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How much discrimination was there under the unionist regime, 1921–68?¹

The question of how far the unionist regime discriminated against the minority was for many years a staple topic of debate about Northern Ireland. It was a major element in nationalist polemic (e.g. Harrison, 1939; Ultach, 1943; the publications of the All-party Anti-partition Conference in the '50s; Gallagher, 1957; the publications of the Campaign for Social Justice in the '60s). Resentment at discrimination fuelled the civil rights movement of the '60s, which proved the most effective anti-unionist movement to date. On the other side, unionist propagandists devoted a large share of their energies to rebutting nationalist accusations (e.g. Shearman, 1942 and 1948; Kerr, 1944; Wilson, 1955; Carson, 1956; Walmsley, 1959; UUP, 1969). The reports of Northern Ireland parliamentary debates are studded with charge and counter-charge about one or other aspect of discrimination.

Since the end of the '60s, however, interest in this topic has waned. One reason may be that the reform packages announced in 1968–69 took much of the steam out of previous complaints; another may be that controversy in Northern Ireland has moved on to new issues, such as violence and the measures used to control it. Yet as interest in the subject has declined, evidence on which to make an informed judgement about it has increased. In 1969 an official commission of enquiry (Cameron, 1969) consisting of an Ulster Protestant, an Ulster Catholic, and a Scottish judge as chairman, grasped a unique opportunity to hear and appraise evidence from both sides. In 1971 Dr Sydney Elliott completed an encyclopaedic thesis, much plundered by later writers, on the electoral system. In the same year Professor Richard Rose published an analysis of the first large-scale survey ever undertaken in Northern Ireland (carried out in 1968), which threw light on discrimination as well as many other issues. The census of 1971 – the first since 1911 to provide cross-tabulation by religion and occupation – has been exhaustively analysed by Auger (1975) and others, permitting inferences to be drawn about the preceding period. The reports of the Parliamentary Commissioner for Administration (1970–), of the Commissioner for Complaints (1970–), and of the Fair Employment Agency (1976–00) have thrown light on practices in the public and private sectors. Participants in public life, such as former Prime Ministers Terence O'Neill and Brian Faulkner, and senior civil servants John Oliver and Patrick Shea, have published their memoirs.

Meanwhile, the opening of government archives has enabled historians such as Bew, Patterson and Gibbon (1979) and Buckland (1979) to throw light on the inner workings of the regime, at least for its earlier decades.

The time seems ripe, then, for a reappraisal of the evidence about discrimination, and this paper is an attempt to provide it. In making it, the new material will be married with the best from the old literature, which despite its biased nature contained some careful research. In particular, extensive use will be made of Frank Gallagher's *The Indivisible Island* (1957), which is still the most comprehensive attack ever published on the unionist record, and is usually reliable on matters of fact, however debatable its interpretations. Another important work is D. P. Barritt and C. F. Carter's *The Northern Ireland Problem*, first published in 1962. When re-read twenty years later, this book seems unduly pro-unionist, taking pains to extenuate practices, such as the peculiar local government franchise, which have since been abandoned. But the authors at least attempted to be impartial, gathering evidence from both sides, and much of their research remains valuable.

To keep the paper within manageable limits, I have excluded three areas from discussion. First, I have not examined unionist counter-complaints against Catholics – for instance, over mixed marriages, or segregation in schools. Second, I have not gone into the motives for discrimination – how far, for instance, it was fomented by the unionist leadership for selfish political ends, or how far it was an understandable response to persistent disloyalty. Third, I am confining my attention to overt discrimination – i.e. the deliberate refusal of jobs, or houses, or votes, or other benefits to the minority, or the drawing up of rules for the allocation of these goods in such a way that the minority was likely to be disadvantaged. I shall not extend the meaning of discrimination to include structural inequality – i.e. factors such as concentration in poor occupations or remote geographical areas which put Catholics at a disadvantage, but which were not created by the unionist regime, and which (while not entirely beyond the reach of government policy) would have required a massive programme of reverse discrimination to counteract. Some may feel that by excluding structural inequality from my definition I am unduly limiting the discussion. Scholarly investigation of communal inequalities in Northern Ireland is now tending away from the study of overt discrimination, and towards the study of structural inequality (see, e.g., O'Dowd *et al.*, 1980, and the literature discussed below under the heading of 'private employment'). But by restricting the discussion to overt discrimination I am keeping to the terms of past controversy. It was overt discrimination which the unionists were accused of, and which they sought to deny. It is that controversy which new evidence now allows us to reassess.

I shall examine six areas of contention – electoral practices, public employment, private employment, public housing, regional policy, and policing – and shall close with a general assessment of the degree of discrimination.

1 Electoral practices

Three main allegations were made under this heading: that constituency boundaries for Northern Ireland parliamentary elections were gerrymandered; that the local government franchise was unfairly weighted in favour of the unionists; and that local government electoral boundaries were gerrymandered. Each will be discussed in turn. In a comprehensive examination it would also be necessary to discuss the franchise for parliamentary elections, since there were sporadic complaints about the provision of second votes for graduates of Queen's University and for owners of business premises; but this issue is rarely mentioned in the literature, and in any case was resolved by the Northern Ireland government when, off its own bat and in advance of the civil rights disturbances, it put through legislation abolishing these franchises in 1968.² I shall also omit elections to the Westminster parliament, because these took place under Westminster legislation and did not provoke charges of unfairness.

(a) *Gerrymandering of parliamentary constituencies.* The first two general elections to the Northern Ireland House of Commons, in 1921 and 1925, were held under proportional representation, the forty-eight non-university seats being distributed between nine constituencies, with between four and eight seats each. (There was also a constituency for Queen's University graduates, with four seats.) In 1929 the Northern Ireland government carried an Act abolishing PR, except for the university constituency, and establishing forty-eight single-member constituencies, whose boundaries were laid down in the legislation. This rearrangement was attacked, at the time and since, as being unfair to the minority (e.g. Harrison, 1938: 80–1; Gallagher, 1957: 255–63).

This topic has recently been re-examined by three academics – two geographers (Osborne, 1979; Pringle, 1980) and a historian (Buckland, 1979). They find some grounds for criticising the effect on nationalist representation. Osborne, whose treatment is the most comprehensive, examines three counties where complaints of gerrymandering were made. He concludes that they were unfounded in Antrim, but possible in Armagh and definite in Fermanagh, where the nationalist majority gained only one seat out of three (Osborne, 1979: 48–53).

These authors agree, however, that such complaints can be exaggerated. Osborne (*ibid.*: 53) states that 'it is hardly possible to call the 1929 redistribution a general exercise in gerrymandering'. Even under PR, nationalists of all hues had gained only twelve seats; under the new scheme they continued to gain eleven. Indeed, Buckland, who has had the advantage of going through the government files on the redistribution scheme, finds that the nationalists were not intended to lose at all. The parliamentary draftsman imagined that he had left them with twelve seats, losses of one seat each in Antrim and Armagh being compensated by a gain of two seats in Belfast (Buckland, 1979: 241). A weakness in his calculations led to them making only one gain in Belfast.

Osborne, Pringle and Buckland focus their criticisms, not on what the 1929 reapportionment did to nationalists, but on its other effects. The abolition of PR

generally weakens small parties, and the main losers in Northern Ireland were Labour, independent unionists, and other groups, who fell from eight seats in 1925 to four in 1929, although their share of the vote increased (Elliott, 1973: 89–90). The result was, in Buckland's words, 'to fossilise and stereotype attitudes and alliances in Northern Ireland' (1979: 226); or as Osborne puts it, the new constituencies 'coralled electors into neat areas of Nationalist or Unionist dominance', providing 'a structural prop to the communal divisions of Northern Ireland' (1979: 54–5). Uncontested elections became frequent, and, as Pringle shows (1980: 202), power within the unionist party shifted to a narrower and more affluent circle. In these ways, rather than by directly attacking the nationalists, the changes of 1929 harmed political life in Northern Ireland.³

(b) *The local government franchise.* In Northern Ireland the local government franchise was not fully democratic. A small number of property owners, amounting to about one and a half per cent of the electorate (White, 1969), had more than one vote. A much larger number of adults, amounting to over a quarter of the parliamentary electorate in 1961 (Elliott, 1971: 792), had no vote. This was because the local government franchise was, with some exceptions, limited to owners or tenants of a dwelling, and spouses of such owner or tenant. Thus several categories of adult, such as lodgers, or grown-up children still living in the parental home, were disfranchised. These peculiar franchises were not invented by the unionist regime: they were part of the general law of the United Kingdom as it stood in 1921. But whereas in Britain they were abolished in 1945, in Northern Ireland they were retained and even strengthened. Nationalists argued that they were retained so as to reduce the anti-unionist vote (Gallagher, 1957: 238; CSJ, 1969: 13).

In their more extreme forms these claims were palpably false. A recent critic of the nationalist literature (Hewitt, 1981: 365) has no difficulty in disproving claims that a *majority* of those disfranchised were Catholics. But there is some ground for supposing that Catholics were over-represented among the disfranchised – as their lower average position on the socio-economic scale would lead one to expect. Gallagher (1957: 227–8) cites figures to show that in Derry city nationalists comprised 61·6 per cent of parliamentary electors, but only 54·7 per cent of local government electors. A survey conducted in Belfast in 1967 showed that 51 per cent of local government electors identified with the unionist party, as against only 38 per cent of non-electors (Budge and O'Leary, 1973: 176) – though it is fair to say that the sample numbers were small, and that the authors themselves conclude that the bias revealed by their findings was 'so unsystematic as not to be the result of any concerted plan' (*ibid.*: 177).

On the whole, however, the nature of the local government franchise made only a slight difference to election results. Unionists held most local authorities by a majority so substantial that even if a change in the franchise cost them one or two seats, they would still retain control. An investigation by a *Belfast Telegraph* journalist (White, 1969) concluded that in only one local authority – Armagh Urban District – was unionist control so precarious that it could be overturned by

a simple change in the franchise. This point was conceded by nationalists. As one source put it (CSJ, 1969: 13), a change in the franchise would be useless 'unless each vote is of equal value, in other words if there is no gerrymander'. The biggest effect of the unionists' insistence on retaining archaic franchises was that they made their opponent a present of the superb slogan 'one man, one vote'.

(c) *Gerrymandering of local government electoral areas.* We come now to the principal complaint under the heading of 'electoral practices'. It is not denied that, even under the most favourable electoral system, nationalists could have controlled only a minority of local authorities in Northern Ireland. But the complaint is repeatedly made that the unionist regime gerrymandered the nationalists out of winning a large proportion even of those authorities which they could reasonably have hoped to control. In 1920 the British government had, as a safeguard to minorities north and south, introduced proportional representation for Irish local elections. But in 1922 the Northern Ireland government, as one of its earliest acts, abolished PR for local elections, and in 1923 it redrew the electoral boundaries in many areas. Following these changes, unionists made wholesale conquests of local authorities previously held by nationalists. Subsequent boundary changes won Omagh Urban District for the unionists in 1935, consolidated unionist control of Derry County Borough in 1936, and won Armagh Urban District for the unionists in 1946. The controversy revolves round the justice of the changes put through in 1922 and subsequently.

Here, as so often in Northern Ireland, truth has been obscured by exaggeration. Hewitt (1981: 363–5) shows that some of the more reckless charges of gerrymandering cannot be true. He also shows that even some of the more restrained complaints are vitiated by a failure to take account of the higher proportion of children in the Catholic population (*ibid.*: 365–7). In a number of areas a unionist council ruled over a population with a slight Catholic majority, and – if one assumes that a Catholic would never vote unionist, which in a border area was probably true – thus seemed *prima facie* to owe its control to gerrymandering. But when the proportion of adults of voting age is considered, some of these Catholic majorities disappear, and so the charge of gerrymandering becomes less plausible. Hewitt has even found two instances (Limavady and Ballycastle Rural Districts) where a nationalist council appears to have ruled an electoral majority of Protestants.

Another dubious yardstick sometimes used is to compare post-1922 election results with those obtained before the brief experiment with proportional representation in 1920. Several councils held by nationalists before 1920 were captured by unionists after 1922, as a result of the redrawing of electoral divisions. But unionists could reasonably claim that such redrawing was necessary. The pre-1920 boundaries derived from ones which had been drawn up for Poor Law guardian elections back in the 1840s, since when there had been sweeping population changes, producing huge anomalies in the size of electoral divisions (Walmsley, 1959: 10; Buckland, 1979: 239). Thus when nationalist writers (e.g. Gallagher, 1957: 240–1; All-party Anti-partition Conference, 1950b)

print maps comparing the pre-1920 and post-1922 boundaries, and take this as proof that the post-1922 arrangements were unfair, they make an unwarranted assumption. Maybe it was the pre-1920 situation that was unfair.

Another yardstick is available, however, which is less open to objection. This is to compare the electoral results obtained after 1922 with those obtained under PR in 1920. Even under PR there can be some discrepancy between the proportion of votes and the proportion of seats won by different parties, owing to the vagaries of electoral boundaries; but the discrepancy is much less than under the first-past-the-post system, and, since the 1920 boundaries were drawn up by the British administration, it is unlikely that they were stacked against the unionists. It would be unfair to compare the 1920 results with those immediately after 1922, because the nationalists boycotted many elections through the '20s, but even if we compare them with the results for the '30s and later, when nationalists were trying to win as many seats as the system would permit, the changes are startling enough. The following councils, which nationalists won under PR, were captured by unionists under the post-1922 electoral arrangements:

Londonderry County Borough	Tyrone County
Fermanagh County	Enniskillen Urban District ⁴
Cookstown Rural District	Dungannon Rural District
Lisnaskea Rural District	Magherafelt Rural District
Omagh Rural District	Strabane Rural District
Omagh Urban District (from 1935)	Armagh Urban District (from 1946)

In addition, Beleek Rural District was captured by amalgamating it with unionist-controlled Irvinestown Rural District; and Castlederg and Downpatrick Rural Districts, which divided fifty-fifty under PR, became safely unionist under the post-1922 arrangements. This gives a total of thirteen councils formerly under nationalist control, and two evenly divided, which the unionists won. The nationalists were left with the following councils which they had won under PR and retained after 1922:

Ballycastle Urban District	Downpatrick Urban District
Keady Urban District	Newry Urban District
Strabane Urban District	Warrenpoint Urban District
Ballycastle Rural District	Kilkeel Rural District
Newry No. 1 Rural District	Newry No. 2 Rural District

To these they added after the war Limavady Rural District, which they had not held under PR. This made a total of eleven local authorities in nationalist hands out of seventy-three. Not only was this a smaller number than the unionists won from them after the abolition of PR, but they were less important. The post-1922 electoral changes cost the nationalists control of a county borough and two counties; the largest local authority left in their hands was Newry Urban District, with a population of 12,000. The change is startling enough to raise the strongest suspicions of gerrymandering.

The fate of Londonderry County Borough aroused the most bitterness. It had a substantial, and growing, Catholic majority – by 1961 Catholics were more than 60 per cent even among the adult population (Hewitt, 1981: 366). Yet unionists

won back control under the ward division imposed in 1923, and when, after some years, it looked as if the nationalists might capture one of the unionist wards, the boundaries were redrawn so as to perpetuate unionist rule (Buckland, 1979: 243–6).

The stock unionist defence for the post-1922 arrangements (Walmsley, 1959: 9–10; UUP, 1969: 12) is that local government electoral boundaries were drawn so as to take account not only of population but of ratable value. This was justified on the ground that those who paid the most rates were entitled to the biggest say in the conduct of local government. Thus unionists, who were on average richer than nationalists, could legitimately find themselves more favourably represented. This, however, is a dubious defence. Democratic theory does not in general permit that the rich should be more strongly represented than the poor; the unionists themselves did not make such a provision in parliamentary elections. Furthermore, as time went by, it became less and less true that large ratepayers contributed the bulk of local government finance. Grants from the Northern Ireland government became increasingly important, until by 1969 they provided three-quarters of the revenue of local authorities (Cameron, 1969: para. 141). Thus, as the Cameron commission concluded (*ibid.*), 'such validity as this argument ever possessed is one which is rapidly losing any force which it might have had'. If electoral boundaries were drawn so as to over-represent the rich, this was not a refutation of the charge of gerrymandering: it was a description of how the gerrymandering was achieved.

In any case, attempts to defend the post-1922 arrangements crumble before Buckland's (1979) discoveries in official papers. He shows that the Northern Ireland government did not even attempt to be fair. The 'sole concern' of the Ministry of Home Affairs was 'how to give effect to the views of the Unionist rank and file' (*ibid.*: 233), and the reorganisation in controversial districts was 'virtually dictated by local Unionists' (*ibid.*: 239). The Derry redistribution of 1936 was designed by the Ministry of Home Affairs, who did the job better than the Derry unionists had been able to do it for themselves. 'Throughout the discussions between ministry officials and Londonderry Unionists there was never any question that the government should not assist the latter' (*ibid.*: 245). Buckland's conclusions are particularly weighty because his previous writings (on unionism in the period 1886–1921) had shown him as sympathetic to the unionist cause.

To sum up on electoral arrangements. Charges that parliamentary constituencies were gerrymandered against the nationalists have only slight validity, whatever other criticisms might be made of the effects of abolishing PR. The peculiarities of local government franchise were also of little effect. But when it comes to gerrymandering of local government boundaries, criticism is much more firmly based. Nationalists were manipulated out of control in a number of councils where they had a majority of electors. This is one of the clearest areas of discrimination in the whole field of controversy.

2 Public employment

I shall discuss here employment patterns in all areas of the public sector – civil service, local government, statutory bodies – except the police, which will be discussed under a separate heading. First I shall seek to establish the proportion of Catholics employed in the public sector. After the figures have been established as closely as possible, I shall go on to consider various explanations of them.

The most comprehensive investigations of patterns of public employment have come from nationalist sources – one in the '50s reported on by Gallagher (1957: 208–16), and one in the late '60s compiled by the Campaign for Social Justice in Northern Ireland (CSJ, 1969). These were apparently compiled by getting Catholics in various public bodies to report on the number of fellow Catholics employed in their respective agencies. As such they may be suspected of bias: partly because of the temptation to paint the picture blacker than it was, partly because an informant might not know all the employees in his agency. On the other hand, their findings square remarkably well with evidence available from non-nationalist authorities. Indeed, one such non-nationalist source, the authors Barritt and Carter (1962: 98), report that they have seen some of the source material for Gallagher's book, and 'think that these conclusions are broadly correct'.

If all grades are lumped in together, there appears to be little if any under-representation of Catholics. Gallagher (1957: 208) concluded that of the 3,476 local authority workers of all kinds in 1951, 1,096, or 31.5 per cent were 'Nationalist' (by which he appears to mean Catholic). This was close to the proportion of Catholics in the adult population. Rose, in his sample survey of 1968, found that 16 per cent of Protestants and 13 per cent of Catholics reported that they or someone in their family was, or had been, publicly employed (Rose, 1971: 296): a difference small enough to be within the range of sample error.

However, the moment one distinguishes lower grades from higher ones, marked discrepancies appear. Gallagher reports that of manual labourers employed by local authorities, just over 40 per cent were 'Nationalists'. But of the 1,095 senior posts, only 130, or 11.8 per cent, were held by 'Nationalists'. These figures from 1951 were paralleled by those collected nearly twenty years later by the Campaign for Social Justice (CSJ, 1969). But there is no need to rely on the Campaign for Social Justice, because the conclusions reached the same year by an official commission of enquiry (Cameron, 1969: para. 138) are as striking. The Cameron Commission examined employment practices in five unionist-controlled areas, and concluded:

We are satisfied that all these Unionist controlled councils have used and use their power to make appointments in a way which benefited Protestants. In the figures available for October 1968 only thirty per cent of Londonderry Corporation's administrative, clerical and technical employees were Catholic. In Dungannon Urban District none of the Council's administrative, clerical and technical employees was a Catholic. In County Fermanagh no senior council posts (and relatively few others) were held by Catholics. . . . Armagh Urban District employed very few Catholics in salaried posts, but did not appear to discriminate at lower levels. Omagh Urban District showed no clearcut pattern of

discrimination, though we have seen what would appear to be undoubted evidence of employment discrimination by Tyrone County Council. [Cameron, 1969: para. 138]

Somewhat similar figures can be found for the Northern Ireland civil service. The only Catholic to reach the rank of Permanent Secretary (highest in the service) during the years covered by this paper was Bonaparte Wyse, Permanent Secretary of the Ministry of Education from 1927 to 1938 (Akenson, 1973: 96, 146). After his retirement no other Catholic reached the same rank until Patrick Shea was appointed Permanent Secretary, also at the Ministry of Education, in 1969, just after the period covered by this paper. Taking senior officers as a group, Gallagher (1957: 214) reported that in the '50s there was no Catholic among the top forty. The Campaign for Social Justice (1969: 5) reported that of 319 officers down to the rank of Deputy Principal, twenty-three, or 7.2 per cent, were Catholics. These figures from nationalist sources square well with those found elsewhere. Barritt and Carter (1962: 96) carried out a survey of civil servants down to the rank of staff officer, and found that in 1927 fourteen of the 229 officers in such ranks, or 6 per cent, were Catholic, while in 1959 there were forty-six Catholics out of 740 in such ranks, or once again, 6 per cent. An internal enquiry by the Ministry of Finance in 1943, designed to meet ultra-unionist complaints that Catholics were taking over the civil service (!), found that there were only thirty-seven Catholics out of 634, or 5.8 per cent, in the higher grades, and no Catholics at all in the fifty-five most senior posts (Buckland, 1979: 20). (Some further, though controverted, statistics are available from just after the period covered by this paper. In 1973 Professor David Donnison found that only 5 per cent of civil servants down to the rank of Deputy Principal were Catholics – but a Northern Ireland Office rejoinder claimed that the correct figure was 15 per cent. Darby, 1976: 66.)

There was a similar imbalance in the judiciary. The first Chief Justice of Northern Ireland, Sir Denis Henry, was a Catholic, but after his death in 1925 no other Catholic appears to have been appointed to the Supreme Court until Mr Justice Sheil in 1949. Gallagher (1957: 214) claimed that of the forty judges, registrars and senior officials in the higher courts, not one was drawn from the minority – though this cannot be entirely accurate, because Sheil was on the bench then. (This is one of the few errors of fact, as opposed to interpretation, that I have found in Gallagher's book.) By 1969 the situation was somewhat improved. Aidan Corrigan, writing in that year, found that Catholics held six of the sixty-eight senior judicial appointments, including one of the six Supreme Court judgeships, and one of the four County Court judgeships (Corrigan, 1969: 28).

Catholics were also under-represented on statutory bodies, and among the higher ranks of the employees of such bodies. Gallagher (1957: 213–14) reported that there was no Catholic on the Civil Service Commission, the Promotion Board for the Postal Service, the Unemployment Assistance Board, or the Fire Authority. Of 139 medical, surgical and other consultants appointed by the Hospitals Authority, nine were Catholics (*ibid.*: 214). The Campaign for Social Justice (1969: 6) listed twenty-two public boards, with a total membership of 332,

of whom forty-nine, or 15 per cent, were Catholics. In the publicly owned gas, electricity and water industries the imbalance against Catholics seems to have reached down through all levels. The census of 1971 (Religion Tables, table 9, heading XXI) shows that of 8,122 people employed in these industries, only 1,952, or 15.4 per cent, recorded themselves as Catholics.

The facts, then, form a consistent pattern. At manual labour levels, Catholics generally received their proportionate share of public employment. But at any level above that, they were seriously under-represented, and the higher one went, the greater the shortfall. A working overall figure may be taken from the census of 1971, which showed that of 1,383 senior government officials – a category which included Ministers, MPs, senior government officials and senior officers in local authorities – 11 per cent reported themselves as Catholic (Census of 1971, Religion Tables, table 8, headings 173–4). Since 31.4 per cent of the population as a whole declared themselves as Catholic at this census, this suggests that Catholics received far short of their proportionate share of such appointments.⁵

So much for the figures. What are the explanations? To Gallagher, or to the Campaign for Social Justice, the cause was simple – it was discrimination. But there are other possible reasons, which should also be looked at.

(a) Catholics were under-represented because of their lower educational standards. This point was made by Barritt and Carter (1962: 96), who pointed out that three-quarters of the grammar school and university population of the province was Protestant, so that it would be reasonable to expect at least that proportion of Protestants among holders of higher posts. However, as Barritt and Carter recognise, the proportion of Protestants was considerably higher than that, so, while the educational shortfall among Catholics has something to do with their under-representation in higher posts, it cannot be the only or even the main explanation.

(b) Catholics were under-represented because they did not want to serve, or were discouraged by their co-religionists from serving. There is undoubtedly something in this. Patrick Shea, a Catholic who, as we have seen, did join the civil service and worked his way to the top, reports in his autobiography that some Catholics looked with suspicion on their co-religionists in the civil service: ‘we had joined the enemy; we were lost souls’ (Shea, 1981: 113). In 1936, after the National Council for Civil Liberties had criticised the lack of Catholics in the Northern Ireland judicial system, the Northern Ireland government stated that ‘it had offered a County Court Judgeship to every Roman Catholic K.C. practising in Northern Ireland. One of those who accepted the honour (a Nationalist MP) was publicly called a “Judas Iscariot” by a parliamentary colleague’ (Carson, 1957: 27–8). A southern Catholic journalist, Desmond Fennell (1958: 16), met a prominent nationalist politician who told how ‘a friend had remarked to him that it was a bad day for the Nationalists when a Catholic was appointed a Supreme Court judge – it had sounded good to be able to say that the Supreme Court hadn’t a single Catholic judge!’

Further evidence that Catholics did not really care too much about their under-representation in government employment may perhaps be drawn from

the reports of the Parliamentary Commissioner for Administration and the Commissioner for Complaints, from 1970 onwards. These officers were established, as a response to the civil rights agitation, in order to investigate and if need be remedy complaints of maladministration – the former dealing with central administration, and the latter with local government services. But in practice, in only a small proportion of cases was religious or political discrimination even alleged. In the first eleven years of his work the Commissioner for Complaints found that, out of 6,914 complaints, 208 included a claim of discrimination, or 3 per cent (figures calculated from the annual reports of the Commissioner, 1970–80). It is not possible to give a precise figure for the Parliamentary Commissioner for Administration, because he himself did not provide a figure for every year; but the impression left by his annual reports is that religious discrimination was even less of a problem in his bailiwick than it was in that of the Commissioner for Complaints. The overwhelming majority of complaints to these two officers were devoid of religious overtones – they comprised such matters as the Housing Executive failing to do repairs adequately, or the Department of Health and Social Services failing to pay social welfare benefits to which the complainant was entitled, or complaints about promotion delayed or refused – and came impartially from Protestants and Catholics.

True, one must be cautious in drawing conclusions from the small number of complaints of discrimination. The Commissioner for Complaints himself has drawn attention to some of the limitations on his effectiveness. He ‘has stressed that he can only deal with specific complaints by individuals and that he has no power to investigate allegations of a general nature. . . . He has also commented that would-be complainants may be inhibited from bringing charges of discrimination, particularly in employment cases, by the fear of damaging prospects of future promotion or their relationship with fellow-workers’ (Birrell and Murie, 1980: 186). Furthermore, the very establishment of these offices may have reduced the propensity to discriminate, because public bodies did not wish to be arraigned before them. The Commissioners had no power to investigate retrospectively complaints arising out of events before their appointment. But when all these points are made, the small number of complaints after 1970 at least does nothing to strengthen the view that discrimination was widespread before that date.

It would be a mistake, however, to conclude that the shortfall of Catholics in the public service was due entirely to a reluctance to serve. There were certainly cases where Catholics would willingly have served if they had been given the opportunity. In 1964 two prominent Catholic professional men asked the then Prime Minister, Captain Terence O’Neill, to appoint more qualified Catholics to statutory bodies, but without effect (*Round Table*, 1964: 283). In so far as Catholics did fail to apply for public employment, it may have been because they felt that they would not get in, not because they did not wish to serve. Shea (1981: 101) records that his headmaster declined to enter any more boys for the Northern Ireland civil service after two able pupils had been rejected. The Cameron

Commission (1969: para. 141) commented on the claim that Catholics did not apply for appointments under unionist local authorities: 'no doubt that is factually true, but the answering comment, which is made with force and supported in evidence, is that from experience it is realised that an application made by a Catholic would stand no real prospect of success'.

(c) What seems like religious discrimination is really no more than a natural preference for those from one's own milieu. What looks to Catholics like discrimination in favour of Protestants might look to many Protestants like discrimination in favour of some smaller circle. Gallagher (1957: 215) complained that Catholics were grossly under-represented on the staff of Queen's University; but what senior members of the staff recall is the favour apparently shown to products of Oxford and Cambridge. Many authors complain of the under-representation of Catholics in the Northern Ireland civil service; but what Shea remembers from the early days of the service is that graduates of Trinity College Dublin appeared to comprise 'a magic circle' (Shea, 1981: 115, 130). Gallagher (1957: 214) complains of the shortfall of Catholics among the more lucrative appointments under the Hospitals Authority; but from within the medical profession one hears rumours that the products of certain schools – and in particular ruggie-playing products of certain schools – have an advantage. Nelson found in her conversations with Belfast Protestants on the subject of discrimination (1975: 173–4) that many of them thought it natural for people to give jobs to their friends. They argued that Catholics did the same thing where they had the opportunity (*ibid.*: 172) – an argument which is supported by Barritt and Carter (1962: 98–9), who cite unionist allegations of discrimination against nationalist-controlled councils.

Once again, there is some validity in these points. It is quite possibly true that many instances of what look like discrimination *against* Catholics are seen by the perpetrator as doing a favour *to* his own friends. But this is not a disproof of the charge of discrimination: it is an explanation of the mental mechanism whereby discrimination becomes possible. With regard to the claim that nationalist local authorities discriminated against Protestants as much as unionist ones did against Catholics – even if this were true, it would still mean that the weight of discrimination fell disproportionately against Catholics, because, thanks to the gerrymandering detailed in the previous section, nationalists controlled less than their fair share of local authorities. (This is a point which Barritt and Carter, in their anxiety to show that one side was much like the other, overlooked.) But in fact it may not be true. The Cameron Commission, as well as examining the record of a number of unionist authorities, also investigated Newry Urban District, the largest authority in nationalist hands. While not quite offering a clean bill of health, they let it off more lightly than most of the unionist authorities they looked at:

It is fair to note that Newry Urban District, which is controlled by non-unionists, employed very few Protestants. But . . . Protestants who are in minority in the Newry area, by contrast to the other areas we have specified, do not have a serious unemployment problem, and in Newry there are relatively few Protestants, whereas in the other towns

Catholics make up a substantial part of the population. It is also right to note that in recent years both Londonderry and Newry have introduced a competitive examination system in local authority appointments. [Cameron, 1969: para. 138. This excerpt comes immediately after the passage quoted on p. 12 above.]

(d) The final explanation for the shortfall of Catholics in the higher reaches of the public service is that they were in fact discriminated against. Those who argue this case can point in the first place to public statements by some unionist Ministers. In 1925 the Minister of Agriculture, Sir Edward Archdale, declared: 'I have 109 officials, and so far as I know there are four Roman Catholics, three of whom were Civil Servants turned over to me, whom I had to take when we began' (Harrison, 1938: 87). In 1933 the Minister of Labour, J. M. Andrews, said:

Another allegation made against the Government and which was untrue, was that, of 31 porters at Stormont, 28 were Roman Catholics. I have investigated the matter, and I find that there are 30 Protestants, and only one Roman Catholic there temporarily. [*Ibid.*]

Such utterances must have given Catholics the impression that they were not wanted in the civil service.

This impression is strengthened by the material which has recently become available from government records for the earlier part of Northern Ireland's history as a separate unit. Bew, Gibbon and Patterson (1979: 77) are among the historians who have examined this evidence, and they conclude:

Clear instances of discrimination against well qualified Catholics occurred from the beginning . . . At the Ministry of Home Affairs, Bates refused to allow Catholic appointments. . . . While Unionist politicians were included on civil service appointment boards, nationalist requests for this privilege were ignored.

As the years passed, evidence emerged of Orange Order surveillance of Catholic civil servants and even civil servants married to Catholics. Prominent and respectable Unionists like Sir Robert Lynn (editor of the *Northern Whig*) and Sir Charles Blackmore (Cabinet secretary) were the messenger-boys for the Order in these matters. Craig's attitude was at best ambiguous. Predictably, the number of Catholics in the higher ranks of the NICS dropped consistently throughout the late '20s and early '30s.

They have even found a case of a Catholic gardener at Stormont who was dismissed – despite a good army record and a reference from no less than the Prince of Wales – following Orange Order pressure on Craig (Bew *et al.*, 1979: 97 n. 12; cf. Buckland, 1979: 23). Their picture is corroborated by Buckland (1979: 21–2), who reports that, despite initial good intentions, Ministers soon came to deter potential Catholic applicants and discourage serving officers.

Evidence is patchier for the more recent period, because the archives are not yet open. But Captain O'Neill states in his autobiography that when he was Minister of Finance in the '50s he had to face a campaign against him in the Cabinet because it was believed that since he had taken up office Catholics were being encouraged to join the civil service (O'Neill, 1972: 39–40). Patrick Shea was held for many years in the '50s at the rank of Principal Officer, and his Permanent Secretary finally told him that 'because you are a Roman Catholic you may never get any further promotion. I'm sorry' (Shea, 1981: 177). He eventually received promotion, but only several years later and after a change of department (*ibid.*: 183).

It is worth rounding out this section by discussing the relative impact of discrimination in different parts of the public sector. The examples given in the last three paragraphs all come from the Northern Ireland civil service. That, however, is because of the amount of fresh information that has recently become available about it: it would be wrong to deduce that it was the principal source of grievance. The Cameron Commission (1969: para. 142) reported that 'allegations against the central administration were made much less frequently' than ones against local authorities. The Imperial civil service (as departments under Westminster control were described) attracted fewer allegations still. The Campaign for Social Justice (1969: 10) cited figures to show that in the Post Office, which was under Westminster control, there were fewer Catholics in higher reaches than there were further down, but Barritt and Carter (1962: 97) reported that 'we have received no suggestions of deliberate discrimination in the Imperial Service'. At local government level, complaints were largely concentrated in those areas west of the Bann where unionist councils presided over, either an outright nationalist majority, or else a unionist majority that was only precarious. For instance, all the examples of discrimination cited by the Campaign for Social Justice (1969: 23-30) come from such areas. Gallagher (1957: 210) specifically states that they are the worst. One can then establish an order of demerit for discrimination in the public service. Placing the most discriminatory first, and the purest last, it reads as follows:

Local authorities in the area of precarious unionist control west of the Bann
 Other local authorities
 Northern Ireland civil service
 Westminster civil service

3 Private employment

Until recently this subject was much less thoroughly researched than public employment. Indeed, until the 1970s the only serious investigation was that reported in chapter 6, 'Discrimination in Employment', of Barritt and Carter's *The Northern Ireland Problem* (1962). During the '70s studies have multiplied. They are based on material collected since the period covered by this paper ended in 1968; but they can be used as a starting-point from which to examine the probable pattern in the pre-1968 period.

This topic will be approached in the same way as public employment: first, the extent of Catholic disadvantage will be examined, and second, explanations for this disadvantage will be discussed.

The extent of Catholic disadvantage at the end of our period has been well documented in the census of 1971. Aunger (1975), in an invaluable analysis of this census, notes three ways in which Catholics were disadvantaged. First, they were somewhat more likely than Protestants to be low in the socio-economic scale. Protestants were over-represented in the three highest classes (professional and managerial; lower grade non-manual; skilled manual), while Catholics were

over-represented in the two lowest classes (semi-skilled manual; unskilled and unemployed) (Aunger, 1975: 4). Second, within each class there was a tendency for Catholics to cluster in the lower reaches, Protestants in the higher ones. 'While a clerk may be a Catholic, it is more likely that the office manager will be a Protestant; while a skilled craftsman may be a Catholic, it is more likely that the supervisor will be a Protestant; and while a nurse may be a Catholic, it is more likely that the doctor will be a Protestant' (*ibid.*: 8). Third, Catholics were more likely to be found in industries with lower status and more unemployment, like construction, while Protestants tended to be found in industries such as engineering which, at any rate till the '70s, offered relatively high wages and greater security. Though none of these disadvantages by itself was marked, their cumulative effect was substantial. Aunger's findings were confirmed and amplified by the first research report of the Fair Employment Agency (FEA, 1978). This report brought out a further disadvantage, which was only implicit in Aunger's presentation – that the Catholic unemployment rate was two and a half times higher than the Protestant.

The causes of these multiple handicaps upon the Catholic community have provoked a lively controversy in recent years. At least five reasons, apart from any possible discrimination, can be found in the literature:

(a) *Differences in attitudes to work.* A belief widespread among Protestants is that Catholics will not work – not because they are inherently lazy, but because they want to undermine the State (Nelson, 1975: 176). If this is true, no wonder they do not gain their share of jobs. An attempt to assess this has been made by Robert Miller (1978) in an analysis of a very large survey (N = 2,416) of adult males in Northern Ireland carried out in 1973-74. The questionnaire included items designed to elicit interviewees' attitudes to work (for instance, they were asked how far they agreed with such statements as 'Hard work is a good builder of character' or 'It is important to me to have a chance to get to the top in my job'). Miller found that there was virtually no difference between Protestants and Catholics in their desire to achieve at work. A single survey such as this does not disprove the stereotype. As Osborne (1980: 220) points out, 'it is still possible . . . that local areas of persistent high unemployment, particularly experienced by Catholics, may have produced an alteration in communal attitudes to the importance of "work"'. What one can say is that there is no good evidence that differences in attitudes to work are an important cause of the differences in Catholic and Protestant economic status.

(b) *Differences in educational attainment.* One possible reason why Catholics do worse in the employment market is that they are less well prepared educationally. Some careful research on this point has been done by Osborne and Murray (1978), who examined the performance of Catholic and State (*de facto* Protestant) schools in the Ordinary and Advanced level exams for the General Certificate of Education. They collected figures for 1967, 1971 and 1975. Their statistics show that by 1975 Catholic schools had almost caught up with the rest,

but that this achievement was very recent. As late as 1967 Catholic schools fell well short of others in their examination results. The shortfall appears to have been of long standing. Rose's survey data, collected in 1968, showed that 34 per cent of his Protestant respondents, but only 19 per cent of his Catholic ones, had passed an examination (Rose, 1971: 500–1).

Disparity of education does not alone account for Catholic economic disadvantage. Covello and Ashby (1980: 92), reanalysing Rose's data, show that Catholics were less able to convert additional education into occupational gain. Protestants, they calculate, achieved an average of '\$254 in annual income for each additional year of schooling, compared to \$159 for Catholics' (*ibid.*: 94). Cormack *et al.* (1980: 52–5) show that the Catholics in a sample of Belfast school-leavers were less likely to find jobs than Protestants, regardless of education: for Catholics, in contrast to Protestants, even three or four O levels was no guarantee of a job (*ibid.*: 59). None the less, the sources just cited agree that Catholics gained some advantage from educational qualifications. Their relative lack of such qualifications must therefore have been in some degree responsible for their lower occupational status.

(c) *Inadequate knowledge of job opportunities.* This is the factor which the Fair Employment Agency has come increasingly to stress. In its two most recent research reports – one based on a survey of school-leavers in Belfast (Cormack *et al.*, 1980), the other on a similar survey in Derry and Strabane (Murray and Darby, 1980) – the Agency shows that most school-leavers find their first jobs through informal contact, because they have been told about openings by family or friends. Since more Protestants than Catholics are employed, and since among the employed population more Protestants are in high-status jobs, this means that young Protestants entering the labour market are considerably likelier than young Catholics to hear about good job opportunities. As the chairman of the Fair Employment Agency puts it (Murray and Darby, 1980: 5):

The informal networks which are still so powerful in Northern Ireland and through which so much employment is found, operate to maintain and reinforce employment patterns already established. Once these patterns have been established such a method of filling jobs means that, even if there were never in Northern Ireland a single instance of individual discrimination in the future, the patterns laid down will remain much the same.

(d) and (e) *The concentration of Catholics in peripheral areas; and the larger average size of Catholic families.* I am taking these points together because they have been jointly stressed by Compton (1976: 1981). Compton's object is to explain the high rate of Catholic unemployment, rather than Catholic disadvantage in general; but since unemployment is so important a part of that disadvantage his points deserve discussion here. He notes that three-fifths of the Catholic population live in the peripheral areas of the province, where investment is hard to attract and unemployment is high (1976: 449), as against only one-fifth of Protestants. While Catholic unemployment rates are higher than Protestant in both peripheral and core areas (Cormack *et al.*, 1980: 19–20), the fact that disproportionately more Catholics live where unemployment is highest is bound

to push up the total Catholic unemployment rate. With regard to family size, Compton's point is that because an unemployed man's benefit is related to the size of his family, a man with a large family may 'find it more attractive financially to remain at home unemployed than to take a job' (Compton, 1981: 134). Compton calculates (*ibid.*: 136) that family size accounts for 6 per cent of the difference between Catholic and Protestant unemployment rates, and geographical location for 27 per cent.

Controversy has broken out among the experts about the relative importance of the factors listed above. Compton, while pressing his own theories, has disparaged the stress placed on informal networks by the Fair Employment Agency (Compton, 1981: 128). Writers connected with the Fair Employment Agency have in their turn queried the importance of the large families and peripheral locations stressed by Compton (Osborne, 1978: 1980; Cormack *et al.*, 1980). But one thing which both sides have in common is the relative lack of importance which they attribute to discrimination. Compton (1981: 128) refers to the small number of complaints of discrimination substantiated by the FEA and concludes that 'discrimination is now neither systematic or widespread'. Osborne (1980: 221) states that 'systematic discrimination is now at a much reduced scale'. Doherty, a writer committed to neither side, states (1981: 122) that 'while there is evidence of some discrimination in employment, there is no substantive evidence that it exists on anything like the scale necessary to produce the observed differential in unemployment'. Recent research converges on the conclusion that *current* discrimination has only a subordinate part to play in explaining the degree of Catholic economic disadvantage.

That, however, does not end the discussion. Nearly all the evidence just surveyed comes from the 1970s. It is possible that, even if there were no current discrimination, employment patterns are so shaped by past discrimination that Catholics remain at a disadvantage. A case in point may be the shipyard, Harland & Wolff, where the Protestant majority in the workforce had the reputation, not just of discriminating against Catholics, but of actually expelling in times of crisis the few who did find work there: such expulsions occurred in 1886, 1893, 1898, 1912 and 1920 (Boyd, 1969: 161, 174–5; Patterson, 1980: 115–16). After that, it would not be surprising if for many decades Catholics were wary of applying for jobs in the yard, even had recruitment processes been completely impartial. Nor was all discrimination as far in the past as that. Barritt and Carter (1962: 100–5), doing their fieldwork at the beginning of the '60s, found some fairly startling examples of discrimination against Catholics by Protestant firms. True, they also found two or three Catholic firms which discriminated against Protestants – but the Protestant preponderance in business was such that, even if both sides discriminated to an equal extent, the balance of advantage would be heavily against the Catholics.⁶ An English businessman who came to Northern Ireland in the late '50s as a personnel manager has told me how a Ministry of Labour official taught him to distinguish Protestants from Catholics in the names provided by the labour exchanges, and advised him to select the former. This official may have been exceptional, but it seems unlikely that he would have gone so far if he had

thought that his superiors would actively disapprove.

The suspicion that discrimination was relatively important until quite recently is fortified by boasts openly made, and incitements given, by prominent unionists. Barritt and Carter (1962: 93) quote a pamphlet issued by the St George's Ward Unionist Association during the 1961 Belfast municipal elections, which stated that its three candidates 'employ over 70 people, and have NEVER employed a ROMAN CATHOLIC'. Gallagher (1957: 216) quotes from the *Derry People* of 26 September 1946: 'At a meeting in Derry to select candidates for the Corporation Mr. H. McLaughlin said that for the past forty-eight years since the foundation of his firm there had been only one Roman Catholic employed – and that was a case of mistaken identity'. Most famous of all is a much-anthologised quotation from Sir Basil Brooke, then junior government whip, and later Prime Minister, on 12 July 1933:

There was a great number of Protestants and Orangemen who employed Roman Catholics. He felt he could speak freely on this subject as he had not a Roman Catholic about his own place (Cheers). He appreciated the great difficulty experienced by some of them in procuring suitable Protestant labour, but he would point out that the Roman Catholics were endeavouring to get in everywhere and were out with all their force and might to destroy the power and constitution of Ulster. . . . He would appeal to loyalists, therefore, wherever possible to employ good Protestant lads and lassies. [*Fermanagh Times*, 13 July 1933, quoted in Hepburn, 1980: 164]

These are only some of the incitements to, or justifications of, discrimination to be found in the literature (see also Ultach, 1943: 302–3; All-party Anti-partition Conference, 1950a; CSJ, 1969: 33–4; Nelson, 1975). While commonest in the early years of Northern Ireland, examples can be found as late as the '60s (Barritt and Carter, 1962: 93–4; CSJ, 1969: 35).

This does not mean that discrimination was the main reason for Catholic economic disadvantage in the period before 1968. Factors (a) to (e) above are just as likely to have been operative before 1968 as after. But there is ground for believing that, in the past, discrimination caused a larger share of Catholic disadvantage than appears true today.

4 Public housing

This issue scarcely surfaced before the 1950s. The overall condition of housing in Northern Ireland was appalling, as a survey in 1943 showed (Lawrence, 1965: 147), and until after the second world war public authorities did hardly anything to alleviate it. But this was a general failure which hit the poor of all denominations. There were few allegations of discrimination in the allocation of public housing because there was little public housing to allocate. All this changed after 1945, however, when a large-scale public housing drive was launched. By 1961, 21 per cent of all housing in the province was public-rented; by 1971 the proportion was 35 per cent (O'Dowd *et al.*, 1980: 120). As public housing became more plentiful, so complaints about its allocation multiplied.

There were two sources of public housing: the Northern Ireland Housing Trust, and local authorities. The Housing Trust was set up in 1945 to supplement the efforts of local authorities, so many of which had proved lethargic. Funded by the Northern Ireland government, and headed by an independent body of part-time members, it soon built up a reputation for developing attractively designed and well managed estates. With respect to the subject-matter of this paper, it attracted some criticisms. It selected tenants, not just on the basis of need, but on their ability to pay: this meant that it creamed off the best tenants, and, since Catholics were less numerous among these, it did less for Catholics than for Protestants (Barritt and Carter, 1962: 112; Birrell *et al.*, 1971: 126; O'Dowd *et al.*, 1980: 130). The greatest concentration of Housing Trust property was concentrated in a ring round Belfast, in the area of the province most strongly Protestant (O'Dowd *et al.*, 1980: 124). However, the Housing Trust has generally been exonerated of all conscious desire to discriminate. The worst charge I have found comes from the Campaign for Social Justice (1969: 13), which claimed, without giving examples, that 'the Trust is not blameless of occasionally practising religious discrimination'. As against this, Barritt and Carter (1962: 112) report that 'we have heard many tributes to the fairness and just dealing of the Housing Trust with members of both communities, and virtually no complaints'. The biggest limitation on its effectiveness seems to have been obstruction by some local authorities, on whom the Trust depended for planning permission and provision of facilities: Birrell *et al.* (1971: 120) cite examples, drawn from the Trust's own reports, in Londonderry, Dungannon and Enniskillen.

The difference between the Housing Trust's attitude and that of some local authorities is illustrated by a conversation which a senior official of the Trust told me he once had with a mayor of Portadown. The mayor complained that the Housing Trust was putting too many Roman Catholics into its houses in Portadown. The official asked, 'How many Roman Catholics do you have in your council houses?' The mayor replied, 'One – and that's one too bloody many.'

The main complaints of discrimination in public housing concern certain local authorities. Such complaints began soon after the post-war housing drive developed. The earliest I have found in the secondary literature comes from Omagh Rural District, where in 1950 the council allocated forty new houses at Coneywarren to forty unionists 'a majority of whom were either not married at all or were married and without children, or had but one child', although the nationalist minority on the council submitted 'the names of 22 desperately badly-housed families' (Gallagher, 1957: 219). After that, such complaints began to multiply (Gallagher, 1957: 219–21; CSJ, 1969: 20–2, 26–9; Birrell *et al.*, 1971: 144–5). In Fermanagh, where Catholics were a slight majority of the population, it was claimed that, of 1,589 post-war council houses, 568 were let to Catholics and 1,021 to Protestants (*Fermanagh Facts*, 1969: 34–5). Barritt and Carter (1962: 113) note that similar charges were made against nationalist-controlled councils, but even if nationalist councils behaved as badly as unionist ones, there were so many more of the latter that the former could not compensate for their injustices.

The most authoritative conclusions come from the Cameron Commission, which had the opportunity to hear evidence from both sides. It reported (1969: para. 140):

There have been many cases where councils have withheld planning permission, or caused needless delays, where they believed a housing project would be to their electoral disadvantage. . . . We have no doubt also, in the light of the mass of evidence put before us, that in these Unionist-controlled areas it was fairly frequent for housing policy to be operated so that houses allocated to Catholics tended, as in Dungannon Urban District, to go to rehouse slum dwellers, whereas Protestant allocations tended to go more frequently to new families. Thus the total numbers allocated were in rough correspondence to the proportion of Protestants and Catholics in the community; the principal criterion however in such cases was not actual need but maintenance of the current political preponderance in the local government area.

This appraisal does not go as far as some nationalist attacks on unionist local authorities; but it goes quite far enough to show discrimination occurred.

However, in this section of the paper, as in others, the important question is not whether discrimination occurred but how much. The allegations that I have come across concern without exception areas west of the Bann, and not even all of those. The Cameron Commission based its conclusions on a study of five areas: Armagh, Dungannon, Fermanagh, Derry City and Omagh (as well as nationalist-controlled Newry). Against the majority of councils in Northern Ireland I have found no complaints. Walmsley (1957: 15) is able to quote a nationalist MP, Cahir Healy as praising local authorities in Belfast, Antrim and Down, as well as the Housing Trust, for their fair play to needful cases. Belfast Corporation is particularly important here, as being by far the largest local authority in the province. I have come across complaints about the poor quality of its houses, but none about discrimination in their allocation.

Even in those districts which did attract criticism, the objection was often not that Catholics were refused houses but that they were confined to those wards where they were already a majority, so as not to disturb the electoral balance. As the Cameron Commission points out (1969: para 139), in Londonderry Catholics were rehoused almost exclusively in the South Ward, and in Omagh and Dungannon almost exclusively in the West Wards. But it also remarks that 'in several of the areas the actual total of new housing has been substantial'.

Rose (1971: 293-4) used survey data to test allegations of discrimination in housing. He found that 35 per cent of his Catholic respondents, as against 30 per cent of his Protestant ones, lived in public housing. As he points out, this figure does not by itself disprove discrimination: maybe Catholics had a greater need for public housing. He then re-ran his figures, controlling for income size, and found that in all but one income category 'the proportion of Catholics in subsidised housing is slightly *higher* than that of Protestants'. He also broke down his figures by county and county borough, and found that the generally fair pattern remained. In four of the eight counties and county boroughs—Belfast, Derry city, Armagh and Tyrone—a majority of respondents in public housing were Catholics. The only evidence he found of any bias against Catholics came when he

tested for family size, and found that among the very largest families (six children or more), there was a 12 per cent difference against Catholics in the proportion assigned public housing. But such families must have been a small minority of the total.

Housing policy in individual areas, such as Fermanagh or Dungannon, could be very unfair. The civil rights agitation of 1968 was sparked off by the allocation of a house at Caledon, in Dungannon Rural District, to an unmarried Protestant girl who, as the Cameron report said (1969: para. 28), could 'by no stretch of the imagination . . . be regarded as a priority tenant' when there were Catholic families in the area badly in need of housing. It is no consolation to such victims to tell them that in many parts of Northern Ireland they would have received fair treatment. This does, however, seem to be the truth. Overall, discrimination seems to have been less widespread in housing than in, say, public employment.

5 Regional development

This issue, like housing, was relatively late in appearing. Gallagher (1957) makes no mention of it. By the mid-'60s, however, it was emerging as a grievance. The Campaign for Social Justice (1969: 14-15) and *Fermanagh Facts* (1969: 31-2) devote some space to it. Hoare (1980: 159-66) provides an anthology of nationalist complaints, of which the earliest dates from 1964. The Cameron Commission (1969: para. 132) mentions the issue, though without attempting to evaluate whether complaints were well-founded. The grievance was that government decisions concentrated development in the east and neglected the west, even though the west needed development much more. The suspicion was that the east was favoured because it was mainly Protestant, while in the west Catholics were a slight majority. Darby (1976: 67) provides a useful list of controversial decisions:

- 1945-51. Seventy-seven firms were established in the province with government support before the first came to Derry in 1951.
 - 1963. The Benson report on railways led to the removal of the west's only railway line, and cut Derry off from Strabane, Omagh and Dungannon.
 - 1964. The Matthew report sited Northern Ireland's 'new town' at Craigavon, further attracting population to the east.
 - 1965. The anti-submarine training school in Derry was closed, adding 600 to an unemployment figure already approaching 20 per cent.
 - 1965. The Lockwood report rejected Derry's claim for Northern Ireland's second university despite the existence of a University College in the city. It was awarded to Coleraine, whose 12,000 population was less than a quarter the size of Derry's.
 - 1965. The Wilson plan, which designated growth areas for Northern Ireland, concentrated them heavily in the east.
 - 1966. Derry's naval base, another major source of employment, was closed.
- Each of these decisions could be justified individually. The naval closures were

part of a general cut-back in British defence expenditure from which Northern Ireland could not expect to remain immune. Railways in Northern Ireland were losing money, and, as in Britain and the Republic, the government was obliged to close lines in order to limit losses. Far from being condemned in the west for closing one line, it should have received credit for at least keeping open the other line to Derry, through Ballymena and Coleraine, for the Benson report had recommended the closure of both (Benson, 1963: para. 70). The Matthew report was not a regional plan for Northern Ireland as a whole but, as one of the civil servants involved has explained (Oliver, 1978: 81–4), a means of circumventing a long-running dispute between Belfast Corporation and the Ministry of Health and Local Government over the rehousing of Belfast's surplus population: the new city proposal grew out of the need to solve this problem. The Lockwood committee produced reasoned arguments for concluding that the Coleraine area best fulfilled the requirements of a site for a new university (Lockwood, 1965: paras. 213–21) – among them being the availability of an area large enough to allow for expansion, a criterion which the existing university college in Derry could not meet. Finally, unionists could point to sound practical reasons why entrepreneurs preferred to settle in the east of the province (Hoare, 1980: 168–72). That was where skilled labour, docks and communications were most concentrated. As one academic study puts it, 'new employment is difficult to attract anywhere in Northern Ireland, so that in the real world of industrial negotiations it is often a matter of allowing firms to locate in the east or not having them in the province at all' (Salt and Johnson, 1975: 232).

Some of the most influential policy-makers of this period have denied that there was any intention to slight the west. Brian Faulkner, who was Minister of Commerce in 1963–69, records in his memoirs (Faulkner, 1978: 45) that the Michelin company was offered £1 million extra in government assistance if it would site a factory in Derry; but it still preferred the eastern town of Ballymena, which happens to be preponderantly Protestant. None the less, he claims, the Ministry was quite successful in attracting industry to the west, and by 1966 was anticipating full employment in Derry city within a few years. He quotes the consultants who drew up the 1970–75 development plan for Northern Ireland as concluding that 'the main facts about the period since 1964 do not support the view that the West has been neglected in public expenditure'. A similar case is made by a senior civil servant, Dr John Oliver, in his memoirs (1978: 181–2). He describes the claim that the west was neglected as a fallacy. It had only about a fifth of the population, but departments probably gave more than a fifth of their thinking to it, as less local initiative existed there. 'A tour of the west will suggest to any impartial observer that a greater proportion of capital invested there is public capital than is the case elsewhere: roads, bridges, hospitals, schools, clinics, libraries, police stations, court houses, agricultural colleges, forests and forest parks, advance factories.' These are only some of the justifications of unionist policy that can be cited: Hoare (1980: 166–72) provides an anthology.

Yet, despite the impressive defence that unionist spokesmen could make, a doubt still remains: would they have found ways of doing more for the west if

unionists there had been more numerous, and more anxious to attract economic development? Hoare (1980), who surveys the arguments on both sides, seems unable to reach a conclusion. Osborne (1982) provides evidence that some Derry unionists actually intrigued to have development kept out of Derry – presumably because it might strengthen the nationalist majority. Not till the official files for this period are open will we be able to form a solid judgement.

However, there are indications that the government's efforts on behalf of the west improved as time went on. Darby (1976: 68) notes that of 111 advance factories built by the Ministry of Commerce up to 1964, only sixteen were in the three western counties, but adds that the record improved considerably in the late '60s, and that about half the jobs created between 1968 and 1971 went to the west. The strongly anti-unionist writers O'Dowd *et al.* (1980: 44) note that while the peripheral areas of Northern Ireland held only 17 per cent of the province's manufacturing employment in 1959, this figure rose to 20 per cent in 1966 and 23 per cent in 1971. On the whole, regional development seems to have been one of the less serious areas for complaint. It may be significant that it was almost wholly in the hands of Stormont Ministries, and that local authorities – which controlled an important sector of employment and housing – had almost no say in this field.

6 Policing

If housing and regional development emerged late as areas of grievance, policing emerged early but declined in prominence later. Writers such as Harrison (1938), Ultach (1943) and as late as Gallagher (1957) lay great stress upon it, but it became less salient in the '60s until it came back with a rush in the period just after that covered by this paper. But since at all times it figured in any list of nationalist grievances, it requires consideration.

Here, as in other areas of controversy, it is important to get clear just what was being alleged. No nationalist writer that I have discovered accused Northern Ireland of being a police state. Such a charge would have been extravagant. The opposition press, with a handful of exceptions, was never censored. Elections were freely and vigorously contested. Opposition candidates made use of their right to send election literature free through the mails. But it was alleged that policing was carried out in a one-sided and unfair manner. Complaints can be gathered under three headings: (a) the police forces (Royal Ulster Constabulary and Ulster Special Constabulary) were sectarian in composition and outlook; (b) government and police were given excessive powers by special legislation; and (c) with the aid of these powers they oppressed, not just violent opponents of the regime, but the nationalist and Catholic population in general. Each of these headings will be considered in turn.

(a) *Composition of the police forces.* Quite a lot of information is available on the religious composition of the Royal Ulster Constabulary (RUC). Seventeen per cent of the force were Catholic in 1936 (Buckland, 1979: 20), 16 per cent in 1944 (calculated from figures in Carson, 1956: 36), 12 per cent in 1961 (Barritt and

Carter, 1962: 96 n), and 11 per cent in 1969 (Hunt, 1969: para. 120). Thus the proportion of Catholics was well below the proportion of Catholics in the population, and declining. It does not follow that this was the result of discrimination. A government committee in 1922 proposed that one-third of the places in the RUC be reserved for Catholics (Buckland, 1979: 22), but this proportion of posts was never taken up. Those Catholics who did join the RUC seem to have had as satisfactory career patterns as the rest of the force. The figures quoted by Carson (1956: 36) show that the proportion of Catholics (21 per cent) in the higher ranks of the RUC was actually above their proportion (14 per cent) among constables. The Hunt committee on the police 'interviewed a number of Roman Catholics of all ranks and heard no evidence of discrimination on religious grounds with regard to promotion within the RUC' (Hunt, 1969: para. 123). The committee reported that genuine efforts had been made to recruit more Catholics, and that if the Catholic proportion of the force was so low it was because they had not come forward in sufficient numbers (*ibid.*: para. 121). None the less, the fact that the RUC was so preponderantly Protestant must have had some effect on its ethos. It would be surprising if such a force could act with complete even-handedness between Protestant and Catholic.

The Ulster Special Constabulary (USC) was set up in 1920, at a time when the IRA campaign in the rest of Ireland was mounting and the British government needed all the manpower it could get. The establishment of a special constabulary in areas where the bulk of the population was loyal freed troops and police for service elsewhere. But a result of this origin was that the force was virtually wholly Protestant from the start. Two efforts were made, in 1920 and 1922, to recruit Catholics for it. A mini-controversy has developed over where the blame lies for the failure of these efforts (Hezlet, 1972; Boyle, 1977; Bew *et al.*, 1979; Farrell, 1980), but fortunately we need not go into it because it is common ground that the USC emerged as, and remained, a wholly Protestant force. Gallagher (1957: 177–9) cites unionist spokesmen in 1922, 1936 and 1947 proclaiming the fact. The Hunt committee found (1969: para 163) that 'whilst there is no law or official rule that precludes any person, whatever his religion, from joining the USC, the fact remains that for a variety of reasons no Roman Catholic is a member'. It appears also to be common ground that after 1922 no effort was made to recruit Catholics. The authorised historian of the USC, while claiming that the main reason for the absence of Catholics was that they did not want to join, adds that 'undoubtedly many Specials would rather not have had Roman Catholics for security reasons' (Hezlet, 1972: 226).

(b) *Emergency legislation.* In the spring of 1922 the Northern Ireland parliament passed the first of the Civil Authorities (Special Powers) Acts, which remained in force throughout the period under investigation in this paper. The Act was extraordinarily sweeping. It authorised the Minister of Home Affairs to 'take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order', and to delegate his powers to any officer of the RUC. Regulations issued under the Act gave the Minister power to ban meetings

and publications, and to intern suspects without trial; authorised the police to arrest without warrant, and to search persons and vehicles anywhere; and declared various organisations unlawful. Any loopholes left by these comprehensive provisions were filled by section 2 (4) of the Act, which stated:

If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of the peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations he shall be deemed guilty of an offence against the regulations.

At first the Act was renewable annually, but in 1928 it was renewed for five years, and 1933 it was made permanent. Buckland's researches in government papers have revealed the reasons. In the early days of Northern Ireland nationalist MPs boycotted parliament, but when they began to attend after 1925 they made the annual renewal an occasion for recrimination. 'The reaction of the Ministry of Home Affairs and police authorities was not to recommend that the act should lapse, but that to avoid this annual wrangle it should be made permanent' (Buckland, 1979: 219). Thus the partial safeguard against abuse provided by the Act's temporary nature was removed. There were no other legal safeguards: two attempts to challenge in the courts the validity of actions taken under the Act were unsuccessful (Hadden and Hillyard, 1973: 12, 27). The Act was so wide open to abuse that one does not need to cite nationalists to prove its unsatisfactory character. In the words of an academic active in the unionist party, 'for a government disposed to establish a police state in Northern Ireland, there is a clear way open' (Calvert, 1968: 383).

When appraising this Act we must recall the circumstances in which it was passed. In the early part of 1922 Northern Ireland was virtually in a state of civil war, with shooting by both IRA and loyalists. On 14 March, when the government announced its intention of bringing in the Bill, there had been eighty-three deaths in Belfast alone since 1 January, and no one had been brought to justice (Barton, 1980: 17). The Bill, draconian though it was, in essence gave the police the same powers as were already possessed by the British army (*ibid.*: 15). Moreover the threat did not disappear with the dying away of violence in the second half of 1922. The IRA remained in existence, and it and its splinter groups mounted further campaigns against the Northern Ireland State in 1939–43 and 1954–62. Carson (1956: 21–2) points out that governments in the Republic had to take similar powers against the IRA, and used them even more harshly: people were executed under emergency legislation in the south, but not in the north. Unionists could reasonably feel resentment when authors such as Ultach (1943) or Gallagher (1957) denounced the Special Powers Act without even mentioning the circumstances that brought it forth.

Nevertheless, even when the circumstances are explained, the Act appears to have been unduly severe. To quote one academic friendly to the unionist regime, 'many of the offences . . . are otiose and could be safely dispensed with in reliance on the adequacy of the ordinary criminal law to deal with the violent and subversive criminals' (Edwards, 1956: 17). And to quote another, 'the Act may be claimed to have gone further than was strictly necessary even at the height of the

troubles' (Calvert, 1968: 385).

(c) *Application of special powers and conduct of the police.* We have so far established that the RUC was mainly Protestant and the USC wholly so, and that the legal powers accorded by the Special Powers Act gave at least the opportunity for oppression. But before we can establish that the Catholic minority actually was oppressed, we must establish how the police operated, and the special powers were applied, in practice.

I have found this the hardest sub-section to write in the whole paper. The gap in perceptions is as great here as anywhere. On the one hand, nationalist sources like Ullach (1943) or the CCDC (1973) depict the police as bullies, roughing up innocent Catholics. On the other hand, unionist writers like Clark (1967, 1971) or Hezlet (1972) portray the Special Constabulary as patriots willingly giving up long hours to the service of their country in return for the pittance provided by a cheeseparing government. In other parts of this paper I have been able to bridge the gap between views by appealing to relatively detached researchers in the middle. But in the field of security these are in short supply. I have some sympathy with Barritt and Carter, whose paragraphs on these matters are the most indecisive in their book:

We have heard a number of complaints of onerous and unnecessary interrogations; but we have no evidence that what is done goes beyond the necessities of effective police action. . . . We have also heard recent complaints of wrongful or unnecessary internment. . . . On these again we have no strong evidence. . . . More serious are the allegations of police brutality. . . . We do not know where the truth lies. [Barritt and Carter, 1962: 136]

However, there are enough fragments of evidence from various quarters for one to attempt an appraisal.

There have been two attempts to survey the operation of the Special Powers Acts. The first was the report of a commission of enquiry set up by the London-based National Council for Civil Liberties in 1935 (NCCL, 1936). The burden of the report was that special powers were used, not just against violent enemies of the State, but against the political opponents of the government, whether nationalist or left-wing. It was claimed that the police did not behave impartially as between Orange processions and Catholic or left-wing ones (*ibid.*: 26), that arrested people were subjected to exhausting interrogations (27), that while 'there is now no general physical ill-treatment' of prisoners, specific instances could not be ignored (28), that the Ministry of Home Affairs failed to investigate complaints of ill-treatment (29-30), that internment was applied to political opponents of the government (34), and that the Special Powers Act had been used against various peaceful demonstrations (36-7). Carson (1956: 27) states that the commission 'did not get in touch with the Ulster Minister of Home Affairs, the heads of the Constabulary, or any official responsible for the administration of the Act which it wished to investigate. It obtained no evidence except from persons hostile to the Government'. This is a damaging claim; but,

apart from one point about the number of Catholic judges, Carson does not take issue with any of the specific points made by the commission. The composition of the commission suggested that it was not unqualified to assess evidence: three of its members were lawyers, and the fourth was the head of an Oxford college. Politically, it was mildly left-wing: two of its members had been Liberal MPs, and a third a Liberal parliamentary candidate. While the commission may have exaggerated, its conclusions cannot be dismissed. As a unionist writer, Shearman (1942: 173) has conceded, parts of its report make 'unpleasant reading'.

The second appraisal of the Special Powers Acts was Edwards's (1956) investigation of its operation during the period 1945-55. Edwards found no prosecutions at all in seven of those eleven years; most of the cases which he did uncover were for non-production of identity cards, under a wartime regulation repealed in 1946. He concluded that while the measure had undesirable features, 'the overall paucity of prosecutions in recent years points unmistakably to the policy of toleration on the part of the Northern Ireland Government' (Edwards, 1956: 17). This is a strikingly different conclusion from NCCL's. It can be attributed partly to a different bias on the part of the author; partly to different circumstances, in that most of the period which Edwards examined was unusually quiet, a trough between two bouts of IRA violence; and partly to a real change in the government's policies. A large number of regulations were repealed in 1949-51 (*ibid.*: 15), and though some were reintroduced in 1954 (*ibid.*: 16) the Special Powers Acts do seem to have been used with more restraint after the war than before.

Further fragments of evidence from various quarters are available on how far the Special Powers Acts were used impartially. The avowed purpose of the Acts was to put down violence. One would expect, then, that its weight would fall on portions of the Catholic population, since that was where the IRA found its support; but since the Protestant community was not devoid of thugs, one would also expect Protestants to suffer, at least from time to time.

This did happen. Farrell - to his credit, since it went against his general argument - was the first modern writer to resurrect the forgotten fact that a gang of Protestant extremists in east Belfast was broken up by the use of internment in 1922 (1976: 63-4). But he considers that the authorities were tardy in moving against this gang, a point on which Buckland (1979: 218) agrees. The power to ban processions was used in a more gingerly fashion. In 1935, at a time of communal tension, the Minister of Home Affairs banned all parades in Belfast - but shortly afterwards he capitulated to a demand from the Orange Order that its parade be exempted, and lethal riots followed (Budge and O'Leary, 1973: 151). In 1952 an Orange procession was prevented by the RUC from marching through a nationalist area near Annalong. But after resignations by local special constables, the march was allowed to go ahead. Gallagher (1957: 195) asserts: 'this was the only reported occasion on which the Special Powers were impartially used. This impartial use lasted from 14 June to 3 July 1952.' In 1959 the Minister of Home Affairs forbade an Orange band to march through the overwhelmingly Catholic village of Dungiven. But the next year a new Minister rescinded the ban,

and the march went through (Barritt and Carter, 1962: 63). The rise of Ian Paisley in the '60s provided the authorities with some difficult problems. At first they sought to appease him. In 1964 the RUC removed an Irish tricolor from a solidly nationalist part of Belfast, thus provoking a riot, after Paisley had threatened to remove it himself (Marrinan, 1973: 83). In 1966 a Paisleyite procession was escorted through a Catholic area by the RUC (*ibid.*: 102). But the disorder caused by this procession led to Paisley being prosecuted and imprisoned (*ibid.*: 122–3). Meanwhile, following the murder of a Catholic, an extremist Protestant organisation, the Ulster Volunteer Force, was banned: the first time that the power to ban had been used against a non-republican body.

So much for the application of special powers; what of police attitudes to the minority? At this point the dearth of serious research dwindles to nothing for most of our period. However, there is some evidence available from its very beginning (1922) and from immediately afterwards (1968–69). By extrapolating from this we can reach some tentative conclusions.

The USC in 1922 drew some unflattering comments from sources not *a priori* friendly to nationalists. Major-General Solly-Flood, the Military Adviser to the Northern Ireland government, wrote that 'the B Special Constabulary . . . are not only a sedentary force but their ability is greatly impaired by their lack of commanders, discipline and training' (quoted in Bew *et al.*, 1979: 59).⁷ Three B Special commandants resigned and approached a Westminster civil servant, S. G. Tallents, 'with harrowing tales of unpunished murders and other indications of religious bias in their force' (*ibid.*: 58). Tallents himself concluded:

The present reputation of the 'B' Specials in the six counties is disquieting. . . . The Catholics regard them with a bitterness exceeding that which the Black and Tans inspired in the South and several prominent unionist public men told me privately that this purely partisan and insufficiently disciplined force was sowing feuds in the countryside that would not be eradicated for generations. [Quoted in Farrell, 1980: 132]

Following a shooting incident in Cushendall, a British judicial enquiry found that A Specials had shot three innocent Catholics out of hand (*ibid.*). These condemnations do not affect the RUC, which was only being formed in the first half of 1922, but they throw a lurid light on the USC. Since many of those who served in it in 1922 would have been still with it for decades afterwards, it is not surprising if it evoked fear and bitterness among Catholics.

Further evidence on the attitudes of the RUC and USC comes from the period just after that covered by this paper, when in 1968–69 they had to cope with civil rights demonstrations and loyalist counter-demonstrations. Two official enquiries – the Cameron Commission and the Scarman tribunal – heard evidence from all sides and provided the most authoritative judgements available on these events. Their findings did not endorse the most hostile estimates of the two forces. The Cameron Commission (1969: para. 168) reported that 'in the majority of cases we find that the police acted with commendable discipline and restraint under very great strain and provocation from various quarters'. The Scarman tribunal (1972: paras 3.2 and 3.3) rejected the picture of the police as 'a partisan force co-operating with Protestant mobs to attack Catholic people' and

was satisfied that 'the great majority of the members of the RUC was concerned to do its duty'. At the same time the Cameron Commission concluded that in Derry on 4/5 January 1969 'a number of policemen were guilty of misconduct which involved assault and battery, malicious damage to property in streets in the predominantly Catholic Bogside area . . . and the use of provocative sectarian and political slogans' (Cameron, 1969: para. 177), and in Derry again on the night of 19/20 April 1969 there were 'further acts of grave misconduct among members of the RUC' (*ibid.*: para. 180). The Scarman tribunal found six occasions during August 1969 in which the police were 'seriously at fault' (Scarman, 1972: para. 3.7), while the USC 'showed on several occasions a lack of proper discipline, particularly in the use of firearms' (*ibid.*: para. 3.23). Now though these criticisms apply to a period just outside that covered in this paper, the composition of the police forces did not change dramatically overnight: most of the policemen of 1969 were there in 1968, and many would have been there in 1958 or 1948 or even 1938. One may conclude that the attitudes made manifest by the disturbances of 1969 had been latent for much longer. Indeed, one complaint – that when a unionist and a Catholic demonstration were in conflict the police 'invariably face the latter and have their backs to the former' – was reported to be 'of general application and long standing' (Cameron, 1969: para. 181).

The fairest summary of police behaviour in Northern Ireland appears to be as follows. The police force could not be seen as consistently impartial, applying the law evenly to everyone, unionist and anti-unionist alike. On the other hand, they could not be seen as purely partisan, designed to perpetuate unionist ascendancy and batter into the ground all political opponents. The reality was somewhere in between, with the police forces teetering uncertainly between impartiality and partisanship. In so far as there was change over time, the trend seemed to be towards greater impartiality. In 1963 a nationalist senator, Patrick O'Hare, could describe the RUC as 'a fine body of men who are doing a good job' (quoted in McCann, 1974: 213). The increase in hostility towards the police after 1968 meant the reversal of a trend.

Conclusion

Judgements on the unionist record in the period 1921–68 vary from the deepest black to purest white. At one extreme, writers like McCann (1974) and Farrell (1976) depict discrimination as being so pervasive as to be the foundation of the State: it was what kept the Protestant working class from bolting into an alliance with the Catholic working class, and the Protestant bourgeoisie could not do without it even if they wished (see particularly McCann, 1974: 125 and Farrell, 1976: 81). At the other extreme a unionist like Walmsley (1959: 20) could describe claims that the minority was downtrodden as 'entirely without foundation', and a unionist Prime Minister, Major Chichester-Clark, could claim that 'some quite small grievances or alleged grievances have been magnified out of all proportion' (quoted in CSJ, 1969: 32). One recent investigator still feels able to write that the pre-1968 system was 'not particularly inequitable' (Hewitt, 1981: 377).

Neither of these extreme views can be sustained. The amount of discrimination proved, or even alleged, to have existed is insufficient to bear the weight that McCann or Farrell place on it. On the other hand, it is quite sufficient to disprove attempts to dismiss it as unfounded or trifling.

Most recent writers who have investigated the problem come down somewhere in the middle. Charles Brett, who as a leading figure in the Northern Ireland Labour Party was in the mainstream of neither unionism nor nationalism, and who carried out a study of discrimination in the '60s, concludes that 'the Catholic grievances did not amount to oppression' but that 'the Catholic minority received less than fair treatment from the Protestant majority' (1978: 101). Birrell and Murie (1980), in their compendious study of public administration in Northern Ireland, several times refer to the problem of discrimination, and, while they provide no quotable passage summing up their conclusions, leave the impression that they would come close to Brett's view. Buckland (1981: 72) writes:

The Unionist regime was neither as vindictive nor as oppressive as regimes elsewhere in the world with problems of compact or irredentist minorities. The fact remains that, owing to local conditions, the power of the government was used in the interests of Unionists and Protestants, with scant regard for the interests of the region as a whole or for the claims and susceptibilities of the substantial minority.

Darby, who in the course of an appraisal of the literature on the Northern Ireland conflict provides a set-piece discussion of discrimination, concludes that some charges are unsubstantiated and others are exaggerated, but that proven cases are sufficiently numerous to constitute 'a consistent and irrefutable pattern of deliberate discrimination against Catholics' (1976: 77-8). This is fractionally sharper language than Brett's or Buckland's, and my own view is that, as between nuances of emphasis, I would support Darby. But the differences are only marginal. The consensus among those who have looked at the evidence dispassionately is that the picture is neither black nor white, but a shade of grey.

A detailed study such as the present one can, however, suggest more precisely what shade of grey is required in different parts of the picture. Six areas of contention have been studied in this paper, and more evidence was found of discrimination in some areas than others. If they were placed in an order of demerit, with the fields in which there was most discrimination coming first, the result might be something as follows. (I would not insist on the precise ranking, but the ones near the top of the list come clearly above those near the bottom.)

Electoral practices
Public employment
Policing
Private employment
Public housing
Regional policy

This, however, is not particularly illuminating, because the variations found within most of these areas have been as striking as those found between them.

A more helpful classification might be geographical. A group of local

authorities in the west of the province provide a startlingly high proportion of the total number of complaints. All the accusations of gerrymandering, practically all the complaints about housing and regional policy, and a disproportionate amount of the charges about public and private employment come from this area. The area – which consisted of Counties Tyrone and Fermanagh, Londonderry County Borough, and portions of Counties Londonderry and Armagh – had less than a quarter of the total population of Northern Ireland yet generated not far short of three-quarters of the complaints of discrimination. Elsewhere, discrimination occurred. The USC was everywhere a Protestant militia; some police decisions betrayed partisanship; there were fewer Catholics in the higher reaches of the public service than were willing and qualified to serve; some private firms discriminated against Catholics. But when all this is said, the prominence of an area in the west remains. There, the greyness of the picture over most of the province changes to an ominous darkness. The unionist government must bear its share of responsibility. It put through the original gerrymander which underpinned so many of the subsequent malpractices, and then, despite repeated protests, did nothing to stop those malpractices continuing. The most serious charge against the Northern Ireland government is not that it was directly responsible for widespread discrimination, but that it allowed discrimination on such a scale over a substantial segment of Northern Ireland.

Notes

- 1 I have to thank the following for their comments on an earlier draft: Mr P. Arthur, Mr D. P. Barritt, Dr P. Bew, Dr F. W. Boal, Mr R. G. Cooper, Mr R. Cormack, Mr J. Darby, Professor D. W. Harkness, Professor C. Hewitt, Professor R. J. Lawrence, Mr D. P. Neill, Dr L. O'Dowd, Professor C. O'Leary, Dr R. D. Osborne, Mr F. Wright. I owe much to their searching criticisms; but responsibility for shortcomings remains mine.
- 2 By 1968 the university franchise was actually working against the unionists. Of the four Queen's University seats, two were held by non-unionists. Their abolition in 1968 and replacement by four new territorial seats, carved out of Belfast suburban areas which were by then grossly under-represented, resulted in a net gain by the unionists of two seats.
- 3 The point is sometimes made by unionist spokesmen (e.g. UUP, 1969: 11) that population movements after 1929 produced an under-representation of unionists, since those constituencies which grew most in population were mostly unionist, while those which declined most were often opposition-held. This is quite true, but does not seem relevant to the discrimination controversy. There is no evidence that in 1929 the unionists intended to become under-represented.
- 4 Enniskillen had in 1920 a nationalist-cum-Labour majority.
- 5 Use of the census figures for 1971 is complicated by the failure of an unprecedented proportion of the population, 9.4 per cent, to state their religious affiliation. Compton (1978: 80-1) estimates that 61 per cent of those failing to report an affiliation were Catholic, and that the true Catholic percentage of the population was therefore 36.8. If we take this figure instead, then the proportion of Catholics as senior government officials would seem to be even smaller. But on the other hand, 10.8 per cent of such officials failed to state a religion, and some of these may have been Catholics.
- 6 The census of 1971 (Religion Tables, table 8, headings 175-80) showed that 1,094

managers, or 10.6 per cent, described themselves as Catholics. Among personnel managers (*ibid.*: heading 178) the percentage dropped to 7.5. The percentage not stating a religion was 9.8 among managers as a whole, and 11.5 among personnel managers.

- 7 The Special Constabulary was divided into three categories – A (full-time), B (part-time) and C (reserve). A and C Specials were phased out after relative peace returned in the mid-1920s.

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