in multinational states, the

foundations of international ethics, and the accommodation of cultural and moral diversity within liberal democratic societies. Most recently, his writing has examined the normative issues involved in public policy to do with procreation, education, health, and the politics and planning of cities.

He has been an active participant in public policy in Quebec, having been a member, from 1997 to 1999, of a Ministry of Education working group on religion in public schools and, from 2003 to 2008, the founding director of Quebec's Public Health Ethics Committee. He was a member of the Advisory Board of the Bouchard-Taylor Commission on Reasonable Accommodation.

## **ABSTRACT**

Following in the footsteps of John Rawls, Daniel Weinstock embarks on a deeply philosophical reflection that takes him from his philosophy studies at Oxford to the Faculty of Law and the social and health policies institute he currently directs. Along the way, he examines the role of political philosophy, the conflicts it arises from and the reconciliations it offers. Using examples ranging from Québec separatism to the sex trade, drugs and medically assisted suicide, he explains the implications of harm reduction and eventually proves the multiple facets and perspectives of 21st century philosophy.

LECTURE

## “So, Are You Still a Philosopher?”

Organized in partnership with the Canadian Federation  
for the Humanities and Social Sciences and Congress 2013  
(Big Thinking Lecture Series)

University of Victoria

JUNE 5, 2013

### Introduction

I wrote my DPhil dissertation at Oxford University on the concept of autonomy. That thesis included several chapters on the fascinating yet highly abstract thought of Immanuel Kant. Today, I find myself teaching in a Faculty of Law and running an Institute for Health and Social Policy, which brings together scholars from a dizzying array of disciplines, including epidemiology, philosophy, political science, and history, to name but a few, who work together to identify policies that might best and most sustainably promote the health of individuals and of populations, both in Canada and around the world. Along the way, I have chaired a public health ethics committee and contributed to the drafting of policy documents in the area of education and health care. It has, to say the least, been a circuitous but fascinating road, one that I could not easily have predicted as I was trying to make sense of the more abstruse passages of Kant's *Rechtslehre* in the Bodleian library.

So, am I still a philosopher? It is quite clear to me that many of my peers and teachers from my Oxford days would claim that I had pretty much abandoned the discipline some years ago. Philosophers, after all, are in the business of concepts and abstract arguments. They are at best at a remove, and at worst at several removes, from



the messy empirics of the policy world. But I still think of myself primarily as a philosopher, and what is more as a philosopher who has taken his cue from the most widely cited and universally revered of 20th-century philosophers, John Rawls.

Let me explain.

### **Political Philosophy as Reconciliation through Reason**

More than 500 pages into his magnum opus, *A Theory of Justice*, John Rawls writes this:

[J]ustification is argument addressed to those who disagree with us, or to ourselves when we are of two minds. It presumes a clash of views between persons or within one person, and seeks to convince others, or ourselves, of the reasonableness of the principles upon which our claims and judgments are founded. Being designed to reconcile by reason, justification proceeds from what all parties to the discussion hold in common.<sup>1</sup>

I remember reading those words for the first time 30 years or so ago, and I still come back to them whenever someone asks me what a political philosopher actually *does*, or perhaps more precisely, what a political philosopher *should do*. Rawls seems to me to be making three points in these three sentences. The first is that political philosophy is a *practical* activity. It often mobilizes quite complex sets of considerations and deals in lofty abstractions, but it does so in order ultimately to give rise to beneficial effects in the world. Rawls is in a sense reaffirming here what Marx meant in his Eleventh Thesis on Feuerbach: “Philosophers have hitherto only interpreted the world in various ways; the point is to change it”.

Second, political philosophy has a practical contribution to make in our world only if that world is marked by *disagreement*. Imagine a world in which there was unforced, genuine consensus about political matters—what rights ought to be enforced by the

1. John Rawls, *A Theory of Justice*, 2nd edition (Cambridge, MA: Harvard University Press, 1999), 508.

state, what policies to pursue within the parameters set by those rights, and so on. There would be no need for political philosophy in such a context. Political philosophers need not worry about losing their livelihoods just yet, however. We are far from living in a world exempt from political disagreements.

Third, when disagreement does occur, the role of the philosopher is to point the way forward toward a possible *reconciliation* of warring factions. This involves identifying grounds for compromise or consensus by revealing to political actors ways of reaching possible agreement that they may not be aware of, enmeshed as they are in the cut and thrust of political conflict. The political philosopher must, as it were, look beneath the surface grammar of political disagreement to see if contending factions are despite appearances united by a commitment to some deeper set of moral and political propositions. And if they are not so united, then he must make them look elsewhere, toward alternative grounds of agreement. In his second major work, *Political Liberalism*, Rawls coined a lovely phrase to denote the strategy that consists in moving political combatants away from the terms in which their conflicts have gotten mired, and toward other, less intractable ways of viewing these disagreements: the “method of avoidance.” In Rawls’s view, it is a fool’s errand to attempt to break down disagreements where people’s first principles are in play. The truly innovative suggestion in Rawls’s later work was to suggest that we could identify grounds for reconciliation even where disagreement on first principles remains.

I am a political philosopher because the tasks that Rawls describes for political philosophy resonate with me. To put it in terms of a slogan that encapsulates what I have suggested thus far, political philosophy is *practical* because it is born in *conflict* and must point the way forward toward possible *reconciliation*. What is more, the general spirit underlying the approach to these tasks that he put forward is one that I share. We cannot hope to achieve the goals of political philosophy unless we can identify grounds of possible

reconciliation that all participants to a debate share, at least when they are acting in good faith, that is, when they are truly motivated by a desire to move beyond conflict and disagreement.

Now, Rawls had a very particular focus in mind when he wrote his major works. He was not so much interested in how to resolve this or that particular debate within the context of a liberal democracy (though he did at times lend his voice to debates about abortion<sup>2</sup> and medically assisted death<sup>3</sup>). Rather, he wanted to identify what the bases for liberal democracy might be. As an American, Rawls was understandably struck by the depths of the disagreements that have at times throughout US history threatened to tear that society apart—from debates about slavery to debates about civil rights and the role of religion in the public sphere. Again quite plausibly, Rawls thought that a basis for consensus among warring political factions in the United States could be found by looking at texts and institutions that all Americans share, and claim allegiance to—the US Constitution, for example, and the way in which the institutions surrounding it and the manner in which it has been interpreted are shared even by those who think that it points in different directions on controversial issues of public policy.

Given Rawls's focus, he was at pains to find ways in which *consensus*, rather than merely *compromise*, could be achieved at the level of these fundamental building blocks. Rawls thought that a pluralistic liberal democracy like the United States could only contain and address particular political disagreements if those disagreements were housed in a deeper consensus about constitutional essentials.

So Rawls went looking for the bases not just of compromise, but of consensus on constitutional essentials. A consensus occurs when people come to view a position as the best one that could possibly

2. John Rawls, *Political Liberalism* (New York: Columbia University Press), 243–44.

3. John Rawls et al., “Assisted Suicide: The Philosophers’ Brief,” in *The New York Review of Books*, March 27, 1997.

be adopted with respect to some issue. A compromise, on the other hand, occurs when people still think their position is the best one, but they are willing to *adopt* a compromise in order to ensure social peace, or in order to affirm the fact that, at the end of the day, they would rather share political society with those with whom they disagree than allow society to be sundered because neither side is willing to back down from what they view as the best position. Rawls thought that compromise was potentially too unstable a basis for liberal democracies, because parties to a compromise might always be looking to shifts in their strategic position in order to determine whether they are in a position to enforce their preferred views of things on others. Compromise might therefore prove too flimsy a basis for an ongoing democracy in which constitutional essentials are, as it were, taken off the table so that everyday political debate can be allowed to proceed without being too damaging to the body politic.

I disagree, because I do not believe that strategic considerations are the only ones that lead people into compromises.<sup>4</sup> Sometimes we compromise for *principled* reasons—for example, because we want to affirm the good of the political community of which we are a part. Compromising can be a way of expressing the fact that that community is of sufficient importance to us that we are not willing to sacrifice it even when fairly important principles of political morality are in play. To advert to an example that will be developed below, I may think, because I am committed to the principle of individual autonomy, that people ought to be allowed to seek physician-assisted death in a wide range of cases, and not merely when they are already at death's door or in the grips of unrelievable somatic suffering. But I am willing to compromise on a more moderate policy, because I value the political community that I am part of along with people

4. Daniel Weinstock, "On the Possibility of Principled Moral Compromise," in *Critical Review of International Social and Political Philosophy* 16, no. 4 (2013), 537–56.

who may feel that the most important relevant value in the assisted suicide debate is the sanctity of human life in whatever form.

Thus, Rawls defined a task for political philosophers, one that has been central to my way of understanding my own work over the course of the last couple of decades. He also identified what we might think of as the *spirit* with which political philosophers must go into the task of identifying grounds of political reconciliation. But because he focused on constitutional essentials, and because he feared that the absence of consensus on constitutional essentials might be destabilizing, he did not provide us with a *method* usable by political philosophers intent upon serving the practical purpose I have described.

I realize today that I have spent a lot of time fumbling for just such a method. In recent years, I have come close to thinking that such a method exists, at least for a broad range of cases that cause the most trouble in contemporary pluralistic liberal democratic polities. Since every method needs a name, let me call mine “the method of harm avoidance.”

### **The Method of Harm Avoidance**

When I returned to Canada to take up my first academic job at the Université de Montréal in 1993, after seven years abroad, the political climate was toxic. The Parti Québécois was in power in Quebec and was gearing up for a referendum on secession, which it hoped would reverse the decision taken by Quebecers in the first referendum in 1980. As we know, the referendum came quite close to giving rise to a positive answer, though some analysts claimed that the result of the referendum would have been dubiously legitimate, given how convoluted the question was and how small the majority in favour of secession would probably have been.

The toxicity of the debate had to do both with what was directly at issue—should Quebec continue to be part of the Canadian federation in its present form or not?—but also about questions of

legitimacy: should the Quebec government be solely responsible for determining the conditions and the rules under which the referendum would proceed and, at the more fundamental level, whether it would have been morally acceptable for Quebec to secede *even if* a majority of Quebecers voted in favour of secession?

Looking at the philosophical literature on the issue, which had been starting to grow in the wake of the multiple secessions that followed the dissolution of the Soviet Union and its sphere of regional influence, there seemed to be two camps at odds at the level of fundamental principle. Some theorists observed that the number of groups that might, all things being equal, put forward claims to full statehood was far greater than the number of states that the international system could possibly tolerate. To make national self-determination compatible with the conditions of international stability, federalism would have to be promoted worldwide. These theorists placed a premium on *stability*. Not any stability, I hasten to add, and in particular not the kind of stability that is imposed upon people by arms, but a stability that would ultimately override the desire that some groups might feel for the attainment of full statehood.

For these theorists, the only circumstances in which it might be justifiable for a group to seek secession would be ones in which they were being oppressed by the larger group or groups with which they share political institutions. If a group's members are being denied full citizenship rights, if they are being economically exploited, or if they are subjected to violence, then secession is morally appropriate as a way of remediating an unacceptable situation. Placing an emphasis on stability according to this way of looking at the issue implies that the right to secession will be only a *remedial* right.

Other theorists argued that the right to secede should be primary. That is, the legitimacy of its exercise should not depend upon a group being oppressed. People should be allowed to form a state with whomever they want. Political relationships are a particularly important kind of human relationship, after all, and it seems

ethically inappropriate to impose unwanted political partners upon people. In keeping with this view, we should be just as opposed to limiting the right to secede as we are to limiting people's right to marry whomever they want.

So we have here a conflict at the level of basic moral principle. The participants to the debate disagree as to what principle should be dominant in our decision to allow a certain practice or not. What is more, the debate among theorists maps out onto real-world debates. Many *indépendantistes* in Quebec (and in Scotland and Catalonia, to take but two relevantly similar examples) felt—and still feel—that the only moral consideration here has to do with the right of Quebecers to determine who they want to associate with politically, whereas many observers in the rest of Canada and beyond felt—and still feel—that the Canadian federation was precisely the kind of peaceful prosperous political entity that instantiates the stability that they feel should be given moral priority.

Looking at this debate, the first thing that struck me was its *intractability*. We can argue with people about what their foundational moral principles imply, but we cannot use arguments as easily in order to get them to hold one set of foundational principles rather than another in the first place. It is very difficult for philosophical argument to gain traction where basic values are in play. There is thus something Sisyphian about joining argument at that level.

The second aspect of the debate that seemed worth highlighting was that neither side could simply be dismissed as being completely *unreasonable*. Both sides put forward arguments based on values that are clearly relevant to the debate. Indeed, the complete rejection of the arguments put forward by the more permissive of the two positions with respect to secession seems unreasonable, since members of majorities derive benefit from being able to avail themselves of that which they are in effect denying to national minorities, namely the ability to enjoy complete sovereignty, with all that is attached to sovereignty in the contemporary international sphere.

The third thing that struck me is that at some level, the view that secession lacks moral legitimacy, and thus ought to be prohibited, lacks relevance for the real world. Secessionist politics *will continue*, whether philosophers think that they ought to or not. More relevantly, they will continue whatever the conditions laid down by international institutions for legitimate secessions are. Secessionist politics are ultimately decided by considerations of realpolitik. If a group has achieved de facto control of a territory, that group will be recognized as possessing de jure sovereignty on the basis of pragmatic considerations on the part of the international community rather than on the basis of its having instantiated the right political theory of secession.

Fourth, outright prohibition, to the extent that it cannot be effectively enforced, risks causing harms that might be avoided were secession *procedurally regulated* in some way. One could imagine a constitutional provision, agreed to by all sides, that lays out rules for secessionist politics. For example, given the gravity of the stakes involved, super-majoritarian conditions might be imposed upon referenda. There might also be limits imposed on the frequency of secessions, and “cooling off” periods preventing secessionist entrepreneurs from being able to trigger secession on the basis of a sudden, contingent spike in secessionist sentiment. Well-regulated secessionist laws or constitutional clauses could give secessionists what they want, namely, a clear path toward secession, while guarding against the worst excesses that unregulated secessionist politics would predictably give rise to. Such a clause would not be grounded in the kinds of first principles that we found to be at loggerheads earlier. Rather, it would in pragmatic spirit note that secessionist politics were not going away any time soon, and it would simply attempt to reduce the potential harms that such politics might generate when unregulated. Lack of effective regulation might moreover stem either from a blanket permission in international and domestic law allowing all groups that wish to do so to organize referenda in order



to quit the larger political entity, or it might just as well emerge from complete prohibitions that go unenforced.

My proposal was thus for multination states to incorporate duly regulated secession clauses into their constitutions as a way of achieving principled compromise between contending factions in the secession debate. The compromise would emerge from both sides agreeing to look beyond their disagreements at the level of first principles, and focusing on measures that might most effectively reduce predictable harm associated with secessionist politics.

### **Harm Reduction**

As my interests began over time to encompass a broader range of public policy debates, I started noticing that many of them had a similar structure to that which I had identified in the case of secession. A practice is the object of ferocious debate among theorists and among political actors who both approach it from the point of view of a different fundamental value. Moreover, there are reasonable values to approach the debates from. Neither one can simply be swept aside as lacking a requisite level of *prima facie* moral justification. What is more, outright prohibition is not a feasible option. In these circumstances, it seems as if *harm reduction*—regulating a practice in order for its less desirable consequences to be limited—might open the door to compromise among contending factions.

Three debates that are at the time of writing going through the Canadian court system seem to possess this structure. They have to do with sex work, drugs, and medically assisted death.

#### *Sex Work*

Consider sex work. Some people believe that even in the most favourable circumstances, in which women and men are selling sex in the absence of coercion or of other threats to their health, sex work is incompatible with the dignity of the person that all societies, according to this view, ought to uphold. In this view, the body simply

should never be commodified. Others believe that there should be no restrictions on what people choose to do with their bodies, as long as people are not being coerced and their actions do not cause harm to others. Autonomy, rather than dignity, should be the dominant value, according to this second perspective on sex work.

As in the case of secession, the debate appears to be intractable, because the two parties to it are starting from opposed evaluative stances, rather than disagreeing about the implications for policy of a shared value. Nor can one say that either party to the debate is unreasonable. Views that link the dignity of the person to the way in which her body is treated have deep roots in a variety of normative frameworks, from fairly conservative religious ones to feminist perspectives. And autonomy is clearly a dominant value in contemporary liberal democracies.

The prospect of wiping out sex work entirely seems to be vanishingly unlikely. People have been selling sex throughout recorded history. Attempts at stamping out the sex trade have simply driven it underground, where it is more difficult to detect. And a sex trade driven underground and thus effectively deregulated seems like the worst of all possible options. Women are most likely to suffer abuse at the hands of pimps and clients when the state adopts the strategy of the ostrich, plunging its head into the sand to shield itself from the view of the consequences that befall vulnerable persons, when the state is either unable or unwilling to enforce its laws.

So the structure that I identified in the case of secession seems to be present as well in the apparently very different case of the appropriate policy responses to sex work. There is disagreement, there is a practice that is likely to survive even attempts by states that would prefer, all things being equal, to prohibit it, and there are harmful consequences that result from the practice being driven underground and thus effectively deregulated.

In such circumstances, a variant of the solution that I arrived at in the case of secession would seem to be appropriate in the case of

sex work. Decriminalizing it means that it can be brought within the purview of public policy with a view to stemming its most undesirable aspects. Sex workers can be afforded various protections (for example, the ability to hire bodyguards or to work indoors) that would protect them from the risk of violence that is a permanent feature of street work. Moreover, sex workers could be required to submit to regular health checkups so as to protect them, but also their clients and their clients' other sexual partners, from the risk of sexually transmitted diseases. Finally, as the prohibition against sex work creates a lucrative market for organized crime, the transition from prohibition to regulation stands a good chance of depriving criminal organizations of one of their main sources of money.

Thus, as in the case of secession, regulation aimed at reducing harm might prove to be a possible point of compromise between those who would in the first instance approach the issue from the point of view of dignity or of autonomy. Indeed, it does not seem unreasonable to suppose that, above and beyond their disagreements at the level of first principles, opponents of sex work and those who believe it should be tolerated *also* share a commitment to the well-being of all persons affected by the manner in which sex work is carried out. Indeed, it would be unreasonable for opponents of the decriminalization of sex work who ground their opposition in a concern for the dignity of women to oppose regulation grounded in a concern for the well-being of women. After all, a concern for the *dignity* of persons should be taken to incorporate a concern for their well-being.

I want to emphasize this latter point because it forestalls an objection that opponents of practices that my approach would tolerate and regulate might have about the strategy of harm reduction as I have expounded it thus far. Indeed, they might observe, a compromise is an outcome in which *both* parties have, as it were, moderated their initial positions so as to move in the direction of

their opponent. In what way does the “compromise” that I have just briefly glossed incorporate *any* of the initial concerns of those who would oppose it entirely?

The answer to this valid question turns upon a subtle philosophical point. There are two ways in which one can affirm a value. One can either (to use Philip Pettit’s very apt language) *honour* it or *promote* it. To honour a value means never acting against the value, or never allowing anyone to act against it, even at the cost of its being realized to a lesser degree overall than if one had allowed for a small amount of “local” violation. In the case at hand, “honouring” the value of dignity would require not accepting a legal framework that countenances that value being acted against by anyone. Sex work in this view should be illegal, because if it were not, we would through our participation in the making of the laws somehow be complicit in the violation of the value. *Promoting* a value, on the other hand, means adopting a consequentialist perspective with respect to it. In other words, it means accepting that in certain empirical sets of circumstances, maximizing the degree to which the value is realized means accepting that a condition of this maximization might be local violations of the value in question. Thus, in the case of sex work, if one accepts that the attack upon human dignity occurs not just in the mere fact of selling sex but also in the abject conditions that sex workers are sometimes compelled to sell sex in, then one also accepts that the abolition of such abject conditions represents a gain from the point of view of the value one views as paramount. Now, if it turns out, first, that these abject conditions result from sex work being carried out in an entirely unregulated environment and, second, that absence of regulation can result *either* from a legal silence on the matter of sex work *or* from unenforceable prohibition, then the conclusion is that a duly regulated regime surrounding sex work is the best way to go in order to realize the value one thinks most important to the greatest possible degree.

### *Drug Use and Medically Assisted Death*

I will not go into as much detail with respect to the two other major public policy debates of the present day in Canada that appear to me to present the same structure. I am referring to the debate over drug use and the debate over medically assisted death. In both of these other cases, irreconcilable fundamental values are at issue, values that it is reasonable to hold with respect to the issue. What is more, it is vanishingly unlikely that prohibition will be effective. In both these cases, great risks attend the practice in question being permitted to continue in an entirely unregulated framework. Given the impossibility of prohibition, the absence of regulation can result from legal silence *and* from unenforced prohibition. The best way in which to realize the values that those who, in other circumstances, would have advocated prohibition, values such as the protection of society's most vulnerable persons in the case of medically assisted death, and (perhaps) well-being and health in the case of drug use, is to opt for a regime of regulation, where regulations are at least in part aimed at minimizing the offence that the practice does to the values in question. Yet again, harm reduction seems to be a way of reconciling those who would at the level of abstract principle remain at loggerheads.

### **Harm Reduction versus Method of Avoidance**

My research at present is focused on refining the harm reduction approach which, as I hope to have shown to this point, holds great promise as a way to break through the ideological deadlocks that many public policy debates in Canada and elsewhere reach when they are pitched at the level of contending first principles. To revert to the Rawlsian vocabulary I introduced earlier on, it is a way of practising the *method of avoidance*. In the face of the intractability of certain debates, the approach consists in attempting to avoid those ways of looking at issues of public policy that are least likely to give rise to reconciliation, and to adopt a stance with respect to them that

holds open the prospect of common ground. The animating hope is that whatever their disagreements at the level of abstract principle, both parties to the debate can be brought round to a shared perspective from which they both seek to minimize harm.

I have thus far presented the harm reduction approach in its most positive light. But far more work needs to be done if it is to be convincing when looked at in detail. The following seem to be the main issues that will have to be addressed in order for the method to bear its hoped-for fruits.

A first issue has to do with the scope of the method. An animating premise behind the method as applied to the cases of secession, sex work, drug use, and physician-assisted death is that these are practices about which reasonable people can disagree. With respect to all of these cases, it is neither unreasonable to believe that the practice ought to be prohibited, nor is it unreasonable to hold that it ought to be permitted.

But there may be cases in which it is unreasonable to think that the practice ought to be permitted, just as there may be cases in which it is unreasonable to think that certain practices ought to be prohibited. As an example of the former case, think of Alan Dershowitz's notorious argument, made in the wake of the September 11 attacks, according to which a harm reduction argument should be applied to torture carried out in order to extract potentially life-saving information from purported terrorists. On the face of it, Dershowitz's argument possessed most of the ingredients that I have been describing here. Dershowitz believes, probably rightly, that torture will continue to be carried out by liberal democratic states, and that rather than having it occur entirely "under the radar," we would minimize the harms that the unregulated practice would generate by requiring that would-be torturers obtain torture warrants from judges, and that such warrants be granted only in specific cases in which the evidence for the potential usefulness of torture is sufficient.

Or consider the case of female genital mutilation. Some people have argued that rather than attempting to prohibit the practice, which would lead to girls being mutilated in horrible, unsterile conditions, physicians propose to community leaders that it be carried out in clinical conditions, and that a ritual scar, rather than complete removal of parts of women's sexual organs, be performed. Again, the logic is one of harm reduction: either we regulate the practice or we prohibit it, but unless we are able to enforce the prohibition, we risk inviting dire consequences.

The disanalogy between these two cases and the ones I have been discussing lies in the fact that, in the case of torture and of female genital mutilation, there is no claim that reasonable people can disagree about their *prima facie* ethical permissibility. For Dershowitz, and for the physicians who proposed to minimize the harmful consequences of female genital mutilation, there is no *prima facie* case for either practice, when viewed from an abstract, principled point of view. The case for regulation, as opposed to prohibition, is entirely consequentialist.

This disanalogy allows me to point to an important difference between a harm reduction method construed, as I construe it, as instantiating Rawls's idea of the method of avoidance, and harm reduction as it is deployed in the area of public health. As I understand it, harm reduction is a fruitful way forward to identify avenues of possible reconciliation and compromise among reasonable persons who disagree at the level of first principles. The assumption is that the values that they put forward are ones that ground reasonable contributions to the policy debates in question. There is, in other words, a threshold of "reasonability" that all contending positions to a public policy debate must reach before it makes sense even to attempt to include them within the ambit of a compromise. Where that threshold lies is, of course, a vexed question in contemporary political philosophy. The only thing that needs pointing out

in the present context is that, given the task that I define for harm reduction strategies, it is important to suppose that that line exists.

This is not the case in the public health contexts in which harm reduction strategies construed slightly differently have a natural home. As I understand it, a pure public health strategy is one that prescind completely from *any* moral evaluation of the practices that are the objects of policy interventions. Such strategies bracket the question of whether even morally objectionable practices, such as female genital mutilation, ought to be condemned, and whether over time they ought to be eliminated. The focus in the case of such strategies is to minimize the harm that is caused by such practices, whether the practices and the arguments and values adduced in order to defend them are reasonable or not.

Clearly the purview of harm reduction strategies as I have been using them here is narrower and applies only to practices about which there is *reasonable* disagreement among citizens of a pluralist society.

Thus, there are practices concerning which compromises should not be sought, because no reasonable person could countenance them in the first place. A different but related problem occurs when the move toward compromise is rejected by those who think that a practice in which they are engaged could not possibly be *opposed* by any reasonable person. An example to illustrate this problem: I was recently involved in a panel discussion at the McGill Faculty of Law concerning the *Bedford* decision of the Ontario Superior Court. That decision ruled certain provisions of the Canadian Criminal Code as unconstitutional because they failed to promote the security of those engaged in sex work.<sup>5</sup> In a manner similar to a number of other recent decisions emanating from Canadian courts (including the *PHS* decision of the Canadian Supreme Court (concerning safe heroin injection sites in Vancouver) and the *Carter* decision of the

5. Canada (Attorney General) v. Bedford, 2012 ONCA 186.



BC Supreme Court (concerning the criminal prohibition against physician-assisted death), the Court in the matter of *Bedford* adopted an approach quite similar to the one I am advocating here in order to regulate the sex work industry. The Court determined that the prohibitions against sex workers being able to hire bodyguards and drivers, or being allowed to work indoors (the former restriction prevents anyone from “living from the avails” of sex work, while the latter prohibits the operation of a “common bawdy house”), unreasonably placed sex workers at avoidable risk.

Our panel included the lawyer who pleaded the case on behalf of associations representing sex workers, and a representative of one of these associations. She opposed the way in which I presented the situation, because she refused the construction that would present sex work as a practice that reasonable people could oppose. In her view, the concession to the opposition that sex work can be seen as a regrettable practice the negative consequences of which we might nonetheless want to contain and restrict (given the impossibility of enforcing prohibitions against it) was unacceptable.

The position I am describing, and which results in practice in an unwillingness to compromise with those who, all things being equal, would rather see sex work abolished, must be seen as unreasonable, according to the view I am defending here. That is, it amounts to a refusal to acknowledge that more than one value (in this case, the individual autonomy of the women and men who choose to engage in sex work) can reasonably be brought to bear on the consideration of sex work. Clearly, however, that refusal flies in the face of many people—feminists, citizens motivated by more conservative moral codes—who believe that the state ought to limit the commodification of the body, even in ideal circumstances in which those who practice sex work are not being forced to do so by grim economic circumstance or by sex traffickers.

I would argue that it is as unreasonable to insist upon compromises about practices that no reasonable person can support as it

is to *refuse* compromise over practices that it is not unreasonable for some people to oppose. Part of the challenge for the development of the harm reduction method is to determine its appropriate range of application.

A second issue has to do with the question of the enforceability of restrictions. One of the premises underlying the harm reduction approach is that those opposed to the practice in question will be brought round to considering harm reduction as a “second best” through the realization that it is futile, or even worse, counter-productive to attempt to prohibit the practice in question altogether. The War on Drugs that has been waged by the US government is only the most highly publicized of recent cases in which the attempt to wipe out a practice leads to the creation of robust criminal sub-cultures taking over the practice and conducting it in ways that increase pathologies that might be diminished through effective state regulation.

Some opponents of the practice may refuse to move from a posture of categorical opposition to harm reduction because of the feeling that strategies of prohibition have simply not been carried out effectively enough. Rather than acceding to a situation in which the practice they condemn is tolerated and regulated, they may hold that when enforcement of prohibitions fails, new, more effective strategies of prohibition must be found. Thus, for example, many opponents of sex work have looked with some optimism at policies that have been enacted in Sweden to reduce the incidence—and not just the negative consequences—of sex work. These policies have targeted clients rather than sex workers and have relied on the incentive effect of shame preventing men whose standing depends upon their being able to maintain their social and professional reputations in order to depress demand for the services of sex workers.

The effectiveness of such strategies is a matter of some dispute. Some people argue that the Swedish approach has in fact decreased the amount of sex work, while others hold that it has merely driven

it further underground. But the point I want to make here is that different attitudes to prohibition reflect a fundamental asymmetry, as between opponents and defenders of a controversial practice with respect to the “consequentialist turn” that the harm reduction strategy represents. Let me explain.

Opponents of the controversial practices we have been considering—sex work, euthanasia and assisted suicide, secession, drug use, and the like—do not hold logically contrary views as to the way in which these practices should be regulated. Opponents believe that these practices should never be engaged in and thus that the “first-best” policy option with respect to them is outright prohibition. Their opposition to the practice is, to use a philosophical term of art, categorical. Defenders of the practice, on the other hand, believe that people should be able to choose to engage in the practices in question. They are in favour of permissive regimes.

Defenders of controversial practices, therefore, already find themselves, as it were, in the space of regulation that the harm reduction strategy recommends. Very few, if any, defenders of the right to engage in sex work or to use recreational drugs will argue that the state ought to stay out of the regulation of these practices completely. At a minimum, defenders of controversial practices will tend to view permissive regimes as ones that ought to protect children, to restrict practices that are known to offend certain members of the community to certain circumscribed locations, and so on. Now, the defenders of controversial practices who ground their positions in the value of individual autonomy may favour regulations that are less restrictive than those that they will end up agreeing to when they are led to making compromises with opponents. For example, a defender of the right for competent adult individuals to determine the moment at which they will die may argue that physician-assisted death should be available in a broader range of cases and situations than simply in the face of irremediable somatic suffering at the very end of a

terminal disease such as cancer, but may be willing to compromise so as to narrow the range of cases in which it is made available.

Opponents will tend to be categorically opposed to the practice at first, and thus to any form of regulation. As I have been arguing for harm reduction strategies, opponents will tend to come on board when they come to realize that, *from the point of view of the value they most cherish*, suitably regulated permissive regimes will do better than prohibitions. One of the ways in which to move opponents from a stance of categorical opposition to one of consequentialist promotion of the values in question is to point to the ineradicable character of the practice in question. The expectation is that reasonable opponents of a controversial practice will adopt a consequentialist rather than a categorical stance with respect to their preferred value when they are made to realize that outright prohibition is unavailable.

The unavailability of prohibition is never really a matter of physical impossibility. Controversial practices as such could be eradicated or very substantially reduced were we to decide, for example, to deploy far greater resources to the detection and sanctioning of the practice than we presently do. The fact that we do not typically maximize the amount of resources reflects an all-things-considered judgment about how best to devote finite social resources. Devoting resources to the detection and elimination of a practice may simply be a less cost-effective manner of using limited resources than more permissive regimes would be. The problem is that some opponents of controversial practices, such as the ones I have been talking about here, may be loathe to abandon the strategy of prohibition even in the face of considerations of cost-effectiveness, because of the very great importance that they ascribe to the value on the basis of which they ground their opposition. Opponents of sex work or drug use who base their opposition on human dignity may consider that to subject the defence of human dignity to cost-benefit calculations

would be to debase the currency of dignity itself. Dignity is, after all, to paraphrase Kant, “beyond price.”

The harm reduction strategy for the resolution of controversial issues of public policy is problematic in terms of the manner in which categorical opponents of a controversial practice can be moved to a more accommodating, consequentialist perspective. This problem points back to a deeper one still. A harm reduction strategy is typically pluralist in nature. By this I mean that the range of harms it aims to minimize will be of various different kinds. Tangible physical harms to persons, implementation costs of various regulatory regimes, more intangible harms to do with the degree to which various policy regimes manage to realize values considered to be important by many members of society—all of these plural considerations will enter into account in standard harm reduction strategies. Opponents of controversial practices who adopt harm reduction strategies as a “second-best” option to outright prohibition will, however, tend to focus exclusively or preponderantly on the way in which different regulatory regimes minimize harm with respect to the value upon which their initial opposition was grounded. That is, the concept of “harm” at work in harm reduction strategies will be controversial and risks bringing back into play the more categorical oppositions that it was supposed to steer us clear of.

The devil is in the details, as the saying goes. The road to compromise that the harm reduction strategy would seem to lay out presents a number of difficulties, and I have described only what I see as the most challenging. Still, it seems to me that the exploration of compromises that the strategy promises is our best hope for dealing in a principled and peaceful manner with many of the problems of public policy that would otherwise risk dividing society into warring clans separated by the seemingly unbridgeable gap of high principle. There is much work to be done to make this approach workable, and it is to this task that I have been devoting much of my work in recent years.

## **Conclusion**

This brings me back to the question with which I began these reflections. Am I still a philosopher? Having abandoned the lofty heights of pure principle for the messiness of compromise, have I betrayed my philosophical forebears?

I have already given some reasons to answer that question by a resounding no. Harm reduction is a way of carrying forward the intellectual agenda that was defined by the leading political philosopher of the 20th century, John Rawls. Harm reduction strategies are ways of practising what Rawls called “the method of avoidance,” which enjoins us—philosophers and citizens—to move deliberation over controversial issues of public policy away from considerations of first principles and toward a consideration of the consequences of different policy choices.

The attempt to identify compromises in the spirit suggested by a concern with harm reduction does, however, lead the philosopher to reach for tools and methods that are not those that he or she has traditionally made much use of. To begin with, philosophers who agree to travel the road of harm reduction must embrace the dictum according to which “facts matter.” That is, philosophers intent on identifying regulatory regimes with respect to controversial practice that minimize harm along a wide range of dimensions must engage in (often collaborative) research that will, among other things, examine the consequences that have been given rise to by a range of regulatory regimes around the world. They must abandon the bankrupt intellectual pursuit that philosophers have too often engaged in of what might be termed “normative sociology”—the study of the world not as it is but as it should be in order to vindicate my a priori principles—in order to join hands with those that do real, hard-nosed empirical research. Ultimately, it may lead them, as it has done me, out of departments of philosophy and into hybrid, interdisciplinary spaces, like the Research Centre on Ethics at the Université de

Montréal, which I founded in 2002, and McGill University's Institute for Health and Social Policy, of which I became director in 2013. It also means that my work now appears in venues in which I could not have imagined publishing when I was poring over abstruse Kantian texts in the Bodleian library in Oxford. I will leave others to decide whether or not on balance I have remained true to a discipline with which I certainly still identify. I will close, however, by stating what has come to seem to me a truism as I have tried over the years to give serious thought to some of the most controversial and divisive issues of public philosophy we have faced here in Canada: no discipline can alone do all that needs to be done in order to get a clear picture of how we can best move forward as a democratic people in our attempts at doing the right thing where "the right thing" is an issue of such passionate and at times acrimonious debate.





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THE PIERRE ELLIOTT TRUDEAU FOUNDATION  
thanks the following individuals for their help and contributions  
to the fifth volume of *The Trudeau Foundation Papers*.

TRANSLATION  
Eric Bergeron (Preface, Introduction, McGarry)  
Jean-François Vincent (Humphreys, Moghissi, Rudin, Weinstock)

CONCEPT AND DESIGN  
Véronique Giguère

PROOFREADING  
Laurence Jourde • Jennifer Petrela • Sarah Weber

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Printed on entirely recycled paper  
in March 2014 at Caius du livre Inc.