



## Understanding Stormont-London Relations

James Mitchell (j.mitchell@strath.ac.uk)

*'The glasses one wears magnify one set of factors rather than another in ways that have multifarious consequences. Not only do lenses lead analysts to produce different explanations of problems that appear, in their summary questions, to be the same. Lenses also influence the character of the analyst's puzzle, the evidence assumed to be relevant, the concepts used in examining the evidence, and what is taken to be an explanation.'* (Allison & Zelikov, 1999: 387-388)

*'The true watchwords which should guide English democrats in their dealings with Ireland, as in truth with every other part of the United Kingdom, are not 'equality', 'similarity', and 'simultaneity', but 'unity of government', 'equality of political rights', 'diversity of institutions'. Unless English democrats see this they will commit a double fault: they will not in reality deal with Ireland as with England, for to deal with societies in essentially different conditions in the same manner is in truth to treat them differently'* (Dicey 1886: 30-31).

### Introduction

Amongst the thousands of books on Northern Ireland, few have received as many plaudits as John Whyte's *Interpreting Northern Ireland* (1998). The book combines a review of the literature on Northern Ireland with an identification of the different interpretations of politics post-1968. The work is not, strictly speaking, in the same tradition as Graham Allison's *Essence of Decision*, first published in 1971<sup>1</sup> but there are similarities. This paper adopts a similar, though more explicitly Allisonian approach in attempting to understand Stormont-London relations. The period under study is mainly that between the mid/late 1940s to the early/mid 1960s at least when public policy is under consideration. A far wider period is necessarily considered with respect to the other perspectives. There are a number of reasons for focusing particularly on this period, though some discussion of other periods is necessary, partly negative and partly positive. The negative reasons include the avoidance of other periods. The early years involved devolution settling down. Northern Ireland devolution was the result of political compromise rather. Its negative origins meant that many important matters, not least its finances, were not worked out well at the outset. Even taking account of the unpredictable economic climate that met the new devolved arrangements, this was a scheme that was not fully worked out in advance or conformed to some political philosophy of decentralisation. In addition, a large part of the earlier years, just as the later period, was marked by political turbulence and violence. In essence, the two decades or so that are the main concern of this paper, might be seen as the nearest to a period of reasonably stable politics. My interest is not in how devolved government copes with problems of legitimacy, violence and instability created from the context within which it operates. The more positive reason is that this period covers the years of the development of the welfare state which, as argued below, create particular problems that have much wider relevance. The principal objective is not so much to provide a comprehensive account of relations but to shed some light on the territorial constitution of the United Kingdom through analysis of Stormont-London relations with a particular focus on London. Whyte attempted to find common ground amidst the different interpretations of Northern Ireland. That too is an intention in this paper.

The particular aim of this paper is to reconcile two apparently conflicting interpretations of Stormont-London relations that exist. One interpretation is that relations were limited. In Paul Arthur's words, 'Three "solitudes" – centred round Belfast, Dublin and London – were created. They produced their own

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<sup>1</sup> In this paper references are made to the second edition of the book co-authored with Philip Zelikov (1999).

discrete political cultures and their own competing mind-sets.’ (Arthur 2000: 1) The alternative view might be described as an intergovernmentalist view. It stresses the considerable, continuous inter-relationship between London and Belfast. The intention is not to seek to discover which interpretation is right but starts from the assumption that each is correct and seeks to consider the implications of this. The implications are relevant not only to our understanding of Stormont-London relations during the period under consideration but to our wider understanding of devolved government within the United Kingdom. Preliminary consideration suggests a considerable gulf in understanding the nature of these relations but closer examination suggests this arises more because of the conceptual lenses (Allison and Zelikov 1999: 387-388) involved and that when each is recognised to offer a valuable angle this raises important questions about the nature of the Stormont-London relationship.

The paper begins with a discussion of the ‘centre’ and its continuing importance post-devolution and is followed by a discussion of the Diceyan theory of the constitution as far as its territorial dimension is concerned. This is followed by an outline of each interpretation leading to a conclusion that attempts not only to bring these approaches together but raises questions and suggestions about the relationship that might otherwise not emerge.

### **The centrality of the ‘centre’**

The term ‘the centre’ is ambiguous and demands definition. Two bodies of literature offer useful, overlapping definitions. The first is drawn from territorial politics<sup>2</sup> and the work of Jim Bulpitt in particular. Bulpitt defined the ‘centre’ broadly as the ‘central government, above all the central bureaucratic departments, in the capital city’ (Bulpitt 1983: 60). Rod Rhodes, from a different perspective, has usefully written of the ‘core executive’ meaning ‘all those organisations and procedures which coordinate central government policies, and act as final arbiters of conflict between different parts of the government machine’ (Rhodes 1995: 12). Drawn from different bodies of literature, each points to the same formal institutions though Rhodes is more precise. The territorial politics literature on the centre’s role notes its fundamental goal being that of maintaining the territorial integrity of the state but the responses to demands from below vary along a continuum from outlawing those making demands of certain type to offering a substantial measure of autonomy (Esman 1977: 380-384; Rudolph and Thompson 1985; Teghtsoonian 1987; Mitchell 1996: 35-37). There appears to be no agreement on how best to deal with demands. Secession, of course, may ultimately be conceded but that involves the abandonment of the state’s fundamental goal. An alternative way of viewing the centre’s response is as a continuum from direct rule to disengagement. Home rule would be a form of disengagement. However, so long as territorial integrity is maintained, disengagement cannot be complete.

Bulpitt’s contention that the period between 1926 and 1961 marked the United Kingdom’s *Ancien Régime*, characterised as a ‘dual polity’ (Bulpitt 1983: 135-163) covers much of the period of Stormont’s existence:

This meant that the degree of *political* interpenetration between Centre and periphery was low. In other words, they had relatively little to do with each other, relative, that is, to the situation in the past, the future and to other countries at the same time... The suggestion is not that there were no contacts between Centre and periphery in this period, merely that those that existed (and there were many) were primarily bureaucratic and depoliticised in character. (Bulpitt 1983: 134-135).

He acknowledges that during this period the extent of interpenetration increased significantly at certain points, notably during the second world war, and there were variations in the extent of this duality between different territories and different policy areas. What needs to be teased out are the when, where, how and why of these variations.

At issue in any devolved institutional arrangement is the challenge posed to the core executive of this added dimension. As Allison and Zelikow noted, ‘... the necessity for decentralization runs headlong into the requirement for coordination’ (1999:172). This neatly encapsulates the problem and the extent of the tension this creates depends on the centre’s position on two ideological planes: attitudes towards state intervention and attitudes towards homogeneity/assimilation. The greater the degree of state intervention

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<sup>2</sup> The term ‘territorial politics’ refers to ‘that arena of political activity concerned with the relations between the central political institutions in the capital city and those interests, communities, political organisations and governmental bodies outside the central institutional complex, but within the accepted boundaries of the state, which possess, or are commonly *perceived* to possess, a significant geographical or local/regional character.’ (Bulpitt 1983: 52)

the more constrained the devolved government's degree of autonomy is likely to be, though a highly decentralised structure combined with a substantial degree of state intervention is far from inconceivable. Denmark is a case in point. Obviously, this discussion deals not in absolute, but relative terms as in all but micro-states there needs to be some degree of decentralisation and discretion beyond the centre in any advanced interventionist state.

The greater the perceived need for homogeneity and assimilation, the more constrained the devolved government will be. However, a centre that accepts, perhaps even celebrates, heterogeneity combined with substantial state intervention would view devolved government as attractive. What is clear is that each of these ideological planes are significant in the operation of any system of devolved government.

The role of the centre in understanding devolution has been overlooked in much of the literature that has been published which focuses almost exclusively on what is happening in the devolved areas. An understanding of the centre's role is necessary not least to allow for a state-wide understanding of developments and avoid an emphasis on the peculiarities of the devolved areas (Bulpitt 1983: 57). Studies of Scottish and Welsh devolution have rarely engaged with the literature on Northern Ireland, including the literature on the UK's only previous experience of devolution. The excuse that Northern Ireland is too different seems shallow and unconvincing and, at least largely untested. Devolution is not independence yet all too often it is treated as if it is. No attempt to make sense of the UK today can fail to take account of the centre's role in devolution. The experience of Stormont has more to offer than the study of a 'factory of grievances' (Buckland 1979).

### **Perspectives on Stormont-London relations**

Four Allisonian-type perspectives are now discussed in order to develop some of the underlying ideas presented so far. This is not an attempt to classify the literature on Northern Ireland into three categories. In some cases, works have been cited under more than one perspective as befits the nature of the work. The intention is to highlight or magnify particular different factors and consider different aspects of the relationship between London and Stormont. A more complete picture emerges from these angles. The four perspectives are:

- constitutionalist
- intergovernmentalist
- community conflict
- policy-making.

### **Constitutionalist perspective**

In recent years, the claim that the UK is a unitary state has been challenged and it has been suggested that it would be more accurate to describe it as a union state.<sup>3</sup> Rokkan and Urwin's distinction between unitary and union states originated in their discussion of state formation but in recognition of the enduring impact of the state at formation this distinction retains its value. State formation in the UK has had path dependent qualities. One of the few instances of an effort to define the unitary state is found in Calvert's work. In one of his essays in his 1975 edited volume, he defined the unitary state as 'the state within which

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<sup>3</sup> I adopted the definitions proposed initially by Rokkan and Urwin (1982: 11) to discuss state formation in Europe and argued that these continued to be relevant in the context of understanding developments *after* state formation, ie I adopted an historical institutionalist perspective. This has now been followed by numerous others so much so that the notion that the UK is a union state has become the new orthodoxy. The definition proposed by Rokkan and Urwin refers to state formation but little effort is required to appreciate how this might be relevant to later developments: 'The unitary state, built up around one unambiguous political centre enjoys economic dominance and pursues a more or less undeviating policy of administrative standardization. All areas of the state are treated alike, and all institutions are directly under the control of the centre.' The union state is 'not the result of straightforward dynastic conquest. Incorporation of at least parts of its territory has been achieved through personal dynastic union, for example by treaty, marriage or inheritance. Integration is less than perfect. While administrative standardization prevails over most of the territory, the consequences of personal union entail the survival in some areas of pre-union rights and institutional infrastructures which preserve some degree of regional autonomy and serve as agencies of indigenous elite recruitment.' (Rokkan and Urwin 1982: 11)

sovereignty is undivided and located wholly in the centre (though a rigid constitution may demand a careful definition of “the centre”). “Sovereignty” however, means ultimate legal authority, and the concentration of this ultimate power in the centre does not preclude the distribution, vertically or horizontally, of subordinate authority’ (Calvert 1975: 8). Diceyan influence is all too clear in this definition, not least in the use of the contested notion of sovereignty. However, the tendency in much academic work and political commentary to assume that the Diceyan emphasis on the mythical sovereign Parliament necessarily implies uniformity is mistaken.

Textbooks making the unitary state claim rarely define the term and it has been a statement on the power of the ideology of the unitary state that the characterisation has rarely been challenged. The distinction is important but needs to be fleshed out. More precisely, the characteristics of the union state – the limits and nature of interpenetration – need to be identified and an attempt made to see if a pattern is discernible that might, at least, suggest hypotheses for consideration or even a move towards a more theoretical understanding of United Kingdom territorial politics and devolution.

Dicey’s opposition to Irish home rule has had far wider ramifications than is appreciated. It was a Diceyan view of the constitution which acted as the bulwark against devolutionary pressure in Scotland for most of the twentieth century. Whether Dicey or Dalrymple, the argument was the same and, if the premiss is accepted, is impeccably logical. Its enduring relevance to an understanding of constitutional debate in the UK is evident in constant references to the need for symmetry as well as the evolving practice of devolution. The premise on which the anti-devolution case was made was that the United Kingdom was a unitary state understood in terms similar to those defined by Rokkan and Urwin. More than this, Dicey was not only describing the UK as he saw it but, ironically, he was, in effect, identifying its entrenched qualities. Dicey’s view was, however, more sophisticated than many of his latter day critics would acknowledge. His view was not that each part should be treated exactly alike and that all inhabitants treated equally but, as he made clear in his 1886 polemic against Irish home rule, the ‘true watchwords’ of the constitution are unity of government, equality of political rights and diversity of institutions. Similarly, in his discussion of the Anglo-Scottish Union he noted the nature of the Union,

In every line of the Act [of Union] is visible the determination of its authors to stick at no change, however, revolutionary, which was necessary for creating the absolute political unity of Great Britain, but to introduce no change, however salutary in itself, in the institutions either of England or of Scotland which was not necessary for the creation of such unity. (Dicey and Rait 1920: 238)

Dicey’s recommendation that Ireland should be treated like Scotland (Dicey 1881). He was critical of England’s (for which we can read the centre’s) failure to take account of Irish institutions and distinctiveness.

Dicey’s three watchwords appear to suggest a territorial pluralism not normally associated with the United Kingdom. However, two factors need to be taken into account: historic context and relative weighting of each watchword. In the late nineteenth century nightwatchman state, the balance was more easily achieved than in the late twentieth century welfare state. This takes us back to the discussion of ideological planes. The act of balancing diverse institutions, political equality and unity of government have been the central hallmarks of constitutional development in the United Kingdom.

Dicey was, of course, a firm supporter of the minimal state and his prescription for how to cater for the diverse components of the state was within that understanding. The state’s reach grew considerably in the half century after his death affecting the meaning and impact of his watchwords. Modern Diceyians might rail against the interventionist state but need to consider how, indeed whether it is possible to, accommodate these within the welfare state. Socialists resolved this in favour of centralisation in a very British way in the United Kingdom. Gordon Brown, as a socialist and historian of socialism, noted the issues involved in an appendix to his doctoral thesis when he wrote,

No theorist attempted in sufficient depth to reconcile the conflicting aspirations for home rule and a British socialist advance. In particular, no one was able to show how capturing power in Britain and legislating for minimum levels of welfare, for example, could be combined with a policy of devolution for Scotland.’ (Brown 1981: 523)

A remarkably similar observation was made about the operation of Stormont in first two decades, which would apply with even more force in its later period: ‘What is certain, however, is that devolved government in Northern Ireland proved incapable of reconciling regional development with the essential unity of the United Kingdom.’ (Buckland 1979: 279) In a paper written for members of the UK cabinet committee on devolution in 1968, officials at the Home Office writing about the constitution of Northern Ireland maintained,

The conclusion seems inescapable that a financially autonomous regional government can only be truly independent if services in the region reflect the resources of the region, even if this means that they differ from those in other regions; complete domestic autonomy may not be compatible with parity of public services and social benefits throughout the Kingdom. (PRO T333/184)

For socialists and social democrats in Britain, Dicey's notion of 'equality of political rights' was merely extended into new fields. T.H. Marshall's conception of citizenship (Marshall 1950) involved the evolution of rights from civil through political to incorporate social rights. The equality of civil and political rights should also be found in social rights. Of course, equality of civil and political rights never existed. Leaving aside the criticisms that could be levelled against such a claim from a social class or feminist perspective, there was the added dimension that is the concern of this paper. Civil rights and indeed political rights differed in the component parts of the UK. As well as significant differences amongst the public individually across the state, there were some territorial differences. Prior to 1832, the electoral system was not intended to be uniform and even after reform uniformity was not brought about (Hanham 1969: 256). There was, for example, different – and much more poorly drafted – legislation in the first major extensions of the franchise for Scotland (Ferguson 1966). The first UK-wide electoral reforms took place between 1883 and 1885 (Hanham 1969: 259) but the issue of the representation of the constituent nations in the House of Commons has never been implemented uniformly. Provisions of the Scotland Act, 1999 allow for the uniform application of rules for Parliamentary representation between Scotland and England. Even leaving aside the different rights accorded to communities in Northern Ireland, the theory of equal political rights was a late nineteenth century one which had some significant holes in it.

That was even more so the case with social rights. However, these appear to have been more predictable and explicable. Broadly, redistributive policies – those with a direct application and focus on individuals such as taxation, social security, pensions – have generally been uniformly applied. Other policies, including the spending programmes of government departments, were not. Historic institutionalist<sup>4</sup> explanations of the latter are required taking account of the great variety of local experiences of the formative stages of public policies over areas as diverse as education, public health, housing, and roads and transport. Path dependency<sup>5</sup> is a useful concept in the development of the different patterns of public spending within the United Kingdom. As the state's reach grew, this did not lead to uniformity in practice. Historic differences continued, and continue, to exert an influence on the development of spending policies.

The theory of the territorial constitution that has informed developments throughout the twentieth century includes the myth of the sovereign Parliament at the centre and political equality but also includes support for diverse institutions. The growth in the state's reach in society and the economy created imbalances that were partly resolved in favour of centralisation. Stormont came into existence for peculiarly local reasons but within these traditions. The problems associated with Stormont's establishment and early development have been well established (Buckland 1979; Mansergh 1991). Apart from the obvious, associated with its lack of legitimacy amongst the minority population, there were constitutional and administrative matters that needed to be resolved. Sir Ernest Clark's 'swift and highly efficient formation of Northern Ireland' (Follis 1995: 6) suggests that the devolved arrangements were a bureaucratic construct. Much more significant was the constitutional thinking that informed its establishment and development. Mansergh includes a chapter on the 'influence of political theory' behind the demand for devolution (1936: 27-40) which offers a fascinating statement on political theory and devolution in the inter-war period but, as he concedes in his conclusion, of the 'two quite distinct motives' behind devolution – constitutional and political – the latter was 'obviously predominant' (Ibid.: 307). It was less the influence of constitutional thinking associated with decentralisation and devolution that influenced the nature of devolved government for Northern Ireland so much as Dicey.

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<sup>4</sup> The 'basic, deceptively simple' idea of historic institutionalism is that 'policy choices made when an institution is being formed, or when a policy is initiated, will have a continuing and largely determinate influence over the policy far into the future' (Peters 1999 : 63).

<sup>5</sup> My preferred definition is that offered by Margaret Levi: 'Perhaps the better metaphor is a tree, rather than a path. From the same trunk, there are many different branches and smaller branches. Although it is possible to turn around or to clamber from one to the other – and essential if the chosen branch dies – the branch on which a climber begins is the one she tends to follow.' (Levi 1997: 28)

## Intergovernmentalist perspective

Old institutionalist approaches are related to the constitutionalist approach to the study of politics.

Amongst these have been some described as the ‘Westminster model of government’<sup>6</sup> (Richards and Smith 2002: 47-49). Underpinned by the principle of Parliamentary sovereignty (Ibid.: 47), the Westminster model has its origins in a belief in the importance of formal institutions. This is classic old institutionalism.<sup>7</sup> There is, however, a marked tendency to treat political institutions as ‘independent factors’ (March and Olsen 1989: 3). Peters (1999: 6-11) identified a number of characteristics of old institutionalism: legalism, structuralism, holism, historicism, and normative analysis. Institutions tend to have been seen as ‘unitary actors’ and relations between institutions viewed in principal-agent terms (DiMaggio and Powell (1991) in Allison and Zelikov 155-6).

It would be wrong to suggest that amongst this writing that no effort is made to incorporate wider societal factors but simply that these are, for the most part, treated as separate. Equally, as Peters, notes, it would be wrong to ignore the strengths of old institutionalism (Peters 1999: 11). The tendency to ignore these carries with it many dangers. Not least, these have been singularly important in informing understandings of Stormont-London relations on the part of key actors in the past. In other words, apart from the conceptual lens that such approaches offer to students of politics, they informed and shaped public policy formulation.

A number of works can be identified that approach Stormont-London relations either within broader debates on constitutional politics and law such as Keir (1947: 576); Chalmers and Asquith (1930: 524). The aforementioned works are particularly relevant because they were cited in correspondence on the role of the centre in Stormont affairs in the 1948 (see below). Calvert’s work (1968), quoted above, might easily fall into this category though the quote above addresses itself to community conflict. The discussion of the powers of Stormont focuses on the distinction between excepted, retained and devolved powers drawn from the Government of Ireland Act, 1920. The other aspect that is commonly focused upon is Section 75 of the Government of Ireland Act which preserves the ‘supreme authority of the Parliament of the United Kingdom...over all persons, matters, and things in [Northern] Ireland’.

James Callaghan’s comments quoted above on his role as Home Secretary can be compared to an earlier incident at the start of the period under consideration. Conventions on what could and could not be raised in Westminster developed. Questions were raised in Westminster after Herbert Morrison, Lord President of the Council, had informed Geoffrey Bing MP that Bing was wrong to describe Stormont as ‘subordinate’ (Morrison 1948). As a former Home Secretary, and one who had and would again expressed himself forcefully on Northern Ireland matters, it is significant that he should have got this wrong. A letter drafted by a civil servant was sent from Morrison to Bing stated:

Suggestions have from time to time been made to the Home Office that it is open to the Government or Parliament of the United Kingdom to overrule the Government or Parliament of Northern Ireland in respect of some matter which the Government of Ireland Act has placed within the jurisdiction of the government and Parliament of Northern Ireland. Such a suggestion, for example, was made in 1946 about the Act of the NI Parliament relating to local government elections in Northern Ireland. The reply of the Home Office to such suggestions has always been to the effect that while there is power in the United Kingdom Parliament to revoke or amend the Government of Ireland Act, this does not mean

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<sup>6</sup> ‘The Westminster model has dominated studies of British government throughout the twentieth century, and is essentially an organizing perspective which defines an area to be studied. Here, the British state is seen to be unitary in character – by which it is meant that all domestic sovereignty (power) is formally concentrated in the Westminster Parliament. This is underpinned by the principle of parliamentary sovereignty. Constitutionally, this principle allows for the overturning of any law by a majority in Parliament. So, from this perspective, state power can be seen to be clearly located at the centre.’ (Richards and Smith 2002: 47)

<sup>7</sup> ‘Historically, political scientists and political philosopher have tended to treat political institutions, particularly the state, as independent factors, important to the ordering and understanding of collective life (Heller, 1933).’ (March and Olsen 1989: 3). Traditionally political science attributed a high degree of importance to the role of political institutions. Political institutions, especially state structures, were portrayed as independent actors which helped to explain the ordering of collective activities. These institutions were traditionally seen as helping to order, modify and determine the motives of individuals while also acting autonomously to satisfy institutional needs (March & Olsen, 1984: 735). Political behaviour was seen to be embedded within an ‘institutional structure of rules, norms, expectations and traditions that severely limited the free play of individual will and calculation’ (March & Olsen, 1984: 736). Political decision-making was seen as being largely about developing ‘a sense of purpose, direction, identity and belonging’ (March & Olsen, 1984: 738).

that it is open to the United Kingdom Government or the United Kingdom Parliament to intervene whenever the Government or Parliament of Northern Ireland in the exercise of the powers conferred on them does something which the United Kingdom Government or United Kingdom Parliament would not have done had they been responsible. (PRO HO 45/22028)

This ambiguous statement sums up London's approach well. A memorandum written by Home Office officials in 1968 on Northern Ireland's constitution aiming to inform debates on Scottish and Welsh devolution, expresses the position with regard to section 75 clearly:

... it has been accepted that the purpose of Section 75 was to preserve the power of the United Kingdom Parliament to terminate or change the constitution of Northern Ireland; successive Governments have taken the view that, so long as Northern Ireland retains its present constitution, it would be wrong for the United Kingdom Government and Parliament to interfere in matters for which responsibility has been delegated to the Northern Ireland Government and Parliament. It should be noted that Section 75 preserves the supreme authority of the Parliament, not the Government, of the United Kingdom, and the United Kingdom could not interfere in transferred matters without legislation passed by virtue of that Section.' (PRO T330/184)

There are a number of striking statements in this statement. First, it is defensive, particularly the last section where the distinction between the UK Parliament and Government is stressed while to all intents and purposes that distinction was blurred. Second, Section 75 is taken to mean that the UK Parliament has only the limited power to use the 'nuclear option' i.e. it could not engage in anything other than a fundamental intervention. Going nuclear would have resulted in a political crisis that was to be avoided. Third, devolution is implicitly viewed as involving considerable clarity in the definition of the powers of the different levels of government. Finally, the practice of devolution, apart from possibly invoking the 'nuclear option', is that of a separation of powers with discrete levels.

In any system of inter-governmental relations, machinery is established to facilitate the functioning of devolved government. Devolution today has seen the establishment of concordats, memoranda of agreement, and joint ministerial committees. The equivalents for Stormont included the Governorship of Northern Ireland, the Joint Exchequer Board as well retaining MPs at Westminster. The Governor and Joint Ministerial Board appear more often to have been part of the 'dignified' than the 'effective' parts of the constitution (Bagehot [1867] 1981: 61). Much excitement and ritual was generated when the Governor was appointed and re-appointed (PRO HO 45/20942; PRONI CAB/9T/3/1). Concern regarding the Duke of Abercorn's age (76) in 1941 led to an exchange of correspondence which included a memorandum written by a Home Office official insisting that the Governorship was 'not only formal':

They are often spectacular as when, on the sudden death of Lord Craigavon, it fell to the Governor to call for Mr Andrews before he had been elected leader of the party, but in many ways he can play, and does, a useful part behind the scenes.

Further it is very desirable that there should be someone in Northern Ireland with a broad outlook in whose house persons of different views in Northern Ireland can meet each other and persons from this country as it were on neutral ground. A non-resident Governor would have to confine himself to giving formal entertainments, at which informal discussion would be practically impossible. The importance of the social functions of the Governor have no doubt been somewhat obscured by the fact that the Duke and Duchess of Abercorn have not in the last few years been in very good health and have not been able to see very much of people. Even as things are their influence is by no means negligible, due to the fact that they are universally loved and respected.

It is also of course of great value to Whitehall that there should be someone well informed but detached from local politics with whom matters can on occasion be discussed. This aspect also has not been so prominent in the last few years, but at one time it was of considerable importance and is pretty sure to be again. (PRO HO 45/20942a).

In earlier correspondence, the role of the Governor had been discussed against the backdrop of a change in monarch. It was a typical example of the constitutional minutia associate with the dignified aspects of the constitution but did provide interesting observations on the role of the Governor. An official from his office, observed that the Governor was,

... amply safeguarded as he can at any time take the views of His Majesty, through the Secretary of State, thus throwing the onus for any action upon the Crown. There is a further point, namely, that in matters of such "high politics" as this, the procedure is frequently governed by precedent and common-sense, as in the British constitution the higher one gets in these questions the more definite it becomes that the resultant action is not governed by any written order or law but rather by the good of the people as a whole. I think this correspondence has been most fruitful and can now be filed in our various Departments for use in the future. (PRONI CAB/9T/3/1a)

The issuing of Letters Patent defining the powers and position of the Governor when Abercorn was appointed and subsequent papers on re-appointments and new appointments demonstrate the vagueness of the post but also the ability to provide the Governor with extensive powers if necessary. As Quekett noted in his 1928 study, 'It will be noticed that the powers are described in general terms' (Quekett 1928: 35 n.1) but ultimately, as the Governor was the centre's presence in Northern Ireland, this provision can be seen as an extension of Section 75 of the 1920 Act. To all intents and purposes, the Governor was a symbolic presence but, theoretically, had extensive powers on the authority of the centre. As the representative of the 'Crown', the Governor's role was constitutionally limited.

The Joint Exchequer Board also operated somewhere in the no-man's land between the dignified and efficient parts of the constitution. It had three members, one appointed each by the Treasury and the Ministry of Finance plus a chairman 'appointed by the Crown'. The legislation gave it responsibility for settling financial matters between the Treasury and the [initially Southern and] Northern Ireland Governments (section 32 of 1920 Act). It never published any reports nor did it meet regularly. Indeed, for significant periods of its history it did not meet at all. According to Lawrence it acted as a 'buffer between London and Belfast' (Lawrence 1965: 171) but this was rarely the case after 1945.

The Northern Ireland representative at the first meeting of the Board raised three issues: when the Board could consider the fairness of Northern Ireland's contribution; the basis of the contribution; and whether police charges should be deemed to be military expenses. The Treasury representative refused to accept these points and the Northern Ireland representative had to back down (Follis 1995: 119-120). This set the tone of future relations between the Treasury and the Ministry of Finance and the limitations of the Joint Exchequer Board's scope of activity. In the early years, the financial difficulties afflicting devolution ensured that relations between London and Belfast were tense but bilateral negotiations between unequals appears a more accurate description of relations than one suggesting the JEB adjudicated as a powerful intermediary body. Not least, the Board was a small body without the resources to intervene effectively as was evident with the appointment of the Colwyn Committee in 1923. It was Colwyn's principles – the imperial contribution should be the surplus of revenue over necessary expenditure and *per capita* expenditure should increase *pari passu* with that in Britain – that determined public finances down to 1932 when the figures pointed to a negative contribution (Lawrence 1965: 54-55). Notably, this was not dealt with by the Joint Exchequer Board. At crucial periods when arbitration was necessary, the Board had no input.

Lawrence maintained that the Board was 'more active' after the war than before it (Lawrence 1965: 93) and quoted a letter to the *Economist* of 1956 from Sir J.M. Erskine (appointed Governor of Northern Ireland in 1964), stating that the board met when necessary and agreed the imperial contribution 'not only in theory but in practice' (*Economist* 13 October 1956 in Lawrence 1965: 93 n.1). But, the evidence suggests that after 1945, developments in the welfare state combined with the principle of parity limited the scope of the Joint Exchequer Board further. Decisions were taken bilaterally between London and Belfast with the JEB rubber-stamping these.

The advent of the welfare state strengthened the position of the Treasury (see below). Matters would be submitted to the Board after negotiations between the Treasury and the Ministry of Finance. The Board had assumed a legitimising role. In a briefing note written by a Treasury official in 1952 for Treasury colleagues, the system was set out. Northern Ireland was credited with proceeds of taxes and a share of 'reserved' taxes decided by the Treasury and from this was subtracted its expenditure with the balance turned over to the UK Exchequer as an 'imperial contribution for national debt, defence etc. In order to prevent taxes in Northern Ireland being reduced at the expense of the Imperial contribution or of social services in Northern Ireland, there was an understanding that parity would be preserved with respect to taxation and expenditure. Dispute resolution machinery was unnecessary:

If there were a dispute, it would go before the "Joint Exchequer Board" – a body consisting of an official from Treasury, an official from N. Ireland Ministry of Finance, and an aged Scottish Judge (Lord Alness<sup>8</sup>, who lives in Bournemouth).

But it is unthinkable that there should be a dispute of this sort. Against this background, and by way of introduction, it may be said that Major Sinclair's two proposals are a tiresome nuisance but cannot be automatically thrown out as being against the principle of parity. (PRO T 233/1475)

The Board does not appear to have been a particularly significant body.

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<sup>8</sup> Alness, as Robert Munro, had in fact been Scottish Secretary, 1916-1922.

There were, however, concerns at the centre with the lack of formal mechanisms for liaison between London and Belfast. In 1962, Henry Brooke (father of Peter Brooke), the Home Secretary wanted to be more informed of visits to London by Stormont Ministers after a visit by Terence O'Neill in December. The review of practice arose in large part because Brooke was a new Home Secretary and had questioned whether his department fulfilled its Northern Ireland responsibilities effectively. Brooke had been Minister of Housing and Local Government and Minister for Welsh Affairs between 1957 and 1961. Territorial politics was at the forefront of politics as rarely before around this time and Brooke showed greater sensitivity to such matters.

A Home Office official noted that there was 'no comprehensive record that we have been able to lay hands on, of the visits' and that this could only be supplied by approaching private secretaries involved (PRONI CAB/9S/47/1a). Ministers informed the Home Secretary when they visited Northern Ireland but the traffic tended to be more frequent the other way. Various suggestions were made including more frequent visits to Northern Ireland by Home Office Ministers, the appointment of Stormont liaison officers to other departments and not just the Home Office, and that 'some Standing Committee of United Kingdom and Northern Ireland Ministers' be formally appointed. The Home Office view was that more informal meetings would help (PRONI CAB/9S/47/1b). Brooke had himself initially favoured more formal machinery for regular meetings between UK and Northern Ireland Ministers (PRONI CAB/9S/47/1c). One important development was the secondment of staff to Whitehall. Kenneth Bloomfield, for example, was set to spend a period at the Home Office to acquire knowledge and experience of Whitehall and to study the issue of liaison (Ibid.).

The implicit assumption from the intergovernmentalist perspective is a notion of devolution operating as a 'layered cake' rather than a 'marble cake', to borrow Grodzins (1966). The metaphor of the federal marble cake captures the notion that governmental layers are more blended could equally apply to non-federal systems (see Stewart 1982 for a discussion of this metaphor in the context of federalism). There are two distinct, almost discrete layers of government that meet almost as two separate states might. The notion that the two layers form part of a system of government continuously interacting was beginning to be recognised towards the end of Stormont's time. Institutional arrangements to formalise, legitimise and facilitate the necessary intergovernmental relations of an advanced welfare state had simply not been catered for at the outset, nor were they allowed to develop even though there were periodic calls for such.

### **Community conflict perspectives**

The notion that three 'solitudes' centred around Belfast, Dublin and London were created out of the Government of Ireland Act 1920 and the Anglo-Irish Treaty of 1921 with a malign impact on the politics of Ireland (Arthur 2000: 1) is difficult to refute. Loughlin refers to the 're-establishment' of Stormont-Westminster relations after the 1969 Downing Street Declaration (Loughlin 98: 48). The notion that Northern Ireland's political culture became entrenched and distinct from the rest of the UK as a consequence of devolution was one theme in Wallace's 1967 criticism of devolution. Stormont's existence 'concentrated local politics on a constitutional issue which might have diminished in significance, perhaps almost disappeared, had its only Parliamentary context been the British Parliament.' (Wallace 1967: 175-176) Part of the explanation for this entrenchment, according to Wallace, was the impact of devolution on the quality and quantity of politics. The reduction in the number of MPs at Westminster combined with the existence of Stormont had a number of effects. Aspiring politicians would be more inclined to seek a career in Belfast. Ministerial office was on offer in Belfast, not London and the range of relevant constituency matters in London was greatly diminished compared with fellow MPs. Even had they been interested, the few Westminster seats provided the British parties with little incentive to take much interest in Northern Ireland, especially with the operation of the 'cube law' from 1931 to 1970.<sup>9</sup>

Jim Callaghan's comments in his 1973 book on Northern Ireland are amongst the most frequently quoted on the subject of London's involvement with Stormont (see for example Birrell and Murie 1980: 11; Wichert 1991: 142; Rose 1996: 97). Callaghan begins the book by recounting that the first despatch box.

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<sup>9</sup> If votes are in ratio A: B, then seats will divide A<sup>3</sup>: B<sup>3</sup>. This ensured that small swings in the vote produced more dramatic seat changes. A small number of seats did not matter very much. 'The "cube law" implied that, in an evenly balanced two-party situation, about 18 seats should change hands for every 1 per cent swing between the parties, making a difference of 36 to the parliamentary majority.' (Butler 1989: 50)

It contained 'not a word about Northern Ireland, although it was the concern of the Home Office' (Callaghan 1973: 1). Much has been made of this anecdote, less attention has tended to be paid to Callaghan's observation that he was not surprised as the subject rarely came before the Cabinet and Northern Ireland's concerns had 'fallen into a settled routine at the Home Office itself' (Ibid.).

Many scholars have written about the conventions regarding what could be raised at Westminster and the manner in which London turned a blind eye to Northern Ireland's politics. The main focus has been on the role that Westminster rather than Whitehall played. Calvert, for example, devotes a chapter to the subject and refers to the practices that developed which, quoting a Northern Ireland Minister in 1967, were not 'laws' but 'something more than a convention' (Calvert 1968: 87). The correct view, he maintained, is that 'Westminster would be justified if it could be established that the organs of government in Northern Ireland were pursuing a course calculated to interfere with religious equality. Such a course would be unconstitutional and would lay the foundation for action by Westminster. One or two isolated interferences with religious liberty, however, would be inadequate to establish this basis.' (Calvert 1968: 92)

The idea of an 'Orange state' (Farrell 1976) has been extensively explored with evidence of discrimination. It was also later the subject of official enquiry (Cameron 1969). Buckland has three chapters on discrimination: justice, representation and education (Buckland 1979: 206-265). Whyte remarked that discussion of the allegations of discrimination was 'almost the only area of Northern Ireland society and politics which had been at all extensively explored' (Whyte 1991: 165). His review of the existing literature concludes that if a consensus exists in the literature then 'it is that the picture is not black, nor white, but grey' (ibid.: 168). However, that ultimately depends on the yardstick used. That which seems most appropriate in the context of UK territorial politics is Dicey, as discussed above. Dicey opposed home rule on the grounds that equality of political rights would be undermined. Inequalities, he believed, would arise between the devolved territory and the rest of the state. In the case of Stormont, the challenge to this principle occurred between groups of people within a devolved territory. The irony, of course, is that Dicey had been a staunch supporter of the Unionist community in Northern Ireland.

The relevant question for this paper is the extent to which the centre intervened especially given sections 5 (anti-discrimination provisions) and 75 (sovereignty of Parliament) of the Government of Ireland Act, 1920. The one occasion when the centre to intervene had been the 1922 Local Government Bill. The brinkmanship resulted in the centre climbing down as intervention would have involved 'going nuclear'. Buckland's charge that the 1923 Education Act and abolition of proportional representation 'illustrate not only the myopia of government in Northern Ireland but also the imperial government's unwillingness or inability to correct this myopia' (Buckland 1979: 266) sounds a harsh judgement given the dangers of a political crisis. The problem was that under UK-style devolution, intervention of the kind necessary to protect equal political rights, and indeed social rights later, could only occur through a direct conflict between central and regional government. The absence of a neutral political authority, such as a constitutional court, meant that conflict would take forms that might have been avoided. Conflict was bound to be viewed as a political power-struggle rather than a debate on the constitutionality of action. The absence of agreement on what is a constitutional as distinct from a political dispute arises. Escalation was more likely and entrenched positions difficult to avoid. The political centre would have been unable to protect itself through an intermediary accepted to both sides with the result that intervention became politically costly and dangerous. The core executive's role 'as final arbiters of conflict between different parts of the government machine' (Rhodes 1995: 12) might be fulfilled relatively easily in Whitehall, behind closed doors and where the executive consisted of the same party and the same government. However, devolution created a quite different situation and the centre both had a function as 'final arbiter' but also a player in any conflict.

This is not to suggest that a constitutional court or other intergovernmental machinery would have been effective. However, what is striking about the system of government was the limited nature and limited use made of intergovernmental institutions. Instead, conforming with support for unity of government and Parliamentary sovereignty, relations between the centre and devolved government, as evidenced in the cases of community conflict that arose were, ironically, to denude the centre of its authority. There was little appreciation of the need for formal intergovernmental bodies or extra-territorial arbitration or judicial institutions.

Of the various perspectives, the community conflict perspective appears more clear cut than any other. While debate may exist as to whether London could have or should have done more, the consensus appears to be that London had, in important respects, simply seceded from Northern Ireland. The discourse of

British politics had been conducted against notions of uniformity of provision, equality of political and other rights. Home rule had, as has frequently been noted, been given where it had been most opposed. The most significant aspect of Northern Ireland from the perspective of the Diceyan watchwords is that while it conformed with Dicey's desire for diverse institutions it also operated in a peculiar way to allow for unity of government (see policy output section below) but dramatically undermined the equality of political rights principle but not at all in the way that Dicey had feared most. The inequalities in political rights were certainly a consequence of devolution but arose not between Northern Ireland and the rest of the UK but within Northern Ireland. London's way of handling the situation appears to have been a form of secession to allow the myth of equality of rights to be upheld. Charles Taylor's closing remarks in *Reconciling the Solitudes*, his study of Canadian federalism and nationalism, are apposite, 'We are too fluent in the language of universal principles and exclusion, and can only stammer the speech of deep diversity.' (Taylor 1993: 200). That may have been part of the Diceyan legacy bequeathed to Canada but also in Northern Ireland.

### **Policy-making perspectives**

A very different view of Stormont-London relations emerges from a policy-making or, to adopt Allisonian style, bureaucratic politics, perspective. Scholars who have studied Stormont's finances and public policies identify the close contact between the centre and Stormont (Lawrence 1965). Civil servants who have written memoirs also offer important observations on this interaction (Oliver 1978; Bloomfield 1994). This should not surprise us given the nature of devolution. From the outset, the intention of Unionist Governments was to shadow the centre in policy terms. As Quekett noted in 1928,

The declared ideal of the party at present in the majority is the close union of Northern Ireland with Great Britain, and this ideal constantly inspires the legislative projects and administrative energies of the Government. The economic and industrial forces, moreover, which act upon Northern Ireland, show no signs of setting in a contrary direction. It is true that in many cases, where limited powers of self-government have been granted within the British Empire, there has arisen a demand for greater independence in relation to the Mother Country. But for Northern Ireland as an entity no such demand has seriously been made. The grant of a separate legislature and executive has led rather to uniformity, as between Northern Ireland and Great Britain, in respect of laws and social standards. (Quekett 1928: 71).

This necessitated close contact with the centre. Apart from anything else, Stormont required to know what policies were being planned, introduced and implemented by the centre. As the state's reach into society and the economy developed, contact necessarily became more necessary and more intense. That is not to suggest that uniformity of policy making and implementation occurred. Nonetheless, in order to take account of local factors, a detailed knowledge of what London proposed was essential so that any implications for Northern Ireland which would not have been accounted for by the centre could be factored into implementation in Northern Ireland.

Sir Frank Newsam's book on the Home Office, the department he headed as Permanent Secretary, in the New Whitehall Series of studies of government departments, offers an old institutionalist perspective. Newsam's book on the Home Office had eighteen chapters with one entitled 'Northern Ireland, the Channel Islands and the Isle of Man'. The section on Northern Ireland took up just over three pages. The Channel Islands and the Isle of Man combined took up five pages. The message conveyed in the New Whitehall Series, as indeed in the Whitehall Series which had preceded it before the war, was that Northern Ireland was a place apart. Newsam's three pages on Northern Ireland consisted of a brief, formal institutional and policy overview and a list of the Home Secretary's four functions concluding with a paragraph that begins to offer something more than a formal account:

Personal contacts which have been established between Home Office officials and their Northern Ireland colleagues have led to mutual understanding and goodwill in the handling of thorny problems, despite occasional differences of opinion. The Northern Ireland Government have attached to the Home Office a responsible member of their Civil Service, so that close liaison may be maintained both with the Home Office and with other Departments of the United Kingdom Government. The Home Office has found this arrangement most helpful. (Newsam 1954: 170)

In fairness, this formality runs throughout the book and indeed the New Whitehall Series. However, this concluding paragraph offers a tantalising idea of the kind of relations that were a feature of bureaucratic politics.

The continuously evolving financial relations along with the 'step-by-step' policy, parity, leeway and the various agreements associated with social services add up to complex intergovernmentalism. In 1955, Newark listed the 'more important English Acts of the past twenty-five years' and noted that these had been 'immediately or shortly followed by parallel Northern Ireland legislation' (Newark 1955: 52 n.1). The key term here is 'parallel' as the legislation passed by Stormont was not entirely a replication of Westminster legislation. This required considerable discussions with the centre. Parity was not as straightforward as simply introducing the same legislation and discussions were often strained in the normal manner of such relations.

In 1948, Stormont introduced a Health Services Bill paralleling the 1946 National Health Services Act. In correspondence with the Ministry of Finance, Belfast, a Treasury official wanted to know of 'any departure from the principle of parity of services and expenditure' and suggested consultation between the appropriate Ministries as there had been 'little or no contact between our Ministry of Health and the Ministry here' (PRO T233/170a). The reply from the Finance Ministry official in Belfast expressed surprise at the impression of lack of contact and he quoted the Health Ministry official chiefly concerned,

There has been frequent close and useful contact between our Ministry and the Ministry of Health in London on the subject of the new Health Service. After a special introduction as the officer directly concerned, I paid four visits to the Ministry in London and discussed many aspects of their legislation and our proposed Bill with a number of Senior Officers. In addition Elwood paid several visits when in London and discussed many of the relevant problems. Our Minister, accompanied by Elwood, had a conference with the Parliamentary Secretary who was deputising for Mr Bevan with whom the appointment had been made. These are all in addition to constant correspondence and other incidental contacts. As a result we are fully satisfied and feel that the Ministry of Health have co-operated exceedingly well in keeping us informed and in assisting us with our scheme as with all aspects of the Health Services. Indeed the relations have been most cordial and we have formed many friendships. (PRO T233/170b)

Parity and leeway were central to discussions and highlight an enduring feature of the policy of shadowing the centre in its policy-making. There were differences in approach due to historic developments. The position of endowments for voluntary hospitals, for example, differed and there was also a major difference in the provision of hospital accommodation with Northern Ireland starting from a lower base line. The policy of leeway meant that account would be taken when Northern Ireland's historic provision of services lagged behind Britain. Leeway was the policy of allowing Northern Ireland to 'catch up'. This inevitably allowed scope for negotiation and also, equally inevitably, inter-governmental skirmishes as happened over endowments for voluntary hospitals.

Another example of quite typical intergovernmental politics in operation occurred over the issue of rises in prescription charges. In 1956 and again in 1961, for example, announcements were prepared at the centre to increase charges. Conforming with the policy of parity, Belfast was informed in advance but on each occasion the introduction of the increase was delayed by a month as a result of the formal procedures that Stormont operated. Each chamber at Stormont had to pass affirmative resolutions after a statutory requirement to consult chemists (CAB T233/2202). The consultation exercise must have been a sham but was a necessary part of the process.

In these areas of public policy, a broad sense of parity was possible. This was more difficult in other areas of state intervention, notably economic policy. Bloomfield recounts his experience in accompanying the Finance Minister to London at budget times,

I would also accompany O'Neill to the Treasury on budget day, and share with him the privilege of learning in advance the main outline of the Budget proposals. It was a very odd experience to sit that afternoon in the Gallery, knowing as very few did what was to come. (Bloomfield 1994: 29)

However, at times when important market sensitive announcements were made at the centre, Stormont would find itself in the dark. Against a background of serious balance of payments problems, the Chancellor announced increases in the Public Works Loan Board's interest rates and therefore on local government in 1952. Stormont officials only found out when listening to a BBC news bulletin and the Minister only found out by a chance conversation with an official. The senior official at the Finance Ministry wrote to opposite number at the Treasury complaining about this and earlier lapses in communication. It was claimed that the 'long-standing arrangement between the Treasury and this Ministry under which notification was given him [the Finance Minister] of changes in economic policy or administration details' had been breached (PRO T233/808a). A similar problem had arisen when the Chancellor announced changes regarding hire purchase in January 1952. The announcement at Westminster applied to the whole of the United Kingdom when Stormont had responsibility in Northern

Ireland. On that occasion, Stormont's objected to the centre's encroachment on its jurisdiction (Ibid.). A private note sent within the Treasury sums up Treasury attitudes well. It reports that 'Sir Wilfred Eady feels like apologising, but not too abjectly.' (PRO T233/808b). During subsequent correspondence, Scott in Belfast noted to Eady at the Treasury that 'it is not the blizzard but rather the sudden squall that rocks the political boat!' (PRO T233/808c).

Consultation between the Treasury and the Northern Ireland Government continued to be discussed. In 1953, the Treasury suggested that a senior official from Stormont should regularly visit London – every month or six weeks, to have informal talks in preference to more formal arrangements. Regular monthly meetings were established. Treasury preparation for these meetings included identifying matters that would be raised. The first of these meetings took place in September 1955. Matters that would be dealt with directly between the Treasury and Finance Ministry were not discussed but instead the focus was on general policy developments. The main items in the first meeting were the employment situation in Northern Ireland, action in the event of a recession and new techniques for the control of investment (PRO T233/808d).

Another feature of relations was that Stormont Ministries would operate as agents of Whitehall departments in certain circumstances. Information on the operation of Stormont submitted to the Royal Commission on Scottish Affairs (the Balfour commission) from different Ministries explains agency arrangements. The Ministry of Commerce in Belfast had rarely acted as agent for the Board of Trade before the war but during and after the war various kinds of functions were administered. It was noted that 'it is not always possible to draw a rigid dividing line between powers vested in the Northern Ireland Parliament and powers reserved to the Imperial Parliament' (PRONI CAB 9R/42/18).

The experience of devolution from a public policy perspective is fairly predictable in one respect but highly unusual in another. In terms of discussion, negotiations and interpenetration, relations between the centre and devolved area were as might be expected to exist except that these took place within the narrow confines of the principle of parity. Parity was, however, a complex idea especially when issues of leeway arose as so often. What emerges from this perspective is an impression of relations characterised by the marble cake rather than layered cake metaphor (Grodzins 1966). In many respects relations resembled another example of 'devolution' that existed at this time – the 'administrative devolution' of the Scottish Office - but this was a form of devolution that commentators on Northern Ireland would later describe as 'direct rule'. The Scottish Office operated within similar confines and though the term 'parity' did not arise in Scotland, a similar approach, taking account of historic differences and issues of leeway, was accepted at the centre.

The term 'administrative devolution' as applied to the Scottish Office was a fiction invented by a civil servant in the 1930s when it was necessary to sell proposed reforms in such terms at a time of heightened interest in Scottish home rule (Mitchell 2003 forthcoming). Administrative devolution was, in reality, a form of administrative deconcentration. Stormont operated along these lines in terms of policy making because of its unusual origins and as policy of successive Unionist governments. The counter-factual – what would have happened in policy terms without devolution – cannot be confidently predicted but the experience of Scotland and Wales with varying degrees of administrative deconcentration, the latter without an office of state until 1964 but with distinct administrative machinery for a number of areas of public policy, suggests that not a lot would have been different, except that discrimination would have been minimised.

Stormont was, as was the Scottish Office, a lobbying body arguing for more of the same, account of peculiar sensitivities and always on the look-out for opportunities to press its case. That, of course, only applies to aspects of public policy and, as discussed in the section on the community conflict perspective, Stormont did indeed cut out a much more distinct policy.

## **Conclusion**

Stormont was described as an 'experiment' in devolution, an 'experiment and not necessarily a pattern' (Newark 1955: 14, 15). But owing to its origins and the succession of governments it was a very peculiar form of devolution. It was an attempt to solve problems only indirectly related to devolution. As such, it was no surprise that it should have taken the form it did. According to Bulpitt, the period 1926-1961 was 'the United Kingdom's *Ancien Régime* and the distinguishing feature of this regime was that it operated as

a *Dual Polity*' (1983: 134). The degree of '*political* interpenetration between Centre and periphery was low...they had little to do with each other, relative, that is, to the situation in the past, the future and to other countries at the same time' (135). So long as 'political' is taken to mean amongst politicians and excludes civil servants, this observation has some accuracy when applied to Northern Ireland. Leaving aside issues of asymmetry and the absence of devolved institutions across the state, the notion that devolution is a form of federalism, or even nascent federalism, is difficult to justify when considering Northern Ireland. Wheare's observation on the Union of South Africa, mistakenly described as a federation, is worth repeating, 'The principle embodied in the Union is that of the subordination of the regional governments to the general government. Although the provinces are interfered with as little as possible, the powers of supervision are exercised when necessary, and the whole existence of the provinces depends on the good will of the Union Parliament.' (Wheare 1963: 30-31). That sums up Stormont reasonably well.

Fundamentally, devolved institutions in Northern Ireland were created but without other features of devolved or federal arrangements. Absent from the thinking was any consideration as to relations between the centre and the devolved territory. This was not surprising as devolution was not the prime motivation. However, partial devolution was what was on offer and it was to take the course it did in part because of the absence of other, necessary institutions and what Duchacek has described as a 'federal political culture' (Duchacek 1986: 82). Instead, attitudes towards devolution at the centre were informed by Dicey's watchwords. Parity was the abnegation of devolutionary thinking but compatible with Diceyan thinking. This thinking was also present in part in Northern Ireland but in one crucial respect, Stormont operated against Dicey's commands. Contrary to Dicey's fears that devolved areas would result in inequalities of political rights between territories, inequality of rights occurred within Northern Ireland.

Stormont's peculiarities do not end there. The metaphors that best sum it up shift between the marble and layered cake. From a community conflict perspective, the system of government often operated in sealed compartments that almost resemble the operation of separate states. From the perspective of other public policies it operated in classic marble cake fashion. Contacts between the centre and devolved government were frequent, extensive and detailed. That increased over time especially with the development of state intervention in the fields of economic and social policy. Parity became the means through which increased state intervention operated alongside a policy of centralisation under devolution. In the final analysis, the resolution of the conundrum presented at the outset – how to reconcile the literature which refers to the 'solitudes' and that discussing the deep and diverse relationship between London and Stormont – according to the metaphor suggested by a layered cake with discrete jurisdictional competences while for others more like a marble cake. Neither level of government emerges well.

## **Appendix 1: Stormont Cabinet meetings: intergovernmental issues**

### **CAB/4/701: 18 February 1947**

Item 6 Official Opening of the Ulster Office in London:

### **CAB/4/706: 20 March 1947**

Item 5: Summer Time

Item 6. Northern Ireland Bill:

Item 8: Difference between Northern Ireland and Great Britain Legislation:

### **CAB/4/769: 25 November 1948**

Item 3: The Prime Minister's Visit to Chequers:

### **CAB/4/840: 8 March 1951**

Item 3: BBC in Northern Ireland:

Item 5: Agent for Northern Ireland in Great Britain:

### **CAB/4/853: 7 September 1953**

Item 1: Visits of Imperial Ministers to N. Ireland:

Item 3: International Convention on Road Traffic:

### **CAB/4/859: 29 November 1951**

Item 1: Employment Policy:

Item 6: Liaison with Unionist Members of the Imperial Parliament:

### **CAB/4/869: 19 March 1952**

Item 1: Discussion with Imperial Ministers in London:

Item 6: Conditions for the Receipt of Family Allowances:

### **CAB/4/879: 7 August 1952.**

Item 1: Meeting with Ulster Unionist Members of the Imperial Parliament:

### **CAB/4/891: 17 December 1952.**

Item 2: Antibiotics – United Kingdom Bill:

Item 3: Remuneration for Men and Women for Work of Equal Value:

Item 6: Ministers and the Governor:

### **CAB/4/909: 13 May 1953.**

Item 7: Royal Commission on Scottish Affairs:

### **CAB/4/912: 24 July 1953**

Memo. By Secretary to Cabinet dated 21 July 1953: 'Supply of Information to the Ulster Unionist Party at Westminster'

### **CAB/4/926: 20 January 1954.**

Memo by R. Moore, Minister for Agriculture on the 'Financial and Constitutional Issues Arising Out of the Impending De-Control of Agricultural and memo. By Brian Maginess on same.

### **CAB/4/977: 8 July 1955**

PM said that Sir David Campbell, Chairman of Ulster Unionist Party at Westminster had transmitted the proposal that the Imperial Members should act in liaison with Northern Ireland Deputies as follows:

### **CAB/4/1019: 10 October 1956**

Item 3: Cabinet endorsed proposal of Minister of Health and Local Govt that an officer from her dept should attend, as part of British delegation, the third meeting of the Public Health Cttee of Western European Union to be held in Rome from 16-19 October.

### **CAB/4/1042: 12 June 1957**

Mr Simon's [Parliamentary Under-Secretary of State for the Home Department] visit NI during first week of July.

### **CAB/4/1051: 19 November 1957**

Item 1: PM's visit to London:

### **CAB/4/1057: 12 February 1958**

Item 2: Ulster Agent

### **CAB/4/1060: 5 March 1958:**

Item 1: PM's London visit

### **CAB/4/1061: 26 March 1958**

Item 10: Liaison with Ulster Members at Westminster

### **CAB/4/1103: 21 October 1959**

Item 7: Meeting with Ulster Members at Westminster

### **CAB/4/1105: 4 November 1959.**

Item 5: Meeting with Ulster MPs at Westminster

### **CAB/4/1111: 16 December 1959**

Item 1: Home Secretary's Visit, 11<sup>th</sup>-14<sup>th</sup> December 1959

**CAB/4/1128: 4 May 1960**

Item 5: PM's Visit to London

Item 7: Visit by Minister of Home Affairs to London, 29 April 1960

**CAB/4/1140: 5 October 1960**

Item 9: Discussions with Home Secretary about Unemployment

**CAB/4/1145: 16 November 1960**

Item 3: Private Member's Bill to be promoted by Col. Grosvenor at Westminster: Shipping Services

Item 4: Proposal by the Ulster Members to set up a 'special round-table conference' of Northern Ireland and UK Ministers

**CAB/4/1168: 26 July 1961**

Item 3: PM's Visit to Chequers

**CAB/4/1170: 10 August 1960**

Item 3: Effect on NI of Measures Announced by the Chancellor of the Exchequer on 25<sup>th</sup> July:

**CAB/4/1184: 18 January 1962**

Item 1: Constitutional Implications to NI of the Treaty of Rome

**CAB/4/1205: 17 October 1962**

Item 3: Meeting with Ulster Members, 26 Oct. 1962.

Item 4: London Talks on 15 Oct. 1962

**CAB/4/1206: 24 October 1962.**

Item 12: Visit by Scottish Unionist Members of Parliament

**CAB/4/1212: 5 December 1962**

Item 1: Cooperation and consultation between UK and NI Governments – Attitudes of Ulster Unionist Members at Westminster

**CAB/4/1215: 31 January 1963**

Item 7: Liaison with Ulster Members at Westminster

**CAB/4/1318: 28 October 1965**

Item 2: General Election campaign: relations with UK Government

**CAB/4/1337: 4 August 1966**

Item 1: Meeting of Prime Ministers

**CAB/4/1376: 22 November 1967**

Item 1: Inter-Exchequer Relations

*Source: Public Records Office Northern Ireland, Cabinet Conclusions (CAB/4/ )*

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