

Contesting Marriage Inequality on the Hill and Beyond

A Discourse-Historical Inquiry
of the Valleys of Struggle within Equal
Marriage Mobilization in Northern Ireland

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Abstract

Explanations of the sources, patterns and constraints for social change have long dominated cross-disciplinary debate from structural and social constructivist paradigms alike. This thesis questions the structure-agency hypothesis as incomplete and incapable of capturing the residual effects of related policy legacies and histories of institutional behavioural responses around previous policy interventions. This study traces the key developmental transitions in the campaign to achieve marriage equality in Northern Ireland (NI) as well as its key interactions with state-public actors.

This research documents how the institutional exceptionalism of the NI legislature compacted the political advocacy of the LGBTQ+ reformist leadership, leading to the abandonment of the NI Assembly pathway in pursuit of other reform routes. Drawing upon discourse opportunity theory and discourse institutionalism, this thesis attributes key moments of discursive state-actor contest and equally, innovations from the pro-equality reformist leadership as crucial to lifting of the movement beyond an otherwise barren policy legacy on the matter of marriage equality.

The study triangulates the use of thematic analysis of oppositional plenary statements, original interview data from the pro-equality campaign leadership and discourse historical analysis of campaign communications to explain divergence from a ‘traditional’ policy change route and the reformative discourses responsible for acclimating growing support for marriage equality in Northern Ireland.

The findings of this study contribute to contemporary debates regarding the measurement of mobilization dynamics and operationalization of enduring movement impacts. Restricting academic explanations to solely structural attributions for change, absolves the critical role that movements play in the execution and management of cultural interference in wider social attitudinal transformations. As social scientists, we may help elucidate these processes by designing more inclusive, diverse data samples which are also multi-modal. Only then may we harness better applications of current mobilization-outcome knowledge and better integrations of variable methods of data collection and analysis.

Marriage Equality in Northern Ireland: A Brief History Explained

Northern Ireland has long held the distinctive status of being the only UK jurisdiction with legal impediments to marriage if ‘both parties are of the same sex’, as set out in The Marriage (Northern Ireland) Order 2003, Section 6, Subsection 6, Part E. Same-sex marriage was not legally permissible until 22nd October 2019, in conjunction with the decriminalisation of abortion provision (Page, 2019). The number of years Northern Ireland’s LGBT+ community remained in a marriage equality deficit in comparison to its neighbouring devolved regions was one of the most compelling aspects of this jurisdiction’s road to reform.

On Monday 1st October 2012, a joint motion on the matter of legislating for marriage equality was presented by three Members of the Legislative Assembly, Stephen Agnew (then Green Party Northern Ireland leader), Caitríona Ruane and Bronwyn McGahan (both members of Sinn Fein). The first of five successive private member motions, the preliminary motion was defeated by ‘50-45’ votes. Despite marginal voting changes across further debates, three further motions would later be defeated by a majority vote against legalising marriage equality.

Three years later, on 2 November 2015, members of the Northern Ireland Assembly voted for the fifth and final time on the issue resulting in a slim majority of, 53 votes in support against 52 (O’Doherty, 2018). Despite this success, the majority vote was defeated by the petition of concern, a protection mechanism agreed by the Belfast Agreement which retains the power to veto any proposed action by the Northern Ireland executive to prevent single-community bias. Democratic Unionist Party leader and First Minister of the Northern Ireland Assembly, Arlene Foster then declared her intention to continue to use the Petition of Concern to block any future attempts for legislative reform in respect of marriage equality (Madden, 2016).

Outside of the Northern Ireland Assembly the campaign to challenge marriage inequality began in 2012, where a grassroots movement mobilised formally as the ‘Equal Marriage Northern Ireland’ campaign (EMNI). The campaign was predominantly focused on lobbying MLA’s to vote in favour of passing marriage equality legislation. In 2015, EMNI reorganised into ‘Love Equality Northern Ireland’ inviting other LGBTQ+ groups and allies such as Amnesty International NI and the Irish Congress of Trade Unions Northern Ireland to join forces.

After four failed attempts to win majority votes and one vetoed majority vote in the Northern Ireland, the campaign entered its litigation phase, where three couples engaged in a two-year battle to i) overturn legislation which prevented same-sex couples the right to marry and ii) to introduce state recognition of same-sex marriages solemnised outside of Northern Ireland. All three cases were dismissed, directing that ‘the rights of the couples had not been violated’.

During this time, Love Equality Northern Ireland built up an extensive public-facing campaign. Until eventually, it found the support of allies in Westminster. Two private member’s bills were introduced to the House of Lords by Lord Hayward and MP Conor McGinn. Both passed the initial first reading. McGinn’s efforts at reform successfully culminated in amendments to the Northern Ireland (Executive Formation) Act 2019 with equal marriage becoming legalised on the 13th of January 2020.

Chapter One; Introduction

1.1 Introduction

This study contributes to the wider knowledge of the public intentions of the previous Equal Marriage NI campaign and the subsequent Love Equality NI, which to this day remained relatively unknown. This presented a rare opportunity to record and measure the opportunities and impediments to change as they were unfolding. The motivating premises of this study originate from questions which ask how and why social and cultural change was actualised by means of counter discourse and protest. A survey of the literature review on trajectory-focused cases on the argumentation of marriage equality revealed a large majority of sources were often one-sided either encompassing that of pro-equality communications or that of oppositional argumentation. What these studies failed to do was to fully consider how both pro and anti-elements harness specific discursive resources to contest or defend culturally and politically embedded structures, rules, and procedural/cultural norms that have been naturalised (Streeck and Thelen, 2005). This introductory chapter lays out the necessary background to the following research, justifying and proposing the parameters of the research problem. I begin briefly In this chapter, I will explain the aim of the research, illustrating the associated research objectives guiding the analysis presented. This will be followed by an overview of the research design and methodology. The chapter is concluded with a structural outline of the thesis to follow.

1.2 The state and LGBT relations; the Northern Ireland context

LGBT studies, accords that all “sexual, gender-variant, non-binary and other LGBTQ+ persons should be accorded full human respect and equality in economic, social, and all other dimensions” (Scott, 2016). In the pre-liberation era, the state withheld the ability for same-sex persons to legally exist, to marry one another, to co-adopt, to give blood.

This study makes two distinctions in its selected topic of study. In this case, this relates to state-challenger disputes of the right to marry for same-sex couples. In the North American states, in the Scandinavian states and in the wider European states – the matter of marriage equality were ultimately resolved through a singular pathway of reform, in the courts, by parliamentary means or through legislative procedures of the polity.

Contemporary perspectives have debated extensively on the ethnonationalist strain effect which impact opportunities for greater equality reform on the modern political issues engaged by the Northern Ireland legislature. These effects have deeply entrenched the political visibility and often misrepresentation of the full breadth of LGBTQ+ equality issues yet to be resolved through legal and political contest. Chaney's (2013) study assessed the variability of meaningful, open and out representation of LGBTQ+ issues through his longitudinal UK wide party manifesto analysis. Perhaps to no surprise, the analysis found that in the post-WWII British Cabinets and other devolved election literature, there were no LGBT+ specific references noted within manifestos dated between 1945 and 1979. This can be explained by the remnant effects of a volume of discriminatory statutes passed under the Buggery Act 1533, in Tudor England subjecting gay persons to years of intrusive state policing of private lives and criminalisation of queer identities / sexual behaviour. The state manufacture of a culture of immorality around sexual diversity and identities which did not fit the heteronormative norm heavily impacted pre-liberation efforts in Northern Ireland and beyond by enforcing a conservative hush around the open discussion, never mind representation on such issues. The impact of self-censorship was recognised considerably early by Cara-Friend (2021), one of the oldest befriending telephone services in Northern Ireland. This charity was initially set up to counteract the homophobic climate pervading much of the province which openly encouraged self-closeting and / or repression of one's sexuality.

The Belfast based Homosexual Law Reform committee detailed institutional resistance to the formalisation of mental health and wellbeing university policies for the gay student population as well as a lack of formal recognition of the Gay Society by Queens University Belfast. With the eventual acceptance of a health and wellbeing policy, society members still claimed that institutional support on the matter of gay liberation remained at a distance, assistance appeared superficial given the refusal for grant provision or a space to even hold meetings. Jeffrey Dudgeon, the individual responsible for the extension of partial decriminalisation of homosexuality to Belfast strongly insisted that reluctance from Northern Irish officials who held Westminster seats to engage and openly represent critical equality issues only reinforced the need to stand up for them (Dudgeon, 2013 cited in *A Century Later: LGBT in Northern Ireland*).

As I will address in the chapters to follow, the institutional barricades structurally and discursively embedded into the legislative procedures of the Northern Ireland Assembly have contributed to the historic oppression and inequities for reform for the LGBT community, since its creation in 1998. Signed in April, the Northern Ireland Agreement presupposed a ceasefire to 30 years of violent ethnonationalist conflict and violence. Between the two ethnonationalist traditions of unionism and nationalism, a key assumption of the agreement was that devolved governance could resume if deep-seated communal divisions could be equally accommodated and eventually resolved through institutional power-sharing arrangements (Hayes and McAllister, 2013). Despite agreement obligations to promote equality of opportunity to those of gender, race, disability, age and sexual orientation – the Northern Ireland Assembly’s cross-community safeguards had continued to impede progress on sexual minority rights as well as reproductive rights and justice (Taylor, 2009).

The consociational power-sharing arrangements unique to this jurisdiction actively marginalises other progressions, reifying communal division within the ‘ethno-structured polity and hetero-normative political culture of post-conflict Northern Ireland’ (Lehner, 2017:17).

The following study explores this institutional-community tension and questions whether and how the remnants of past state-community interactions have been either advantageous or a source of detriment to modern movement dynamics. This study adopts and draws upon the conceptual knowledge of historical-discursive institutionalism (Pierson and Skocpol, 2002) and discourse opportunity theory to document the movement’s journey. The presuppositions of the former theory lend to how political and social mobilisation achievements are structured by the existing pre-configurations of the polity and the policymaking histories within it (Mahoney and Thelen, 2010). This study positions the history of state-community relations as pertinent to decision making practice regarding protest approach, future prospects and articulations of political and cultural change for the marriage equality movement.

I use discourse opportunity theory in this study to integrate the historical provisos of the fraught discursive culture that has accompanied previous equality pursuits and remain very much ‘living’ within the then active marriage equality movement. Having now introduced the tension between members of the legislative assembly and LGBTQ+ community members, I proceed to expand on the state of discursive state-community relations experienced through political engagements and previous political indifference to earlier equality reforms. I follow this explanation with an overview of the perspective-triangulated research design and source-inclusive methodology which allows for the discursive reconstruction of the institutional

silences and barricades which pervade much of the marriage equality movement in Northern Ireland. I conclude this chapter with a structural outline of the thesis.

With full comprehension of the historically-specific constraints, I submit the following thesis, and argue that there remains a great deal of deliberative lessons of the pre-liberation era movement that impact the forthcoming rationales of modern and contemporary LGBTQ+ equality policy construction. The insistence of remembering the efforts comes with purpose and serves a greater function than mere recall. This coalesces with the determination to reinforce that contemporary LGBTQ+ movements develop, learn and respond differently within the configurations because of the historical tensions remnant from previous policy interventions / hostilities.

Subject to most accounts is that change necessitates much more than the political, previous studies have found change to be institutional and cultural. Actors capable of inducing such changes extend further than the immediate arms of the state. Such accounts are also rarely as linear as our research discussion often present (Turhan and Reiners, 2021). What this study has documented is a true reflection of the Northern Ireland account for marriage equality liberation. It does not ignore that change is bound in contest, its implications and actual achievement of attitudinal reforms occurs in interaction over time, sometimes at an incremental pace. Now we must ask, but how do we measure this in practice? Which concepts should we employ to help illuminate these processes?

These questions have stood at the forefront of this study however, I first ask the reader to consider some political-historical provisos before proceeding with the remainder of the thesis.

1.3 A history of the discursive construction of the pre-liberation queer

Campaigns from the pre and post liberation era have historically retaliated against a hostile political majority and self-representation had characterised much of the earlier, pre and post liberation campaigns to end the criminalisation of homosexuality and other inequalities (O’Leary, 2016). What other sociological and historical accounts have failed to consider is that this movement, and generally the advancement of the greater pursuit of LGBTQ+ rights and equality has had to mature in quite contingent political circumstances. These prior engagements grew out of largely discriminatory discourse legacies which historically cast members of the lesbian and gay community as law-breaking, sexually irresponsible and immoral (Corrigan, 2017). But what are the impacts of such open hostility from the political opposition and their condemnation of the emotional and sexual character of the wider community? This thesis argues that an overwhelming hostile political majority has contributed to the growing list of equality issues which remain unresolved in today’s modern, civil society. While not solely determinate of the movement’s opportunities for equality reform, Johnson and Tremblay (2018) insist that strong political will from elected officials is an important consideration for the analysis of structural or institutional barriers for social and political change.

In the UK context, the wider LGBTQ+ movement in general has overseen a litmus of contention between advances in equality policy history and state-actor responsive behaviour. A reluctance to openly speak of LGBTQ+ equality issues and a lack of proud and out political representation has seen late and only partial reform to the criminalisation of gay identities, same-sex sexual activity, closeted discussion of sexual health information and the demonisation of LGBTQ+ life and culture (Dryden, 2021).

Today, LGBTQ+ legal reforms have overseen an end to the criminalisation of gay men, of same-sex sexual relations, the lowering of the age of consent, the extension of adoption rights to same-sex couples, the protection of equal employment rights and access to public services. I contend that the Westminster Parliament and the Northern Ireland Assembly has historically enforced a ‘gatekeeping’ of certain public services and ordinary life experiences that can be expected in civil society for the LGBT+ community.

This gatekeeping cannot be ignored in the investigation of any modern, contemporary issue. Rather, this must be considered at the forefront when attempting to understand the rationales and underlying assumptions in the greater political advocacy tone unique to each individual campaign issue. A short venture into only some of the most visceral issues that have protruded deeply into the private lives of this community leads us to question the real impact of political support if it is closeted. If however, as this thesis sets out to do, we look at how political representatives publicly claim the issue and openly discuss possibilities and paths to reform, we can learn much more about the outward impacts that campaign discourses often strive to achieve.

In practice and in the wider political environment, the statement and framing of political issues endure much contest, from a range of political actors other than the state. This thesis begins with the premise that it is through discursive tension that actual change opportunities can be articulated and reified. The American and greater European campaigns for marriage equality reform were predominantly achieved and concentrated on singular routes of reform. For example, the US based campaigns focussed on state-wide litigation battles while the Netherlands, Iceland and the Republic of Ireland legalised same-sex marriage as a result of popular vote.

As of 2021, the Human Rights Campaign Foundation (HRCF) report an international measurement of 29 member states wherein marriage equality reform has been achieved to date. Any consideration of the international road to reform will note discreet variability in *how* these opportunities for change were realised. Out of these 29 states, the HRCF found that 20 of these countries had introduced legislative and policy change through the passing of national legislation. This included the international reform journeys of Australia's contentious postal plebiscite and Ireland's marriage equality referendum results. Further, 7 countries had engaged long and arduous state litigation battles securing reform through state court decisions. Finally, the Taiwanese Executive Yuan and the Parliament of South Africa only amended marriage policies after national courts legally mandated them to do so. As an under-researched geographical context within the academic sciences, local researchers have only partially explored the Northern Ireland Assembly debates on marriage equality. What we appear to know about the struggle for marriage equality now appears to have grown largely out-dated (O'Leary 2016; Thomson, 2016).

1.4 Research background and motivations

As a former criminal justice graduate, my early research interests were concerned with how the common law practices of the United Kingdom served to protect the lives of its citizens and property of the government. My observations from former lectures were organised around the beliefs that the law established common standards of moral behaviour and punished individuals who broke these laws through criminal behaviour. All criminology students are taught the law and its corresponding punishments deter criminal behaviour, they instil social order and enforce social control. In relation to the commission of crimes, the rule of law principle applies as follows.

It assumes that all persons and institutions are accountable and subject to the stipulations as indicated by the law. This principle also assumes that the law is fairly enforced and applied equally to every person and institution.

Legal definitions of criminal behaviour within the United Kingdom and beyond have however, changed over time and from the emergence of post-industrial society (from 1948). The law has subjected certain persons and institutions to more intensive moral and criminal policing in comparison to other members of society. I refer here to members of the lesbian and gay community. My research interests have since grown beyond the operationalisation of laws and policing practice to modern legal treatment of historically marginalised communities. History tells us that legally - love between two women did not exist, sex between two men was unnatural, immoral and most significantly constitutive of criminal behaviour. History tells us that the state heavily governed relationships between persons of the same sex to the point that gay men would face regular arrest and interrogation of their private relationships. But, why does the historical treatment of gay men and women matter? This thesis argues that this history is in part a major obstacle for the political and cultural progression of LGBT rights and equality in Northern Ireland.

I present the following case study, the Northern Irish marriage equality movement, as the basis for this advocacy-centred investigation. Selected primarily for its previously unique status of being the only UK jurisdiction where persons of the same-sex could not legally marry, this study documents the struggle to awaken a greater pro-equality consciousness in a political context where those in opposition represented the majority. The Northern Irish context offers many unique institutional and discursive features which underlie ambivalent state-community relations, closeted ally intricacies.

These relations in both pre-liberation and contemporary equality settings have compounded reform pathways in that there is not one clear, linear path for change.

This study documents phases of recalculations over reform pathways, defeats, pursuit of other routes and regressions as fully characteristic of navigating the heteronormative, ethnonationalist political domain that is the Northern Ireland Assembly. The Northern Ireland case study represents an anomaly of continued struggle and engaged multiple pathways for potential reform. This case study documented the campaign's multiple pathways to reform beginning with legislative reform through the Northern Ireland Assembly, through the rehabilitation of public support for the campaign and lastly by its judicial review efforts to legally overturn the law on marriage provision in Northern Ireland. Each national campaign for marriage equality inherits its own obstacles and limitations unique to their respective governmental configuration however, perhaps not to the extent as presented by the Northern Ireland case study. What is most interesting about Northern Ireland are the ways in which the terms of political discourse were contested and transformed. How these processes moved alongside greater but subtle, incremental turn in social attitudes also makes this interesting geographically.

This study accounts for the tumultuous changes in movement direction and the interdiscursive nature of campaign communications as new possibilities for reform against a considerably stagnant political environment. This study establishes the nature and level of institutional constraints which imposed the equal marriage movement's multiple deviations from the traditional 'constitutional / popular vote' pathway to reform.

As documented within this thesis – this is an extraordinary example of equality activism within which equal marriage campaigners demonstrated a relentless effort to educate, reform and build new possibilities for policy and political culture in Northern Ireland.

As I will discuss in Chapter 2, the combining of both the theoretical premises of institutionalism and discourse opportunity theory, offers the benefit of better understanding the residual impacts of institutionalised ways of doing politics, and its relationship to other parties of interest within the polity including those classified as political / state challengers (Hall quoted in Peters, 2005). Alongside the distinctive opportunity to explore a UK state which has been well researched only in very narrow policy areas around the Troubles, and barely at all in wider social policy terms, this research also offers a more rounded analysis of how institutionalised state routines can be disrupted. Institutional change theories also foreground our knowledge on how policy legacies can ‘distort or limit the range of policy reform routes available’ (Pierson, 2000; 251).

The following research presents a much-needed opportunity to clarify how policy reform happens alongside cultural and discursive change. Existent studies treat each phenomenon as separate and often analyse these political elements in silo which renders analyses unfinished and incomplete. During the drafting of this doctoral research proposal, the selection of the Northern Ireland example reflected a comparative international anomaly regarding the road to marriage equality reform. Northern Ireland also held an interesting history in that no piece of legislation or process of legal reform related to LGBTQ+ equality has ever been passed by its own power-sharing, devolved assembly of governance (the Northern Ireland Assembly). I will now proceed to illustrate the relative facts of the case-study subject.

1.5 Campaigning for marriage equality in Northern Ireland

In contrast to the international experience of marriage equality activism, the challenges faced by the equal marriage campaigns in Northern Ireland is a telling account of unrelenting change leadership in civic society versus a politically and culturally unyielding environment to reform. Unlike elsewhere in the United Kingdom, making the case for legislative reforms in marriage equality would involve efforts beyond government-held public consultations and the ‘liberal turn’ on this issue in Conservative political leadership. Marriage equality activists working within the English, Welsh and Scottish regions drew upon over half a decade of early movement narrative and policy inaction in their attempts to relieve the then state of marriage inequality in the wider UK.

As the 21st century moved into its second decade the notion of a feasible attempt at legislative reform in respect of marriage equality in Northern Ireland had yet to reach an institutional level or yet, even more significantly, to be recognised as public knowledge. Marriage equality activists had the formidable task of transforming remnants of political discourse dotted with blatant homophobia, anti-equality narrative and closeted pro-equality representation, alongside a public largely unaware of the need for reform. Previous research on Northern Ireland’s path to marriage equality reform have only been recounted in fragments and concentrated specifically on distinctive episodes within the lifetime of this movement. The most critical conjectures of this movement’s history cannot and should not be considered in silo. This applies to the considerations of its own individual movement progressions and the campaign’s repute against the co-ordination of wider UK activism. This separatism is in part due to the devolved status of each of the respective UK jurisdictions. As per the Sewel convention¹, the UK

¹ The Sewel Convention stipulates that Westminster Parliament will not legislate with regard to devolved matters without the consent of the devolved legislatures.

parliament may not interfere in matters of a devolved nature without the explicit permission of the devolved legislature concerned, protecting significant powers in law-making and relative autonomous rule. Legislating on the issue of marriage equality is unequivocally a devolved matter, therefore reforms in the Scottish Parliament have no automatic effect on the UK Parliament, the National Assembly for Wales, or the Northern Ireland Assembly. This accounts for variance in the *timing* of legislative change across UK wide marriage equality reforms. Statute to enact the legalisation of same-sex marriage in England and Wales was passed by the Parliament of the UK in July 2013, achieving royal assent by spring 2014. By winter 2014, the Scottish Parliament passed legislation in which same-sex couples from Scotland could legally enter a marriage. Notably, the UK's closest neighbour, the Republic of Ireland, became the first state worldwide to legally enact same-sex marriage by means of a popular vote in May 2015.

As set out in The Marriage (Northern Ireland) Order 2003, Section 6, Subsection 6, Part e, Northern Ireland has long held the distinctive status of being the only UK jurisdiction with legal impediments to marriage if 'both parties are of the same sex. Same-sex marriage was not legalised until 22nd October 2019, in conjunction with the decriminalisation of abortion provision (Page, 2019). The number of years Northern Ireland's LGBT+ community remained in a marriage equality deficit in comparison to its neighbouring devolved regions was one of the most compelling aspects of the road to reform, given that this time was littered with outright hostility to reform as well as ambivalence within the legislature. In addition to this, the campaigns responsible for legislative reform in Northern Ireland were also unusually multi-layered, occupying multiple change territories in the legislature, the courts system and public education campaigns. US and European accounts of equality campaign behaviour have typically documented single route pathways to reform.

The Northern Ireland campaign for marriage equality presents a compelling case study involving the multi-level activation of movement goals and simultaneous pathways to change.

1.6 Foregrounding the research aim and substantive research objectives

The current state of knowledge on academic understanding of modern movement dynamics around LGBTQ+ specific issues has routinely ignored a key proviso of all such legitimate scholarly consideration. I refer to a basic tenet of historical institutionalism which simply forwards that, 'history matters'. How a modern movement behaves is in no part representative of freely chosen decisions and pathways but rather is imposed by the institutional treatment and behaviour surrounding the issue at contest. This doctoral thesis draws upon the value of an intersecting theoretical integration nominally in the houses of historical/discourse institutionalism and opportunity discourse studies in its advent to study its influences on policy divergence and variance in marriage equality.

This thesis sets out to explore the pressure points which triggered multi divergences on the interesting evolution of marital reform policies in Northern Ireland. The aim of this unique research is to explain the complex divergence in reform pathways / policy routes and the reformative discourses which acclimatised the conditions for the reform of equal marriage rights. The study integrates the use of thematic plenary oppositional analysis, original interview data from the reform leadership and discourse historical analysis of pro-equality communications. This study shows that the institutional exceptionalism of Northern Ireland Assembly business forced LGBTQ+ community leaders to consider other routes of legislative reform.

Drawing upon previous constraint analyses, this thesis unpacks the preliminary political configurative conditions of the Assembly's peacekeeping design influential in the restructuring of campaign reform trajectories.

1.6.1 Analytic priorities

The investigation of the movement's multi-pronged engagement of potential change sites has driven the priority analysis of:

- (1) The plenary debates of marriage equality in the Northern Ireland Assembly.
- (2) The self / media narratives of the Close and Ors, Re Judicial Review [2017] NIQB 79
- (3) The pro-equality campaign communications of the Equal Marriage Northern Ireland campaign and the Love Equality NI campaign.

The findings of this thesis are structured in three substantive sections. First, through the examination of the Northern Ireland Assembly plenary debates, then the attempted legal redress from the judiciary and thirdly through the reconfiguration of public sentiment of the issue. The study examines the divergence from the Northern Ireland Assembly reform pathway and then the courts, establishing that these were necessary means of survival for the campaign. The findings determine that moving from each pathway was possible only when the campaign was able to rearticulate and redirect movement direction and goals. I assess the terms and conditions of political cooperation, challenges and solutions during the campaign. In reconstructing these events, this thesis sets out to elucidate the traces of productive dialogue where movement goals were not constrained. The investigation of the conditions and drivers that have characterised the movement's pathway to reform revolves around a set of key guiding questions detailed below.

To fully investigate this research problem, I disassemble this into two further research objectives.

1.7 Key research questions

(a) What are the wider institutional constraints and cultural impacts in the Assembly which prompted divergence in reform pathways?

(b) How do new interventions in reformist discourse live and interact amongst the wider institutionalist discourses and perceptions of the issue?

Further, the originality of my study points not to the permeability of the polity (as traditionally studied) but rather about the legacy of previous attempts at polity breaches. Alluding to the histories of such permeability, it facilitates a look beyond mere entry and departure but rather to cast macro-analyses on the struggle of new policy interventions.

As noted previously Northern Ireland presents much geographical interest, being a part of the wider UK (wherein LGBTQ+ rights flourished as the Labour government took office in 1997) however, never having passed a single piece of law through the Northern Ireland legislature related to LGBTQ+ equality. All contests for LGBTQ+ equality were won either by legal contest or else via Westminster. A positive policy legacy therefore was very much absent, in relation to the fight for greater equality for the LGBTQ+ community. Historically it has been an environment wherein members of the Northern Ireland legislature have routinely opposed and struck down opportunities for legislative progression. This was my first issue of interest for the study. My second issue was to discover, how in the absence of positive policy legacy and against strong policy hostility, can movements transform language to neutralise threats to policy change.

1.8 Purpose and significance of study

The primary aim of this research sets out to investigate the nature and extent of communication changes and changes in the selected pathways to reform as imposed by the procedural constraints and politically conservative culture of Northern Ireland policymaking. I refer to procedural constraints as the norms and standards adopted in normal Assembly business. These apply to the customary and commonplace processes for the planning, agreement and production of new laws and family policy. More specifically, this study intends to investigate whether and to what extent the configuration of the Northern Ireland Assembly has compacted the mobilisation and the building of support for the marriage equality campaign.

By contextualising the mobilisation and deliberation processes within the workings of the Northern Ireland devolved governance practices, we extend our understandings further than surface explanations of traditional opportunity theory and seek to understand how this process actually unfolded, with the failures in complete consideration. Particularly significant to this thesis' explanations are the policy building processes, primarily in the wider engagement and deliberations with other policy actors.

The theoretical context of this study acknowledges the potential influence of political and historical legacy in the forecasting of new equality interventions for family policy and legal reform (Immergut, 1992). Understanding the full extent of transformations in public and institutional discourse and its role in policy and legislative transformation has yet to be fully explored in any appropriate depth in the literature. The following section sets out a triangulated methodological plan and the theoretical principles which underpin this contextually and culturally sensitive response to an investigation of change restraints. As set out in section 1.7, this thesis followed a decisive and rigorous pathway through the data, navigating multi-modal

sources of contextual and discourse data. I justify their selection for examination in the subsequent empirical chapters and qualify the chosen sequence of processing the end to end qualitative data specifically recruited for this original piece of research. I close this chapter with a specification of how the remainder of this thesis is structured and organised, accompanied with a brief content summation of how each chapter is connected.

1.9 Methodological overview

Adopting a constructivist approach to this research, I conducted an investigative case study employing historically sensitive data collection techniques that allowed for a cross-phase analysis of reform pathway and discourse analysis. Embedding history as the crux of this study, I constructed my data samples so as to allow cross-data analysis, across ‘fields’ of discourse and across the time and space of discourse constructions. I confined the data parameters to between three major critical conjectures of the marriage equality movement lifetime. These present as:

1. The plenary debates of marriage equality in the Northern Ireland Assembly;
2. The self / media narratives of the Close and Ors, Re Judicial Review [2017] NIQB 79;
3. The pro-equality campaign communications of the 2012 Equal Marriage Northern Ireland campaign and the 2016 Love Equality NI campaign.

As this study is concerned with movement discourse constructions, sampling was purposeful and limited to those in the greatest proximity to the production and deliberation processes (Strauss and Cobin, 1990).

In the construction of this study's proposal, I justified the inclusion of raw data in service of 'thick description' of the standpoints, processes, and experiences of political challengers (Ritchie and Lewis 2003). This study's methodological design purposely encompasses a range of data collection sources and one that approaches a multitude of data sites. Endorsing a dual-phase analysis procedure, alongside vivid recall of decision making practices within the research context I forward the truest and most well rounded analysis of political life and culture in the story of how marriage equality in Northern Ireland was achieved, and the mechanisms which contributed to achieving this. This thesis is unique in its interpretative technique, merging discursive institutionalism and discourse opportunity theory advancing a dual-part approach for policy change analysis. Perhaps more significantly, my approach does not treat the discursive activity integral to movement success as lesser than other more visible collective goods such as legislative wins but rather, as a very much 'living process' of which we may find traces of the past in the present and one that permits us to study the evolution of policy and discursive change as in perpetual contest (Ferree et al., 2002).

Centralising institutional design as a means of structuring political movement behaviour, institutionalism has matured our understandings of what incentivises the political behaviour of movements (Hall, 1986; Berman, 1998; Steinmo, 2008). As a theory of political action, it has prompted analysts to consider the structural constraints caused by previous institutional behaviour and policy legacy of previous interventions for change, and how these may impact new interventions (Fiorentos, 2011). Supporters of the cultural mechanisms of change attribute these causal forces to that of ideation. This refers to the discursive variables which help shape and mould public opinion, as well as shared social and political values. Halliday's (1978; 1984) functional grammar added two things to formal grammar: 'patterns of experience' and 'patterns of ideologies'.

For example, the usage of different grammatical structures of passive and active voice may refer to different ideological interpretations. Following Halliday (2003), critical linguist practitioners view language in use as simultaneously performative of three core functions: ideational, interpersonal, and textual functions. Ideational function concerns the external world, e.g., ideas, ideologies, and theories. Interpersonal function expresses the speaker role in the speech situation, e.g., the personal commitment and the interaction with others. Textual function concerns the creation of text, e.g., how information is structured and related. It is the text-forming function, which provides the texture and the relation of language to its environment, including both verbal and nonverbal acts.

Positioning discourse as a source of ideational power, this thesis primarily argues that discursive contest is the underlying causal force for mediating political action transforming, or in some cases reiterating the socially and institutionally embedded ways of speaking which constrain the way other political actors within the system think, say, or respond to certain political issues (Schmidt, 2010). Deployed predominantly for the analysis of abrupt change, historical institutionalists have typically positioned these moments as critical conjectures within movements. Change is enabled by way of communicative discourse, the type that prioritises argument and deliberation alongside collective action, prompting institutional change like that of policy discourse (Schmidt, 2008).

Discourse opportunity theory has enlarged our understandings of resonance and relatability around certain constructions of policy discourse. Particularly in relation to ideas of the political which are held as the most 'legitimate within a certain polity at a specific time' (Koopmans and Statham, 1999, p. 228). Power et al, (2016) suggests that seeking alternative explanations for movement discursive behaviour in new and different settings allows political sociologists

to better understand how alternative structures of discourse are enacted within mainstream audiences. Political challengers, like the Northern Ireland marriage equality campaigners, always construct and orient their arguments to the issues at hand and in particular in response to other oppositional or indeed indifferent public statements around the issue. The longevity of certain topos of discourse within discursive contests are dependent on the contextual conditions wherein some may be inhibited or privileged over others (Ferree et al., 2002). Incorporating the underlying rationales of institutionalism and discursive opportunity theory, prompts an immediately multi-level layered analysis comprising variable elements like institutional structures (the law, law-making procedure), sociocultural discourses (social, political) and the legacy of past institutional behaviour / decisions (the history of LGBT+ inequality).

1.10 Synopsis of study findings

This thesis presents an integrative response to a targeted action and discourse centred analysis of the 2012-2015 Equal Marriage Northern Ireland campaign and the 2016-2020 Love Equality Northern Ireland campaign. A starting point for this thesis builds upon the notion that the pathways and opportunities for reforming marriage provisions were not necessarily freely chosen but rather these decisions were constrained by an overwhelming negative legacy of past policy decision-making and institutional responses surrounding the issue and LGBT+ issues in general. Informed by my longitudinal study of both Northern Ireland-based marriage equality campaigns, this thesis supports the claim that the pro-equality reform movement was from the beginning subordinate to policymaking safeguards naturalised within the foundational infrastructure of the Northern Ireland legislature. Processes of significant social change simply do not happen to overnight. Rather, this study found that the wider wave of cultural and institutional change were preceded by considerable and often hidden processes of laboured deliberation.

These moments were important for analysis and fundamentally inextricable from the commonly reported grand narratives of how the fight was eventually won. Processes of struggle and the uphill climb towards key outcomes can often become overlooked and written out of our central knowledge of what really happens between movement dynamics. We can understand how these processes ‘move’ by looking to how these battles have been won through contests of ideation. This perspective-based triangulation of multi-level data presented rare insights and an opportunity to spotlight the background and often unspoken interpretations of contextual constraints in fundamental moments of change.

The oppositional focused analysis of the plenary debates revealed eight highly particularised terms of oppositional argument for Northern Ireland based legislators which corresponded to the i) obligations for legalising marriage equality, ii) the costs for legalising marriage equality and iii) the democratic principles for marriage equality. Alongside the core oppositional arguments, the analysis found a series of evidentiary logics which in their eyes legitimised their inaction on marriage equality. Such political sentiments were not new to either faction of the marriage equality campaigns, however as my thesis will later argue - major power-experiential and transformative discourses from pro-equality campaigners learned to grow out of recurring interaction and contest with a political opposition. The explanation this thesis provides is focused on explaining the process of fighting for marriage equality however remains interested in the long-term impact of these processes within and beyond the monumental, most visible collective movement wins.

As my thesis will reveal, this journey was not atypical of other campaign journeys for marriage equality. This study found 3 distinct pathways for marriage equality reform in Northern Ireland. These policy interventions began with a) the move away from plenary debates in the Northern

Ireland Assembly b) the move toward High Court challenges and c) the driving of the hearts and minds campaign, targeted at the general public. The exploration of three different pathways is testament to the reality that LGBT+ campaigners were previously not in the position to pursue a conventional route of legislative reform through the Northern Ireland Assembly, at least not without significant reform with how law-making procedures occur. Furthermore, it was not the lack of previous LGBT+ wins that left the Assembly unyielding to the prospect of legalising marriage equality. It was the lack of a buildable legacy of open and visible representation of LGBT+ issues. The absence of a positive policy legacy did not deny the resonance of new political discourse or attempts for cultural mobilization. Nor did it prevent the development of new policy interventions on the matter of marriage equality. However, the deafening silence of an existing conversation to build upon, reiterated the importance of creating and further sustaining innovations in public conversations. Political crisis or vulnerabilities within the polity is futile without the out and proud representation of Members of the Legislative Assembly (MLA).

1.11 Outline of Thesis

In total, this thesis consists of nine substantive chapters. Chapter one has presented the necessary background to the following research, justifying and proposing the parameters of the research problem. The parameters of this study's investigative aim, illustrating the secondary research objectives guiding the analysis have been presented. Supported by an overview of the adopted research design, I briefly discussed methodology appropriate for the triangulated investigation of discourse-historical change. Chapter two and three critically reviews the core literatures the thesis draws upon: institutionalist theory (the historical / discursive factions) and discourse opportunity theory. The review evaluates the analytical affordances and outcomes that each theoretical school can provide for reform pathway analysis.

Linking the institutionalist approach with discourse opportunity theory, I facilitate the necessary knowledge and outcome linkages necessary for the systemic tracing of discourse residue and change analysis. Written as a preface to the methodology chapter, chapter four illustrates the Venetian school and logics of the discourse historical framework which I have predominantly adopted to analyse pro-equality communicative discourses. Outlined within this chapter, I examine the premises of critical discourse studies which takes form in the nexus of ‘critique’, ‘ideology’ ‘perspective’ and ‘power’.

Chapter five presents this study’s specific research methodology justifying the philosophical assumptions, research strategy rationales, the analytic parameters assigned to the study, clarifies the criterion for sample selection, data collection and processing. The sequence specific choice of a tri phase data analysis process is also discussed, in addition to steps taken in the ethical preservation of the research design and researcher conduct in the course of the research, to enhance the trustworthiness and reliability of the basic tenets of this research process. Chapter six presents the discourse historical analysis of the legal argumentation surrounding the *Wilkinson v Kitzinger* [2006] EWHC 2022 (Fam) in England and Wales, the Scottish Petition PE1269, the joint appellate case for *Close, Sickles & Flanagan-Kane, Flanagan-Kane (N.I.)* and *Re X* [2017] (N.I; Recognition of overseas marriage).

In chapter seven, this thesis reports the findings of the thematic plenary analysis on marriage equality. In this chapter, I discuss the argumentative arrangements of the plenary oppositionists within the legislature and also detail their respective evidentiary strategies in rationalising their inaction on marriage equality in Northern Ireland.

Following this, chapter eight discusses the main findings within the secondary Discourse-Historical analysis of pro-equality communicative discourse, articulating the critical moments of constraint within reform policy routes. Conclusions in chapter nine elaborate the theoretical and knowledge contributions this study presents. I follow this with a reflective discussion of the relative limitations of this research before the detailing of tentative possibilities for future analysis. Concluding remarks in this chapter, draws upon how the findings unique to this research contribute to existing academic knowledge on LGBTQ+ campaigning, political change analysis and power studies within the history of institutional / discursive behaviour.

Chapter Two; A Methodological Critique of the Institutional Order Effect on Movement Strategy and Rhetorical Behaviour

2.1 Introduction

Classical accounts of the social, political and cultural measurement of change have evolved beyond mere description. Methodologically speaking, institutionalism integrates the modicums of political science and governance to study the extent, nature and causality of institutional development. The ordinary historical institutionalist goes beyond the surface value meaning of ordinary textual and discursive representations of social and political reality. This is the extent of analytical interest for the historical institutionalist. Research problems typically investigated pertain to the presence and maintenance of unity in individualist environments. Previous studies have selected the following subject matters for further study. For example, the co-influences of crisis management, the roots and histories of political legacies, the homogeneity of national policies and their abidance to EU policy standards, communal EU governance arrangements, foreign policy analysis and political cohesiveness. Other studies have commonly studied the longevity and compromise of political federalism in the operation within national governments.

This theory is based on unilateral stately agreements and subsequent policy procedures which reproduces institutional continuity or change. Policy changes are understood in the same manner as opportunity theorists who cite policy cycles and development. The research questions that typically animate these studies ask, why is reform more pertinent in some instances and not others? Such questions have great significance given the importance of institution-building to tackle contemporary governance challenges, whether through reforming established structures or setting up new arrangements.

To address these questions, we need to bridge two established academic literatures - on institutional design and institutional change which conventionally remain at a distance from one another. In the previous chapter, I introduced the central aim and research objectives underpinning this thesis. To briefly recap, I argued that contemporary investigations of changes in the political behaviour and state-group responses of social movements cannot and should not be considered without due inquiry on their respective policy legacies or previous state-group responses to previous policy interventions. The political-movement behaviour this thesis concerns itself with is both action-based and discourse-based pathways to reform. This refers simply to making sense of the nature, processes and deliberations to the building and nurturing of an initially silent support on the matter of legislating for marriage equality in Northern Ireland. Contextualising Northern Ireland's pathways to marriage equality, and how it happened presents us with a rare opportunity to cascade the complex layers and manifold dynamism of protest activity planning in politically turbulent environments.

Often what our academic accounts miss are these rare moments of candidness that are neglected in our theoretical preferences to reflect on the successful, front-stage outcomes and processes of movement, at the expense of considering the constraints and impositions commonly implicit in the public discourse and publicly acknowledged action by movement leaders. In the introduction, I forwarded the premise that the institutional exceptionalism of Northern Ireland's peace-making arrangements and the requisites of devolved legislative making powers compacted the political advocacy of the LGBTQ+ reformist leadership. To assist the reader in understanding the rationales underpinning the why of the abandonment of the Northern Ireland assembly pathway, I will now critically reflect on the conceptual bases of this thesis which underlie the explanations of this study.

Seeking to move beyond the literature's preoccupation with highly-visible victories and outcome focussed explanations, I now direct the reader's attention to more processual, incremental cases of transformation – one of which we have come to witness in the road to marriage equality reform in Northern Ireland. Accounting for movement behavioural variance is common alongside investigations which seek to understand how collective goods are won and actualised. As previously stated, a core motivation for this thesis is the changes within emancipatory discourses and accompanying political protest which precedes both major and suggestively minor gains of the movement.

These processes are inherently relational and occur within the discursive and political interactions between movement leaders and members of the state. In the introductory chapter, I introduced and associated the mechanisms of change with a core concept of this thesis as 'cultural interference'. This concept points to moments within the campaign in Northern Ireland which presented opportunities to construct new sequences of political discourses around the issue. As my data chapters will proceed to cite, they also refer to the deliberative processes preceding new courses of political action and notably, different pathways to do so. Interference is located within the intrinsic parameters of various sites of discursive contest. As a power-assistive concept, interference explicitly refers to dominance, and the need to contest or dispute culturally and socially embedded modes of thinking and acting. To help better explain this phenomenon more succinctly, I designate this chapter to a review of the critical theories which aptly explain these cultural contests.

I begin the following chapter with a brief overview and short introduction to the theoretical assumptions underpinning the continued constraint or logics of language use (discourse institutionalism) and concepts which articulate which depictions of discourse are sayable / resonant within the context of that given polity (discourse opportunity theory).

Both theoretical frameworks offer strong conceptual explanations as to how campaign communications might be impacted by a) culturally embedded ways of speaking politically and b) by the contextual background of the issue affected, of which history / legacy is the record.

2.2 Structure of literature review:

This thesis proposes that a complete account of the impact of constraints can only be understood when we integrate elements of historical-discourse institutionalism and discourse opportunity theory into the investigation. There are three substantive sections in the following theoretical review. Proceeding first with the historical elements of this review, I critically evaluate the value of understanding ‘institutionalised ways of speaking and doing politics’. Here, I point to the normative ways of observing political procedural norms and expectations as expected of all political actors within the system. Closely related to these regards for minimum standards, I then relate my discussion to the meridian of all institutionalism debates known as the ‘path dependency’ hypothesis. This points to how political behaviour acts in correspondence within established ‘set rules’ and ‘rules of political play’ enabling some forms of action while impeding others. We begin to proceed with notions of these constraint effects through micro concepts such as, ‘policy legacy’ or what I refer to as ‘residual legacy’. This simply refers to the post-effects or lingering impacts from previous change interventions by movement challengers.

The review then moves towards ‘Wittgenstein’s language games’ concept which dictate that movement discourse production is not produced on a whim, but rather subject to and contingent on the institutional structures which guide how political agents act, say or think about social issues. I close the institutionalism section of this critical review with a scrutiny of Schmidt’s (2010) discourse institutionalism framework which predetermine interventions (new and old)

in political speech as determined by pre-configured terms of political debate and innate logics of communication within greater political processes, like plenary debates for example. The next substantive section concentrates on the fundamental premises and criticisms of discourse opportunity theory, namely in the forum of ideational contest. Put simply this refers to disagreement and attempts to actively incorporate new ‘stems’ of discourse constructions.

Similar to the fundamental bases of historical institutionalism – the same constraints are equally vulnerable to, and some would argue strongly determined by, the sociocultural discursive contest within which movements must negotiate their own terms. This theory is also contextually sensitive and provides a barometer of the broader political environment which facilitates some constructions of political discourse while, constraining other modes of discourse. I close this theoretical review with a section to precede the main theoretical premises of the analytic preparation and results unique to this thesis. At this point, we must ask ourselves if a political theory of social action cannot stand on its own – is it worth pursuing at all? I state outright and at the beginning of this thesis that this is simply not the case. Previous studies have defended the promises of data richness and fuller explanatory accounts as the result of cross disciplinary integrations of theoretical frameworks. The questions political scientists can strive to answer become much more complex and seek to move beyond neglected areas of inquiry that silo theoretical studies may miss.

2.3 Introducing the key issues of critical inquiry

The fundamental aims of institutionalist inquiry integrate the study of human agency, constraint and contention in politics. Other issues of inquiry demonstrate an awareness of the evolution of tradition in change movements / enviros or vice versa. Derived from neo-institutionalism, analysts are interested in the effects of (endo) contention and how it affects participation equality within greater political processes (access).

Analysis typically focuses on actor-process relations and impact. Other studies prioritise patterns between organisational behaviour and influence of other social / cultural forces. The maintenance of tradition has allowed institutionalists to conceptualise increasing returns and positive feedbacks as the processual mechanisms of how political procedure is regimented and naturalized into the system. (Pierson, 2000). Political agency is also restrained in the sense that how institutional structures, rules, norms constrain the availability of choices and actions individuals can take when navigating the political institution. Underlying rationales of this kind of analysis stress about why actors do what they do, about how change (institutional entrepreneurship) (Hardy and McGuire, 2008) happens in tradition (institutional determinism (Lawrence et al., 2013). What kinds of phenomena can it help explain? I suggest that it can help explain inequalities in political participation, inequalities in political process and outward effects of institutional procedure.

2.4 How does institutionalist analysis work?

Qualifying the correlation between the structure of political institutions and its purported influence in the shape of movement behaviour has been the subject of critical debate across historical institutional and political opportunity perspectives. As I have stated above, opportunity perspectives determine chances for political change as empowered or impeded by changes in the structural characteristics of regimes or institutions (Tarrow, 1998; 2009). Further, discourse opportunity theorists locate said prospects for reform as born within contests between embedded discourses within the natural structures and customary terms of political debate (Edwards, 2014). On the other hand, structural routines incentivise the encouragement and deterrence of imminent political action have also been recognised by historical institutionalists (Peters, 2005). Institutional design in any given current state however, cannot fully account for the variance of political behaviour within movements alone.

Institutionalists depart slightly at their arrival in attributing the history and legacy of previous policy decisions as the primary determinate in the structuring of ‘available’ movement behaviour (Steinmo, 2008). Movement behaviour encompasses more than just action. Indeed, its co-ordination is highly dependent on entire networks of communication as well as highly specific communities of discourse specific to the issue in contest.

Political discourse, like that produced by the Northern Ireland marriage equality campaigners occurs often in contest with other public statements around the issue. The longevity of certain topics of discourse within discursive contests are dependent on the contextual conditions wherein some may be inhibited or privileged over others (Ferree et al., 2002). Incorporating the underlying rationales of institutionalism and discursive opportunity theory, prompts an immediately multi-level layered analysis comprising variable elements like institutional structures (the law, law-making procedure) (Soifer, 2012), sociocultural discourses (social, political) (Schmidt, 2008; 2010) and the legacy of past institutional behaviour / decisions (Heclo, 1974). However, in order for progress to be made in this field scholars have to be careful not only to properly understand the approach they are using but also the potential insights that could be derived from other theories addressing levels and types of institutions.

Work of this kind would help stimulate better discussions that could eventually lead to more fruitful dialogs across approaches, thereby potentially advancing theory even further. To effectively assist the movement tracing of Northern Ireland’s marriage equality discourse / political reform trajectories, requires placement of the elements of historical / discursive institutionalist theory with the posits of discourse opportunity theory. Thus this thesis advances a dual-part approach for policy / discourse change analysis.

The theoretical context of this study acknowledges the influential role of political / historical legacy in the forecasting of new equality interventions for family policy and legal reform (Immergut, 1992). Perhaps more significantly, my approach does not treat the discursive activity integral to movement success as lesser than other more visible collective goods like legislative wins but rather, as a very much 'living process' of which we may find traces of the past in the present (Ferree et al., 2002).

There are several questions that lie at the core of this thesis, and at the forefront of this literature chapter. These questions pertain to, if and how rule setting institutions ultimately shape responses to political challenge? In moments, of political crisis, the question then reverts to is it politics that shape institutions. This chapter seeks to test how an interdisciplinary approach may strengthen research agendas interested in mobilisation change studies. This chapter will also explore what properties of institutionalised norms may be conducive of change. How and why do these change-permitting properties of institutions drive actors to conduct the movements behaviour at the preference of others in the pursuit of change. This chapter helps set up the conceptual apparatus necessary to explain examples of change in constrained political environments.

As indicated in the previous chapter, the principal aim and theoretical assumptions underlying the thesis were particular to the purpose of distinguishing the factors of influence for political outcomes within Northern Ireland's power-sharing arrangements. In this review I first contextualise the core questions and debates within the wider institutionalist perspective such as how do we identify institutions, how do we identify and conceptualise change within them (Hallett and Ventresca, 2006) and I finish this review with a call towards serious attempts at

investigating how the innovative actions and discourses of political actors interact within the institutionalised patterns of doing politics (Hallet, 2010).

2.5 Historical institutionalist perspectives on movement behavioural variance

Adhering to the power-context sensitive premises of this thesis, it would be naïve of us to assume that the actualization of these different opportunities are of immediate or indeed of equal accessibility. In fact, the historical institutionalist (HI) approach would argue that power-impotent analyses mask the real contextual constraints around opportunities for political change. According to opportunity structuralists (OS), factors exogenous to the movement may hinder or facilitate the actions of movement collectives (McAdam, 1999). From the institutionalist perspective, the struggle for political outcomes are primarily, ‘mediated by the institutional setting in which they take place’ (Ikenberry, 1988: 34).

As defined most extensively by Peter Hall, the interests of political actors and action are structured by the institutional codes and norms governing that state’s national political conduct. The macro-contextual promises of HI, its focus on substantive political moments offer not only an authoritative means of assessing the influences of political behaviour but also how policies live within certain environments. Opportunity structuralists consider fragmentation within the polity as motivations for pathways to reform, whereas institutionalists heed attention to the caveats of institutional contexts which pre-empt how a new policy intervention may be expected to travel through the natural structures and processes within a given political system. Such aspects pertain to the composition of political party systems, the rules of electorate business and so forth.

2.6 Institutional impact and the analysis of the history of political behaviour

Institutionalist accounts of change observe both considerations in specific contexts but also situate their analyses around specific moments in the time-space continuum. An institutionalist account accepts that political regimes have accrued histories of state response behaviour and the state record of existing and attempted policy interventions do imply that history matters. But first, how does one make sense of the literature on institutionalism? How can we identify ‘institutions’ as per their conceptual descriptions proscribed by the literature experts?

To maximize the resonance and collective acceptance of our political reconstructions of reality, the conventions of history that we as society have naturalized, observed and continually reproduced within our social lives features in our new vision. Adherence to these formal rules, norms and traditions see that institutions begin to arise and persist as a result of historical servitude of these embedded patterns within society. Berger and Luckman (1967) describe institutionalization as an inherently human process in which the subjective interpretations and interactions of individuals in social groups become manifest in enduring patterns of behaviour that, ultimately, become reified as institutions. Berger and Luckman (1967) identify such examples of gender, status and nationality as examples of social categories that have been institutionalised.

This perspective is based on process, on practices which unfold over time, with its own specific history and its life within its respective environment (Selznick, 1957). A central tenet of the institutionalist perspective is that the repeated endorsement of a series of specific decisions and past choice opportunities maintain and regulate the future subordination to said rules and observations which is the very antithesis of political change (Keiser, 1994).

Hall's (2013; 7) conceptualization of institutions refers to, 'the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy'. His conception leans on a central tenet of this thesis' theoretical compounds and of the broader opportunity theory literature in that the political system and all its relative composites are in part responsible for its own processual conditioning. Broader analyses of opportunity within political environments have to date informed our understandings of the mechanics of movement-facing outcomes by the open or closed nature of political systems (Eisinger, 1973), via threats and opportunities (Tarrow, 2011). Institutionalism and its role in maintaining the status quo help analysts to establish the political standards and codes of conduct which act as mode of constraint to change.

The behaviour and functioning of political regime elements places emphasis on how political actors and the actions and behaviours of key figures interact with the stasis of normalized political regime procedure. Notably, it is only when the regulation of political rules, norms and values are recognized as sources of marginalisation, then it is more likely to face challenge from outside the state-actor boundaries. This does not however mean that institutionalists are ignorant of change, rather they observe it through the concept of punctuated equilibrium. For those interested in continuity-change opportunity analyses, HI is able to offer mass scale process tracing methodologies, specifying critical sequences within the given history of political legacy or policy specific behaviour (Pierson and Skocpol, 2002).

Adonis and Silinda (2021) study on institutional and cultural transformation in post-Apartheid university education is a definitive example of not only the assumption that history matters, but how and in what ways? They defined institutional culture as, 'the sum total of values, attitudes, styles of interactions, cultural memories of a regime who have known and work and operate in the political environment / experience.

Stevyn (2007) simply argues this is the default way of doing things. Institutionalised culture is not just about conformity but also, by how practices of social and political reality are produced and inherently normalised. This is particularly the case for invisible or everyday racism (Van der Merwe and Van Reenen, 2016). When normalised, we may witness many forms of implicit racism go under the radar. Both scholars found remnants of old racism inherited from the former apartheid regime which enforced segregated life. While this study recognised increased access and changes in social demographics of student admittance in higher education in South Africa, it did not however see the necessary attitudinal change that was necessary to count as change. Instead, what they found were evidence of explicit racism, implicit notes of differential treatment hidden in policies and practices. They argued that future considerations ought to analyse what informs practices of inequality and discrimination, how complex processes are driven by disadvantage which is institutionally driven and reproduced.

2.7 Institutionalism and its application to politics. why it is important?

Institutional work refers to the ‘purposive action of individuals and organizations aimed at creating, maintaining, and disrupting institutions’ (Lawrence and Suddaby, 2006: 215). The elementary assumptions for this thesis begin with the inference that opportunities do not simply appear, nor are they just given. Of course, when analyses are focused on the decontextualization of outcomes – processual elements are bound to be disregarded. Much of the conditional groundwork for ‘opportunity building’ have only delicately addressed this issue via references to endogenous political change but only after the fact. While opportunity theory recognizes that political behaviour is predominantly strategic and often goal-orientated, institutionalists emphasise that it is ‘circumscribed by a culturally-specific sense of appropriate action’ (Hall, 2013; 23). The questions this thesis concerns itself with is not solely, what were the opportunities for reform for the marriage equality movement?

But rather, what were the pathways of reform available to them within the remit of the Northern Ireland Assembly procedure for law making. This thesis asks, what were the available circumstances in which members of the marriage equality movement could seek recourse in.

2.7.1 Path dependency; rules and obligations of the system

Path dependency problem refers to the obligatory character of governmental states. This is not what characterizes institutionalism rather, it is the social expectation and recurrence of respect to the formalized rules and conventions of political business which allows us to identify it. The path dependency problem observes the already institutionalized patterns of political mobilization (Djelic and Quack 2007). According to historical institutionalist perspectives, these patterns reveal the self-reinforcing or (positive feedback) dynamics which allow policy continuity. Amongst these established patterns are ‘institutional rules of the game’ which in turn shape how we may expect interest-challenge groups to react in policy interventions. In the historical institutionalist approach (HI), this perpetual ‘stickiness’ is what will characterize much of new attempts at political development. The understanding of the history of political behaviour helps us to understand the historical ‘triggers’ of policy process which ultimately continue to reinforce themselves, exacting little to no change (Ertman 1997; Pierson, 2000). Ertman’s (1997) study of European state formation found that timing and sequencing were important elements of focus within the historical process, particularly in reference to the order of events as they occur. In an especially intriguing analysis of games with multiple equilibria, Scharpf (2010) shows how behaviour might be determined jointly by both the ‘decision rules’ that represent the incentives institutions provide to the actors as rational calculators and the ‘decision styles’ of those actors, which can be interpreted to mean the beliefs about appropriate behaviour that cultural analysts emphasize.

2.7.2 Residual legacy and the path dependency hypothesis

Legacies begin with the premise that political events and moments of significant political change do occur within a particular historical context. Attempts that were successful and legitimate in achieving their aims establish a precedent on how things are done. In his study on policy inheritances, Hecló (1974) argued that political actors learn from previous interactions with the polity refining the most ‘acceptable’ strategies of behaviour / attitude for the attempt of new interventions. Previous attempts at intervening in established policy fronts therefore create and somewhat maintain the range of expectations likely to be held by new challengers of the state (Immergut, 1992; Berman, 1998). Similarly connected to the legacy concept, is the notion of path dependency. Decisions in the continuation or disruption of existing family law policies for example, are not arrived at based on want, nor need. Rather a historical institutionalist would merit that these decisions are derived from existent trajectories of previous or related policy decisions.

According to the path dependency hypothesis, new interventions (whether primary or secondary), are likely to succumb to the same fate as previous or related decisions, accrued throughout the years and guided within the confines of the ‘way things are done’ institutionally. This hypothesis does not exclude the possibility of change, but it does not however expect it. As I will later explore in this chapter, institutional explanations rest on a tentative state of equilibrium until when and if, an established system is faced with exogenous shock. Halfmann (2019) engages these concepts in his comparative historical research on the 1960s British and American medicalisation of abortion. In this study, the effects examined were pertaining to state action and the impediment of new policies are a result of existent or non-existent policy legacies. In this study, three core institutions were deemed markers of influence, those were social movements, medical associations and the court systems.

British policy pursuits in abortion provision adopted a clinical protection approach, defending the clinical freedom of medical associations over bodily rights. The highly medicalised British example sought to protect freedom of action for doctors and their autonomy to refuse treatment without coercion or consequence (Halfmann, 2019: 144).

The US example defended the notion that clinically dominant approaches could not reduce the extent of illegal abortions that were happening under the radar. Further, this would lock the public discussion to hierarchical pathologies for medial reform as the key determinants of the debate. Ferree et al., (2002) found that once the debate was decentralised beyond the political key players, the platforming of other movement strategists began. What emerged from this were greater civil libertarian tones that emerged emphasising bodily autonomy, rights and agentic narratives. Unlike the British example, the US campaigns were based on abortion on demand, not conditional aspects and emergency basis. In parts of the US where medical based reform failed, strategists had to radicalise their demands. Having unsuccessfully petitioned for institutional reform, claims began to organise around the right to demand an abortion rather than to receive treatment as a response to mere want.

Strategists then began their own feminist clinics, with a greater focus on aftercare and counselling. It was claimed these services employed more sensitive practitioners, less judgement and more emotional approach to service delivery (Kaplan, 1997). The US example also pursued rights based rhetoric as opposed to increased medicalisation of abortion due to its history of dealing with legal conflicts through litigative means (Hoggart, 2003). Around the same time, the second wave of feminism occurred emboldening rights discourses in opposition with morality discourses and those that imagined abortion as controversial (Burns, 2005).

The institutional rhetoric around this either was morally against such action or silent on the issue creating a domino effect waiting for national outcomes around the US. During this time of revolution, Halfmann documented more public confrontation tactics pertaining to referenda, protest, civil disobedience, educational campaigns (Hart and Lowry, 1968; Kinney 1971). Rhetoric also centred around the trauma of abortion procedures, putting the risks of physical and mental harm at the forefront of political discussion on the issue (Ziegler, 2009). Protest discourse also became organised around risks to women's health, speaking openly on the fatal risks of illegal abortions (Munson, 2018) to foetal complications (Burns 2005). The British example did not have constitutions to rely on, there were also a lack of judicial review on the subject. Much of the public discourse on abortion was limited to state intervention and closed to the public therefore, much of the contributions was left to medical professionals.

2.8 The rules of the game: power as relational

Much of the empirical work on path dependence, for example, has been organized around explaining the persistence of particular institutional patterns or outcomes, often over very long stretches of time (for literature reviews, see Mahoney 2000; Pierson 2004; Thelen 2004). Immergut (1992) ascribes interest-group influence as not specific to the numeric value of state sympathisers, or even to influential contacts. Instead, influence is composite of the strength of the relationships of interest groups to the political system. Influence cannot be analytically measured without indicators of reception, or rather likely reception. Responses to new policy interventions from politicians are limited by the legislature's rules and codes of conduct structured within the decision processes in the polity. Therefore, it is proximity to power, which can herald the real strength and force behind formidable changes in ways of doing and talking about politics. Respect of the rules thereby necessitates institutional autonomy, operational control and direction.

It would be ignorant of us to assume that political change happens as a direct result of political protest but rather as a result of key interactions with the right people at the right time. Access to change, according to the institutionalists, is unequally distributed. When applied to identity movements like that of the multifarious LGBTQ+ based issue movements, it is not difficult to understand why. Perhaps this is best understood when considering the context of much LGBTQ+ equality protest in terms of individuals who have been subject to the over-reach of the criminal law, who equally have been subject to medical pathologies from experts and not too long ago were ostracized by arms of the law. Institutionalists position the state as a ‘broker’ of sorts, for political interests but a non-neutral one at that. This approach understands the composition of political systems as structurally complex but also the arbiter of how and when resources of the state may be distributed (Fox and Goodfellow, 2016). Competition for these resources (opportunities for change) are not only mediated by the state but also hierarchized by the state, privileging one of set of political actor’s interests over others. Static conceptions of power are futile in explaining health policy variance but rather ‘veto points’ located within political systems.

In her comparative study on national health insurance provisions in France, Sweden and Switzerland, Immergut (1992) was interested in accounting for factors of influence across the three countries despite retaining similar policy proposals. Pointing to the politics of national health insurance, she explains these policy divergences cannot be explained by policy networks, the specifics of policy proposal but rather by assessing ‘the rules of the game’ within the policy process. As concepts of struggle analysis, ‘veto points’ can include the majority mobilization of opposing parties and instruments of veto wherein policy continuation endures and innovation is blocked (Thelen and Steinmo, 1992). Veto points refers to points of strategic uncertainty that emanate from the decision-making process itself.

Within the opportunity literature, resources of opportunity ascribe to fragmentation between political figures able to influence change, to the entry of new political actors of the state. The state is also influential in structuring the character and projectable outcomes of political conflict according to the historical institutionalist perspective (Hall, 2013; p. 6). Ignoring the implications of power inequities within law making and legal reform practices, is to ignore the uneven access to governmental decision-making processes. The state enables and distributes power unevenly across different social groups.

The works of Theda Skocpol and Suzanne Berger (2004) have brought new considerations of what Hall (2014) ascribes as the ‘relational character’ of institutionalism. This refers not to the formative characteristics of both the state and its respective institutions, but rather how these configurations are situated within the broader policymaking process which are likely to shape how political interactions might play out. Policymaking standards as per the region’s institutional design is said to facilitate advantages in procedure while rendering the political power behind other policies as redundant. Placing this in the Northern Ireland context, the distinct power-sharing devolved arrangements have established rules of institutional business in terms of policymaking which follow a definitive decision-making logic.

Thelen and Steinmo (1992) argue these rules and the naturalized institutional logic political challengers must engage to renew policy legacy, establish the range of ‘moves’ available to them. Accordingly, it is fundamental shifts in power which can vacate the space for veto points to emerge and disappear. Institutional findings from the Immergut 1992 study pertain to the nature of political demands, a partial influence of political outcomes Immergut (1992) suggested pointed to the level of unionization and the level of socialist support within each country.

While they did not draw direct links from policy process to outcomes the findings do point to the influence of electoral pressure and the affect this has on the prioritizing of certain issues on the national agenda. Immergut (1992) argues such analyses do not help predict outcomes, but they do help in trying to forecast the ways in which potential conflicts in policy contest may possibly end, a routine consideration of all movement behaviour.

As per the historic element of the institutionalist perspective, a singular decision or outcome is insufficient to garner an explanation around why decision making practices follow particular patterns. Instead, historical institutionalism's focus their analyses around the broader chain of sequences of government level decisions and processes engaged by a mixture of political actors. To learn the logics of New Institutional analyses, a researcher could engage process tracing methodologies susceptible to the analysis of party partisanship, and party member allegiances. The standard pathways and basic processes in legal genesis require political consensus across multiple decision points in the policy process. Immergut (1992) defends her inclusion of veto opportunities which she states are the result of the electoral record and defining vote dependent features of the party system which translate into broader hurdles within the wider logics of decision making.

Immergut's (1992) account for national health insurance policy differences concentrated on the structuring of opportunities within different political systems. Reception to change was also found to be dependent on the time taken for the state to ratify proposals for legal reform though as per each institutional design, their exceptions and rules of constitutions were capable of blocking new proposals. For instance, the Swiss design facilitated the veto of new legislation even by minority factions, the French system privileged parliamentary conventions privileging the elites of interest groups (experts etc).

The Swedish system privileged executive decision making. So despite receiving the same content for health proposals, each government had different institutional mechanisms and standards for processing these proposals, facilitating some routes for policy renewal while forgoing others thereby establishing a strategic niche available for interest groups. Understanding conflicts within political institutions, analysts should look to the contextually specific constraints, opportunities and incentives for policy reform. Only then can we truly understand the terms of struggle or institutional conflict, Immergut (1992) stresses that interaction with these rules and formative standards are not enough to fully consider and relate our historical understandings of previous policy behaviour and its positioning to in relation to other future interventions.

2.9 Recognising the value of institutional explanations (rules of play)

These conclusions lead researchers to become overly determinate in their projections, that the set of political circumstances in question develop a certain neurosis about the physical composites that facilitate the potential growth of new change opportunities (McAdam, 2006). In pointing to an illustrative example, scholars consider these visible aspects to resemble factors like electoral influence, party political composition and voting behaviour. They still, however integrate important elements into studies of movement change and opportunity. When applied to studies concerning environments of the political, the neo-institutionalist approach contend that it is the formal / informal rules and conventions embedded within the everyday practices of the polity that can incentivise and dually constrain movement behavioural patterns. While not entirely ignorant of the agency of political actor collectives, political change pathways and policy routes are not necessarily freely chosen but subject to the procedural norms and naturalised conventions of state process like legislative change. This is what Steinmo (2014) refers to as the conceptual parameters of what we mean by ‘institutions’.

Institutional explanations vis-à-vis the fluctuation of changes in movement behaviour and policy response begin with the configuration of the state and the procedural apparatus' it embodies to conduct natural affairs of the state (Skocpol, 2002). The measurement of how a political movement may be expected to behave depends not only on the immediate context in which it finds itself, but also on the 'rules of play' which sanction their capacity to move and navigate through the system. Disruptions in the institutional design of the polity therefore equally incite new terms of movement activity but also function as a means of structuring the political behaviour and inhabitant decisions that operate inside it (Madison, 2015). These considerations are important, given the ability to participate in processes of political and legislative change requires that actors have the appropriate knowledge to engage within the confines of the ways in which legislation for example, is created.

As per the institutionalist literature, procedural standards and expectations of how such processes move within the polity also, determines what kinds of movement behaviour activity is likely to be chosen depending on the aim needing to be fulfilled. There are many perspectives within the institutionalist approach, this study integrates elements from the historical and discursive institutional theory as the most appropriate for the tracking of behavioural and discursive change patterns. Contextual considerations of the immediate political and social vicinity occupy many previous studies on movement change however, very few studies have focussed on the impact of lasting legacies and the residual impact from previous policy interventions especially, in those which concern LGBTQ+ movements (Immergut, 1992; Ghaziani et al, 2016). While this thesis acknowledges in part, the utility of recognizing the dependency hypothesis – how does such a concept hold when challengers question this equilibrium as perpetuating inequality?

Historical institutionalists have difficulty explaining how this process holds through the concept of institutions alone. In silo, the dependency hypothesis essentially renders an incoming political challenger as hostage to the institutional environments they inhabit (Marcussen, 2000). Previous reviews of the literature focused on the trajectories of world revolutions and protest histories will tell us that this is not so (Capoccia, 2016; Smith 2008). But how can we better understand these movement journeys if not through processual means?

2.10 The status quo and punctuated equilibrium

The first punctuated equilibrium model of policy change was presented by Frank Baumgartner and Bryan Jones in 1993. The model holds that lines of policy are subject to miniscule changes only incrementally due to the situational-embeddedness of institutional cultures, vested political interests, and the procedure-bound logics of elite political decision-makers. Changes in policy or punctuation of changes occur in conditions such as the fragmentation of the polity or wider changes in public attitudes. Thelen and Steinmo (2014) reject however, that political outcomes are simply predetermine on the structure of a lack of opportunities within the system. In fact, the HI perspective does and can account for change which has been underdeveloped within this field. Krasner's (2004) punctuated equilibrium understands change as moments of crisis within periods of institutional stability. Usually, this emanates from changes in the external environment.

Thelen and Steinmo (2014) understand this as institutional dynamism. Political analysts should look not only to the mediation of politics but also to how exogenous factors around the broader political context may impact political outcomes. They identified four key sources of this dynamism, i) broad changes in political context, ii) changes in the 'political balance of power', iii) exogenous changes alters the availability of pathways that can be logically pursued within

current circumstances, iv) when political actors alter their strategies to accommodate institutional change. Exogenous changes do not focus solely on these changes per se, but the institutional manoeuvring in response to these changes.

Political opportunity analyses have been overly preoccupied with what institutionalists regard as, 'critical junctures or moments of change'. The literature considers these as moments of significant institutional change occurring which create a 'branching' point for a new path for divergence. However, as suggested by Tarrow (2011) it is also critical to consider the 'middle' outcomes. Opportunity analysis also do not consider the continuance of certain policy issues. Institutionalists understand this as the path dependency problem. Using the concept of policy legacy, the success of a new policy intervention is dependable on the history of previous decisions which condition the way in which the state may respond to a new policy problem. This model suggests change is sudden, it is unexpected and to some degree not entirely planned however, this does help us understand how incremental adjustments contribute to bigger changes (Thelen, 2000).

The critical junctures approach only considers change as exogenous. This approach also focuses on key events without looking at the building phases. The historical institutionalist perspective is interested in a longitudinal history of change. Pierson and Skocpol (2002) argue that as political scientists we are predisposed to engaging rapid moments of political and social change, without due accord to the outcomes that are slow to unfold (Djelic and Quack 2003). The building of these outcomes can be understood to have 'threshold' effects (where critical moments have little significance until they amass and trigger major change) (Goldstone, 1991; McAdam, 1992). Change is layered, change according to the institutionalist literature is not by nature always radical but rather in this respect, it can be somewhat assimilationist for fear that some ideologies are too dominant or rather too damaging to contest (Schicker, 2001).

2.11 Discursive conscience and politically normative ways of speaking

As I will move to discuss in the remainder of this chapter, the pioneering work of Schmidt (2010) defends that the development of an institutionally based cultural consciousness allows us to widen the scope of analysis. For Schmidt (2010), it is the prospect of ideas, culture and collective beliefs that address the determinism of the ‘structure’ problem in all movement change accounts. Discursive institutionalism examines how actors generate and legitimize ideas through a logic of communication, focusing on the interactive process through which ideas are generated. Institutions provide the framework for discourse by defining the range of ideas that are more or less acceptable in discursive interactions.

Under the discursive institutionalist perspective, political structure and the role of customary procedure of the state acts as both a mechanism which constrains political action while also capable of incentivizing it. Amongst a growing demand for increasingly culturally sensitive analyses in political change, Koopmans and Olsak (2004) argue that the same contextual constraints apply to new possibilities for movement discourse. Ideas and cultural beliefs do not manifest in absentia of context. Rather, institutionally bound ways of speaking and political conduct are what afford these meaning. It is where the macro discourses are attributed communicative force and where collective discourse innovations can make a difference amongst established ways of speaking and the standing of the law. This thesis defends the value of its discursive institutionalist integration, as it not only appreciates the necessity of context-dependent speech but also triggers the much-needed discussions around Wittgenstein’s (1972) ‘language games’ concept. In brief elaboration of this debate, this endeavours a power relations approach which dictates that movement discourse production is predicated and contingent on the institutional structures which guide the way political agents act in response to, think about, and speak in defence of certain issues and state policies.

Chapter three on discourse-based power relations will discuss this aspect more thoroughly, however here, I briefly refer to how we might better understand the longevity and survival of certain kinds of discourse through ‘logics of communication’. If one were to approach the issue of discursive and political behaviour change through the discursive institutionalist perspective – the interest would lie in the genesis and further legitimation of specific ideas / norms through the inherent logics of communication that one might expect in the process of building new legislation. Further, interactions in discourse in the example of a plenary debate are somewhat pre-determined in the institutional ‘terms’ and logics of political debates. Discourse institutionalism treats institutions at one and the same time as given, as structures which are the context within which agents think, speak, and act, and as contingent, as the results of agents’ thoughts, words, and actions (Schmidt, 2010).

As objects of explanation, such institutions are internal rather than external to the actors, serving both as structures (of thinking, saying, and acting) that constrain actors and as constructs (of thinking, saying, and acting) created and changed by those actors. As a result, action in institutions, instead of being the product of agents’ rationally calculated, path-dependent, or norm-appropriate rule-following, is better seen as the process by which agents create and maintain institutions through the use of what we will call their ‘background ideational abilities,’ which underpin agents’ ability to act within a given meaning context (Schmidt, 2012). But it does not stop here, because such institutional action can also be predicated upon what we will call the ‘foreground discursive abilities’ through which agents may change (or maintain) their institutions. This represents the logic of communication which is at the basis of agents’ capacity to think, speak, and act outside their institutions even as they are inside them, enabling them to deliberate about the institutional rules even as they use them, and to persuade one another to change those institutions or to maintain them.

It is the combination of agents' background ideational and foreground discursive abilities which helps account for why DI is better able to explain institutional change (and continuity) than the older three institutionalisms.

2.12 Conclusion

In conclusion, this theory-methodological chapter has discussed how institutional structures and culturally embedded rules/norms of the polity constrain the availability of 'moves' and 'actions' political challenger may take (Lawrence et al, 2013). Drawing upon the key concepts of path dependency and residual legacy, this chapter has positioned the underlying rationales about why political actors do what they 'choose' to do as beyond that of choice but rather as an outcome of adaptation. This theory relates to explaining how change (institutional entrepreneurship) happens within greater societal traditions (institutional determinism) (Hardy and McGuire 2008). This perspective-triangulated design operates on the basis that it is able to interrogate different fields of discourse wherein each is variant in function. For example, this thesis adopts a source inclusive methodology which includes legal, political and social boundaries of discourse.

As the results will proceed to show in chapters six, seven and eight, each mode of discourse serves a particular function and adheres to the 'rules of the game'. From the perspective of the political challenger, this can cause certain ideologies to inherit hierarchical power. It is the belief of this study, that beginning with this theory – it is possible to expose inequalities in political participation, inequalities in political process, the endogenous constraints and exogenous impacts of political institutional procedure.

Chapter Three; Discourse Opportunity Theory: A Theoretical Review

3.1 Introducing the value of integrative discourse change analysis models

The underlying assumptions that convene the bases of discursive opportunity theory developed first and foremost out of political opportunity's lack of academic interest in wider cultural influences. Held to the core of this study is that framing theory in movement studies is used to conduct analyses free of relational considerations in state-actor power relations. In the context of this study power is much more substantive than just top-bottom or bottom-up relations, power is productive, and power is not ahistorical (Scott, 2002). Power can be lingering, and it can have lasting impacts on new attempts in policy.

Unlike previous functionalist and rational choice theories, historical institutionalism accentuates that outcomes are multifarious. Minor, unimpactful events can have longitudinal consequences, which are hard to reverse once they take place, and that outcomes may be inefficient. The previous chapter, explained how historical institutionalism attributes policy timing, political sequence and path dependency as responsible for the shaping and influence of social and political change. However, a critical juncture may set in motion events that are equally hard to reverse, because of issues related to path dependency.

I use historical institutionalism's critical junctures / punctuated equilibrium to bridge the next theory discourse opportunity theory which shares some similarities but both schools need each other to fully extend their full power. I re-engage new debates on the HI toolbox capacities, by discussing the modes of analysis which incorporates both HI's endogenous based gradual institutional change to justify why we can actually incorporate analyses which look to both endogenous and exogenous sources of change (Fioretos et al., 2016).

Social constructions of history are shared, they are contested, and they are reinforced or transformed within the interactions of individuals. HI refers to the socio-historical process by which actions and meanings of habit become reified as objective structures'. The problem with institutionalism alone is that if we only look to the observable moments of change, this renders incomplete accounts of history. History can be implicit. By only looking at observable moments, we again focus on the outcome bias of such analyses, without apt attention to the social and cultural presumptions behind these processes and crucial events. We then unnecessarily miss critical moments, which have helped from an early point of the life history of the political to its major change. History is problematic if we only think of it as critical moments. Rather a sequence of events and the analysis of points in its history from emergence, to birth, the full breadth of evolutionary dynamics can help us better understand the longitudinal elements of movement careers (Khurana, 2007).

Path dependence does not take into account such things as the way that events become prioritized and change in meaning through historical-discursive processes (Foucault, 1965, 1970). Nor does the notion of path dependence adequately deal with disjuncture's which serve to overturn the logics and taken-for-granted cultural assumptions of groups of people, communities, or societies (Burguiere, 2009). The neglect of human interactions from which these institutions were produced is notably missing in these processes. The role of individuals in producing these categories, however, is completely absent in the institutionalist theoretical accounts. Political Opportunity theory has proven important when explaining the essential factors affecting the success or failure of social movements, so much so that it attracted the core attention of many of the recent studies of social movements (Meyer and Minkoff, 2004; Van Der Heijden, 1997).

According to this theory, social movements have the opportunity to become successful if sufficient opportunities are provided for them by the political system within which they work. Opportunities are defined in different ways, for example, ‘openness of political structure’ and ‘formal access to the decision-making system’.

3.2 Introducing discourse opportunity theory

The study of political institutions and the scrutiny of movement success and failure within the acclimated conventions of governmental terrain have monopolised the discussions of key debates from both political scientists as well as social movement theorists since the 1970s. Across these disciplines, contemporary established knowledge on the variance of political behavioural patterns attribute political structure (Kreisi, 2004; McAdam et al., 2001; Tarrow, 1998), exogenous (and endogenous) contextual relations (Hall, 2013; Meyer and Minkoff, 2004; Steinmo 2008;) and movement positioning (Andrews, 1997; Meyer and Staggenborg, 1996;) within these contexts as accountable for the distress of movement change pathways.

While cross-disciplinary contributions agree that political context remains a key epochal of movement behavioural variation, structural discourse opportunist’s and political institutionalists follow markedly different approaches to the identification and subsequent analysis of these contextual stressors (McCammon, 2013). As per the classical models of political opportunity theory², the structural and relational circumstances exogenous to movements themselves not only affect but dictate which modes of collective claim-making and tactic preference are likely to be the most fruitful in their selected mobilisation pathway (Tilly

² Also known as, ‘political process theory’ this theory attributes political conflict explanations to the influence of political structure and process of a given political unit to account for what kind of opportunity is available for political change.

and Tarrow. 2009). In line with this perspective, analyses of movement behavioural dynamics associate opportunity with vulnerabilities as the structure and monotony of the political system itself. Favourable circumstances to expedite opportunities for political change are said to be prompted by the entry of new supportive political actors, processes of ‘fragmentation’ within the legislative polity, increased ‘political pluralism’ and lower levels of state protest repression as specified by Tarrow and Tilly, (2009) in their six property model.

Analyses using this model identify naturalised political structures as the mediating explanation for detecting course changes within the upcycles and declines in movement behaviour (Tilly, 1978; Edwards, 2014). Previous studies have too frequently indulged political conditions as they exist in the present sense, as the meridian of movement behavioural variation. This would lead us to question the utility of investigative observations of studies which cast crises in government as marginally more open or exceptionally closed, should they fail to adequately detail the reasons behind these determinations. While political opportunity theory in its classic form is concerned with the cohesiveness of governance systems and access to the polity, discourse opportunists turn their analytical attention to how movement messages are likely to be received, how they ‘travel’ and ‘live’ within the wider context of culturally embedded discourses (Snow and Benford, 2006). I however, am interested in how this language survives as a novel way of speaking against a wider conservative history of what one might refer to as very vocal homophobia.

3.3 Defining opportunities of discourse

Koopmans and Statham’s (1999) introduction of the structure of ‘discursive opportunities’ helps to better emphasise considerations in the broader political culture wherein particular constructions of discourse are attributed to be the most ‘legitimate’ and most aptly congruent

within pre-existing ideational practices (1999: 228). As a conceptual tool, this can help analysts to ascertain which social movement frames are likely to have the greatest capacity to mobilize existing and new recruits. In respect to new interventions in political discourse, disruptions can also determine the level of resonance necessary to convince the public of a movement's demands, where they exist most abstractly in the myriad of existing dominant discourses. Analysts then have the right methodological tools to track how this process of persuading authorities to alter policy and practices in line with the movement's agenda actually unfolds.

In conjunction with the discursive institutionalist approach which predicates that political discourse is subject to certain political styles, norms and expectations, discourse opportunists also recognise that movement framing practices occur within existing cultural repertoires of explanation. (McAdam, 2004) Attempts to intervene in existing ways of discussing policy issues is what the movement literature refers to as 'framing' (Gamson and Modigliani 1989; Benford 1993, 1997; Benford and Snow 2000). Compounding explanations and limiting them to a frame perspective ignores the astounding political power relations inherent in battles to articulate social grievances and injustice (Koopmans and Duyvendak, 1995: 249). Instead, the discourse opportunity perspective favours examination of 'the political conditions under which specific discourse become imaginable' (Koopmans and Duyvendak 1995: 249).

3.4 Discourse opportunity and political alignment / transformation

The underlying assumptions that convene the bases of discursive opportunity theory developed first and foremost out of political opportunity's ignorance of wider cultural influences. Movement discourse is not produced free from considerations in state-actor power relations. In the context of this study power is much more substantive than just top-bottom or bottom-up relations, power is productive, and power is not ahistorical. Power can be lingering, and it can

have lasting impacts on new attempts in policy. While political opportunity theory in its classic form is concerned with the cohesiveness of governance systems and access to the polity, discourse opportunists turn their analytical attention to how movement messages are likely to be received, how they ‘travel’ and ‘live’ within the wider context of culturally embedded discourses (Bloomer, 2017). I however, am interested in how this language survives as a novel way of speaking against a wider conservative history of what one might refer to as very vocal homophobia.

In 1999, Koopmans and Statham introduced the term ‘discursive opportunity structure’ (DOS) to identify ideas in the broader political culture believed to be ‘sensible,’ ‘realistic,’ and ‘legitimate’ and whose presence would thus facilitate reception of specific forms of collective action framing—forms, that is, that would align well with these pre-existing ideational elements (1999: 228). The notion of DOS, therefore, provides social movement scholars with a conceptual tool to understand which social movement frames are likely to have the greatest capacity to mobilise existing and new recruits, to convince the public of a movement's demands, and to persuade authorities to alter policy and practices in line with the movement's agenda.

Opportunities come to realisation when framing entrepreneurship successfully resonates and Potential activists and opportunities are linked by ‘framing’ (Gamson and Modigliani 1989; Benford 1993, 1997; Benford and Snow 2000)—the strategic attempts of political entrepreneurs to make issues ‘resonate’ within potential activists’ existing cultural repertoires. But, as Koopmans and Duyvendak argue (1995: 249), neither framing as such nor objectivist explanations can explain the resonance capacity of certain frames: ‘the construction of

grievances and social problems, and the degree to which they give rise to social movement mobilisation, are rooted [...] in political power relations.’ They favour combining ‘the framing and political opportunity perspective’ with an examination of ‘the political conditions under which specific discourse become imaginable’ (Koopmans and Duyvendak 1995: 249).

Political opportunity theory, while drawing our attention to political-institutional opportunities for successful movement mobilisation, tends to neglect cultural dynamics that also play a pivotal role in movement outcomes. Discursive opportunity structures reveal that cultural elements in the broader environment facilitate and constrain successful social movement framing. While their approach may indeed explain why certain discourses become powerful in the political arena, it still does not explain why some political discourses have such a powerful mobilising effect on potential participants of social movements. In an attempt to bridge the gap between political opportunities and the perceptions of participants, Koopmans and Olsak later turned to the public sphere and media as a relatively independent explanatory factor. In the public sphere, movement activists communicate messages to fellow activists and potential adherents, and they thereby gain crucial information about the actions and reactions of authorities, political opponents, allies, and sympathisers.

To capture this role of the public sphere, we develop the notion of discursive opportunities.’ (Koopmans and Olsak 2004: 199). The following chapter argues that while opportunity theory has made important contributions to the understanding of the discursive nature of social practices, it has so far failed fully to take on board the institutional dimension of politics. The chapter seeks to add to the growing contribution of discursive approaches to the study of

political institutions by analysing the possibilities for cross-fertilisation between discursive institutionalism and discourse history theory.

3.5 Political discourse, contest and permeability of the system

The basis of opportunity theory have been employed predominantly in the periodical- historical documentation of movement behaviour. Particularly useful to these types of accounts sensitive and inextricably linked to the mapping of major shifts and disruption to the anatomy and capabilities of the wider political system. At its fundamental core, the very idea of political process is imagined by Gamson (1975) as a model premised on political conflict – as one that centralises ideological contest between members of the established polity (government authorities) and what he refers to as, ‘insurgents’. Tilly and McAdam’s (2008) model indiscriminately postulates the rise of protest behaviour as dictated by the political circumstances within which the movement finds itself. Protest behaviour is not therefore naturally chosen, they function as actions based on necessity and a deliberate entrance into the struggle for power between members of the polity and other state challengers. This is the basis upon which we must analyse and record modern collective action.

Focussing specifically on the interests of state challengers, their polity model holds analytically significant the political structures and processes which enable opportunities for challengers to disrupt the ‘business as usual’ status quo of politically dominant hegemonic ideologies and legalities. A review of the analytic devices used to explain the two core processes central to the analyses of political opportunities have seen the emergence and decline of protest behaviour from Eisinger’s (1973) ‘open’ and ‘closed’ political systems to ‘shifting political structures and oscillating political systems’ to which I will shortly refer to (McAdam et al., 2001).

In the literature, political opportunity is co-dependent on the challenger's perception of a permeable or lack thereof political system. The notion of being able to intervene and initiate change in the polity is premised entirely on the favourability of said environment but Tilly (1978: 52) understands this as a conceptually specific model, one which emphasises the analysis of 'pre-existing political and social structures and resources' as the mediating link between the movement mobilisation and upcycles as well as declines in protest behaviour. An example of a social structure is the strength and experience of a movement itself. Much like its theoretical neighbours belonging to the 'Resource Mobilisation' school (Seltzer, 2014) – the political process approach also attributes the upsurge of movement behaviour as pertaining to the right people around the table or what is otherwise referred to as 'the critical mass'. For political process theorists, such a presence is critical to a movement's actual capacity to act, to resist and to protest.

The availability of what McCarthy and Said (1977) refer to as movement entrepreneurs who co-ordinate the rest of the activist base are key to ensuring movement salience and ultimately, the influence of *conditioning* politically favourable environments. These are considered by primary political process theorists as preconditions necessary to conceive of the possibility of a political opportunity (Klarman, 1991; Strauss; 1996) . As humans, we are socially embedded, as are participants within movements. They make decisions as groups and are reactive to social and political costs and benefits imminent to the wider group and beyond. But resource mobilisation theory attempts to picture a linear image of movement activity, despite the very nature of movements as highly reactive and sensitive to the moves and strategic choices of other political processes and actors.

3.6 Theorising the recognition of political crisis

Opportunity analysis is not however restricted to the realisation of the capacity to act, preconditions also extend to the circumstances in which it is not ideal for political challengers to react. Tilly (1978) conceptualises this as ‘repression’ in which authorities enforce methods of social control and restriction of power positions wherein high political costs are believed to inhibit political protest. This thesis will later address this specific issue in relation the plight of the LGBTQ+ movement and equal marriage. Goldstone’s (1980) insistence that political opportunity arises only in terms of political crisis and vulnerability, asks us to consider clarifying the identification of opportunities only in climates Eisinger (1973) considered open and favourable.

Eisinger’s (1976: 15) pioneering multi-state study on the conditions and context of urban protest behaviour in 1960s America was the first of its kind to theoretically link and engage a correlation between political behaviour and its respective political environment. He referred to this as the ‘structure of political opportunities’. Scholars have since attributed his work in highlighting the link between the permeability of the political system and how it is likely to constrain or impact political activity in certain periods of time. (Shapiro, 2000). Political regimes and systems that were likely to be permeable were those deemed open and responsive.

Eisinger (1976) does not attribute grievance resonance or indeed resource capacity as a contributing factor to the way in which pressure groups within systems behave, rather he associates the openings, barriers and stressor points as facilitating the way in which such groups are *capable* of behaving. For a system to be open, challengers must at least perceive the potential opportunity structures to influence members within their political system.

Scholars must also take note that Eisinger's 1973 study investigated the potential conditions in which a protest is allowed to arise, not necessarily on indicators of movement success. Nonetheless, Eisinger's study still reminds us of the cornerstone of political opportunity theory – the capacity to act and resist politically. Defined as, 'features of regimes and institutions that facilitate or inhibit a political actor for change' in successfully mobilising impactful collective action. This positioning by Tarrow (1998: 10) is also linked to the likelihood of the movement successfully seizing the moment at the right time, increasing opportunities for action and therefore political change.

3.7 Changing the rules of the game

Beyond the capacity to act, Tarrow and Tilly (2009:440) further identify mechanisms for opportunities of change already embedded in the political system. For example, routine elections may give rise to shifting political alignments. Engagement of the legislative functions of the state may trigger the entry of new political actors (Ward, 2014). Guigni (2011) also identifies opportunities as possibilities for change which arise from growing division among political elites giving way to potential vulnerabilities, what he further refers to within as political realignment. Tarrow and Tilly (2009: 13) restrict the identification of changing political opportunities to six specific properties;

- a plurality of independent political centres;
- a degree of opening of the political systems, to the entry of new actors;
- unstable alliances;
- the availability of influential allies to support claims originating outside the system;
- a level of repression that is not too high;
- decisive changes provoked by earlier cycles of mobilisation.

But is there such a thing as a completely favourable context? Tilly and Tarrow (2009) associate an open system as one that is open and conducive as well as capable of political and legislative reform. Openings within the polity are said to provide opportunities for action for political challengers (Tarrow, 1998). Eisinger (1976) questions the extent for political systems and regimes to be permeable without challenge. This begs the question, are all political opportunities fully attainable?

In reality, political systems are not always fully open, nor receptive to full legislative change. In some circumstances, we may have the presentation of a possible opportunity, but it may not be fully attainable at that exact moment of time. Ward (2014) assessment of the viability of opportunities asks us to consider the existing tensions that may come with such identification. Ward (2014) suggests that movements are indeed capable of ‘making’ such opportunities come to light eventually. In some cases, it is akin to a prior weakening of the barriers within the system. She also mentions that earlier movements may be responsible for making such opportunities possible later.

Tarrow (2009) eventually associates emergence and decline periods as, ‘cycles of protest’ and systems begin to evolve from open and closed to shifting political opportunities. This is a less deterministic understanding of what a political opportunity is, it also adheres to the context specific, situational nature of opportunities. Ward (2014) contests the utility of any such list of what an opportunity is for, arguing that they are context specific. Moreover, opportunities are also not equally available for all causes – and they may vary from movement to movement.

3.8 Realising perceptions of Opportunity through discourse

Considerations of whether a system is indeed closed, open or shifting tells us something is possible. But it doesn't necessarily tell us who it is open for, or rather whom will benefit from such political shifts (Meyer, 2004). This is however, because the possibilities for movement action can vary according to their historical contexts (Steinmo, 2008). The potential for social and legal change now is much greater than it was then.

Referring to no particular model of opportunity analysis, Tilly and Tarrow (2009) argue that these models are invariant. No singular model occupies the same units of analysis due to the conflicting issues between movements. For example, what may be considered a political opportunity for the issue of marriage equality may not be for choice movements. Koopmans (2004) insists there is no a priori, but we can find factors which inhibit or facilitate change. They both however firmly deny that a closed or open system are accurate descriptions of political regimes in times of opportunity-uptake. Rather, the system is constantly in oscillation and opportunities within are capable of expanding or contracting.

This demands we point our analyses to situational markers rather than within the political structures themselves. As political structures on their own do not produce change, social actors do, political actors do. Rootes (1999) argued that political change is a result of interference with political structures, not by structures alone. Other scholars have questioned the analytic purchase of the unclassifiable 'political opportunity' (Goldstone, 2004). The inability to be specific about what it is may lead some to conclude anything and everything is opportunity but movements are specific. They seldom act impulsively and never without purpose.

If we were to venture further into the analysis of such political environments, we observe other significant push-pull factors which affect the permeability of such systems. Opportunities simply do not just appear and are somewhat subjective. To the rest of the public, opportunities may not be so until someone within the movement says it is. Movement activists do not sit passively and wait for political elites to indicate support, nor do they wait for them to eventually support the issue – they act to induce attitudinal change. Jasper (1997) and Ward (2014) insist that it is the imaginations, perseverance and belief of activists which contribute to the actualisation of political and legal change. It is these cognitive processes that make others believe that change is possible. They cannot and do not imagine possibilities without purpose or goal but rather may look to opportunity building (Tilly, 2009).

Therefore, we are now entering into discussions regarding the symbolic interactionism of movements. The power of language and the power of representation through movement discourses which at times, do not rely on favourable political contexts but rather push for them. Now movement analyses move beyond the availability of the opportunity itself to how movement activists perceive and construct the opportunity out of shifting political systems. I previously positioned collective behaviour as locating language as a mechanism significant to movement unity.

I discussed how language was an important means in which movements could encourage the masses to act, to make them realise that something is wrong and not only that – that that something wrong needs to be addressed. Again, the emphasis for such analyses is beyond the availability of such opportunities but rather the perception of such a successful opportunity. Therefore, shifts on their own cannot account for change – but rather the framing of such an

opportunity is likely to be a significant factor. Structuralists even began to consider the cultural processes which are also integral to movement success. McAdams (1986) study on the US Civil Rights Movements found that its success was owed to not only shifting opportunities, but a newfound sense of perceiving that change was possible. The framing approach is not separate nor alien to the political process model. It is however an approach that centralises the ideas and interpretation of activists. How they perceive and reconstruct opportunities, threats to opportunities are integral to the chances of mobilising others to also believe that change is possible or not.

3.9 Political frames and the contesting of reality

In order to account for frames and structures we must know how they are organised, how they are put to use and more importantly how they seek to transform the discursive landscape. Movement theorists owe early explanations of what collective action frames are to Erving Goffman (2007) who attributes frames as instruments of knowledge representation about the world. They enable only certain perceptions to be seen and they are often not fixed but dynamic for like the political system, movement language is context specific and changes according to the movements needs in that particular time. Frames can be responsible for defining units or concepts that are not typically related. Frames also are constructed around punctuational elements.

They underscore or embellish a certain aspect of a social condition or aspect of life (Piven and Cloward, 1977). They act as organised systems of knowledge which is why both Minsky (1975) and Goffman (1974) refer to an 'interpretative schemata' where they argue are attributable to two types of frame structure. At the upper level, there is what Minsky (1975) refers to as a

'meta-frame', in discourse analysis Van Dijk (2005) refers to this as a macro superstructure. It is top level super frame, which thematises the lower subframes. It is the structure which expresses the general conditions of said topic and explain the theme on a more general basis. Normally, this is a collective term, subframes however carry the specific detail (Minsky, 1975). Goffman (1974) tells us that frames are ways of ordering things and events as we know them. Framing also insists that interpretations are subjective and selective. We as humans, choose to see things in a particular way. Frames unpack situations and offer an interpretation as to how else to see the situation, ideology however, explains to us why the situation matters in the first place (Ferree and Merrill, 2000).

Snow and Benford (1988) connect these ideological purposes with the multi-level capacities of collective action frames. Beginning with the diagnostic level, this is where movements will tell the world and its public what the problem is. Prognostic frames are more action orientated and directive, these frames articulate what should be done about the problem whereas the last and final frame – the motivation frame tells the public why they should care and how they should act (Snow et al., 1986). Frames also undergo a multitude of processes from frame alignment, frame bridging, frame amplification, frame extensions and frame transformation (Snow et al., 1986). This literature review will however focus on the latter, the transformation of collective action frames. As we know, social movements do not communicate in political vacuums. They are not having insular conversations with themselves, and they constantly seek to breach the echo chamber comfort of public communication.

Frames are not universally met with agreement, they seldom are. Instead Benford and Snow (2000) position frames in continuous contest, hegemonic frames are frequently replaced and

constituted and reconstituted. In the context of movements, activists are also competing with the narratives of the media, state based discourses. But movement frames, deemed ‘collective action frames’ by Snow et al., (1986)., exist to disrupt the hegemonic frames of power elites. They seek to provide alternative explanations and anticipate the arrival of new realities. Most importantly, they construct the possibility of such a reality so as to make it appear within reach, to make it appear real. These alternative realities are not merely selected, they are created in response to other realities. Therefore, we do not simply pick frames for selection – movements react to them and in doing so, create their own narratives. Movements do not only do this through their own narratives but through the stories of others. They are key to encouraging the acceptance of new realities. Such stories are key to the dispute of existing frames and the acceptance of others to eventually dispute the same frames.

Again movements do not conversate with themselves. They need to construct narratives which can stimulate public buy in, that have the potential to up mobilisation potency and ensure that these alternative narratives are able to resonate with people. It must mean something to people who otherwise might not care. Benford and Snow (1988) suggest that three things must be present for frames to be resonant. They must be credible, while not necessarily based on whether their points are valid or not but the association of the statement with the power of real stories. This is the evidential threshold, of who political constraints ultimately affect. For people to care, there must be some degree of experiential commensurability – this questions to what extent do people have direct experience of said issue. If not them, then who around them is likely to be impacted. This makes the issue more relatable, i.e. this could impact your friends, your family. Finally, frames must replicate some form of ideational centrality. In other words, they must be close to the cultural and political ideologies of their target audiences.

In some cases, movements can reinvent existing frames, but they do select such frames from a pre-existing stock of meanings, beliefs, ideologies, myths, values and social practices which are already available in the very social cultures they are trying to innovate. This is what Jasper and Goodwin (2004) refer to as the appropriation of discursive opportunity structures which resembles the very essence of movement framing. In doing so, Snow et al (1986) enforce that to reach out to new and potential activists, existing ones must then appeal to and situate their own beliefs within the wider cultural milieu of societal beliefs. Therefore, movement languages are not concerned only with the content of such discourses, but rather how they are structured in relation to and how they interact with existing narratives within the greater discursive field (Steinberg, 1999).

The stability of such discourses are linked to how the public is likely to receive certain frames. Therefore, discursive opportunity structures emphasizes the link to the greater cultural basis of frames and the way in which this affects movements decisions to embrace or discard particular interpretations and particular frames. Koopman and Statham (1992) argue that movements will make such decisions on the sensibility of particular frames, the likelihood of them being perceived as legitimate according to where the public is on said issue. In the context of movements, frames often do not exist in a singular basis but rather are constitutive of multiple overlapping discourses. Some are foregrounded, others are not.

Frames however cannot be understood in isolation from their political contexts and discursive opportunity structures cannot fully account for their occurrence and travel through the wider cultural context however, Snow's interpretation of discursive fields and space does allow us to dig deeper.

3.10 Conclusion

Discursive opportunity structures consider the reception of particular frames, but the concept of a discursive field allow us to consider the boundaries with which certain narratives are able to say and what other narratives movements will be capable of saying. We know this because discursive fields are presupposed and based on social interaction. It is where discursive contests for meaning are likely to happen (Steinberg, 1999). Discursive fields are also highly elastic, they are recursive and emerge in response to other discourses (Snow, 2013). Therefore, movement frames are also undeniably relational, they are also context dependent and developed in a particular point in time and space. Movement language is therefore temporal, framing studies have been too focused on the continuity of certain spans of frames without considering the disruptions and lack of continuity between frames that exist on campaign languages.

Moving away from emergence and decline analyses, we should now focus on the disruption of existing discourses and look at the points of transformation. As in line with the oscillating political system, movement languages also travel. They do not stay in the same position throughout the entire campaign. Yes, they may retain a core message, a unifying ethos but movement languages seek to open new conversations. They directly engage existing conversations to ensure others consider and more importantly accept their viewpoints.

Frames however have levels and are said to be multi-dimensional. If we only look at it from the success of mobilising and the arrival of new opportunity external to the environment we fail to consider the struggle phases within campaigns. The processes that precede successful public support and cross party consensus. Moreover, movements never simply wait to engage action.

When they are faced with unfavourable contexts, they do not necessarily just decline movement activities. They use language to facilitate attitudinal change, win new allies of political influence and fashion new narratives from which the change may begin, if even incrementally.

Chapter Four; The Historical Ordering Effect on Discourse: Applying the Discourse-Historical Approach to Movement Analysis

4.1 Introduction

In the previous literature chapter, I considered the interdisciplinary contributions to critical debates surrounding the core conceptual premises of change within this study. In conclusion, I determined that opportunities for new political behaviour is conditional not only on the exogenous availability of opportunity (McAdams, 2004) but it is also dependant on the endogenous access and facilitation or creation of new avenues of action. As identified in the historical institutionalist literature, previous analyses of movement change were considerate of such factors and were fully cognizant that all opportunity is not equally accessible to every challenger.

Nor may we assume that any form of political resistance is freely chosen and exercised with full autonomy. In contrast, Whitehead (2002) insists the agency of political challengers is indefinitely subject to constraints within the very system they are attempting to change. Through the institutionalist literature, the mechanisms of political behaviour are attributed to two key conceptual stages – stasis (path dependence) (Fioretos, 2011) and change (punctuated equilibrium or critical junctures) (Capoccia and Kelemen 2007). Previous studies have identified the factors of influence which impact these crucial stages within the life careers of planned movement protest and behaviour. These are nominally understood as constraints of 'institutional codes and norms' that govern and guide the polity, and its encompassing processes and procedures. (Vincent; 2020). Critical discourse theorists specify that the same conventions apply to the social and cultural boundaries of discursive practice particularly to those found in political discourse.

4.2 The social ordering of political discourse

When drawing on particular modes of discourse, members of society do not simply do so blindly and without reference to standards culturally embedded in social and political discourse. In his articulation of what is constitutive of discourse, Foucault (1971 cited in Hall, 1981: 291) he references not singular pieces of text or speech but,

‘a group of statements which provide a language for talking about
– a way of representing the knowledge about –
a particular topic at a particular historical moment’

Rather, the critical works of Michel Foucault insist that ‘the langue’ represents a system of linguistic codes and conventions which maintain and furthermore, regulates and reproduces communicative order. In referring to, ‘the orders of discourse’ critical theorists receive all modes of discourse as ‘socially-organised’ sets of statements (Foucault, 1971: 10) . The beliefs, values and norms naturalised within these statements all exist as a system of hierarchical codes that regulates social and cultural thought around political phenomena in that specific moment in time. With its epistemological bases entrenched in the interpretative principles derived from Critical Theory, the works of Foucault insist that discourse is constitutive of and bound within our social and cultural understandings of knowledge. Language inherits greater functionality than meaning attribution or those of the more expressive kind. The universalization of forms of meaning sets the terms of the discursive debate core social topics like that of LGBTQ+ rights and reproductive rights.

In this study, we may refer to this as the political-cultural memory of discourse, these are the tenets of what govern what can or cannot be written or spoken on any given topic. This thesis contends that such processes are largely observable in the articulative practices of much

ordinary political procedure, particularly those within the atrium of parliamentary debate and policy-making. Van Dijk, (2005: 206) refers to this as the ‘study of political cognition’. Inherent within common sources for critical discourse analysis are greater practices from which an analyst may deconstruct evidence of ‘political information processing’. Van Dijk’s varied works on politically and socially structured talk forwards the premise that we understand and learn how and when to speak in particular settings based on models of context.

Incorporated as the first set of data this study is interested in, I employ the five plenary debates on marriage equality as an example. It is within these five instances of institutional thought on marriage equality where I argue it is possible to understand the variant discursive terrain of marriage equality oppositional argumentation. As will be explained in chapter seven, this study performs and discusses a thematic analysis to determine i) the nature of oppositional perceptions of the legislature and ii) to learn the suture of socio-political attitudes within these political judgements and beliefs.

The final objective is perhaps the most significant. Unlike other thematic analyses, I have not chosen to merely dictate what the oppositional arguments are. As with all ideological convention, this thesis has been able to deconstruct *how* these oppositional logics were constructed and more so, *evidenced* by their depictions of authority of ‘expertise’, ‘tradition’ and ‘time’. The reason for inclusion of this specific data set commonly identifies with a clear pinnacle of critical discourse analysis, that is to delineate the ideological and structural relations of power manifest within protest language. As will be discussed in the conclusion, when considered in conjunction with the pro-equality movement discourse, this discursive case study and the Northern Ireland debates on legislating marriage equality is a clear example of what

hegemonic struggle looks like. The concentration on the Northern Irish campaigns invites us to consider the legitimization of marriage inequality in the region despite its legalisation in its neighbouring jurisdictions.

While critical discourse sets to uncover the structural and power inequalities in language, Weiss and Wodak (2006) position discourse as both a source of domination and productive social power. Positioning discourse as a social practice, a critical analyst is focused on contextual relations. Features of this type of analysis would extend beyond superficial textual analysis to that which questions the premises of discourse production as well as the processes which are conducive of the social and cultural elements of discourse production (Fairclough, 1989).

4.3 The critique imperative in discourse historical studies

The discourse historical approach is located within the foci of critical discourse studies. Discourse analysis in its traditional forms studies the composition (Wetherell et al., 2001), functionality (Halliday, 1978; 1984) and levels of representation within the social and cultural uses of written text and spoken language (Bax, 2011). The fundamental distinction between passive interpretations of discursive interaction and meaning making practices from more critical practices of analysis, is the instinctual rebuttal of face value meaning attributions. Critical discourse analysis is representative of much more than a methodology. Rather, it is a communal ethos or dispositional standard upon which social analysts conceive language and its capacities, particularly in pursuit of social change (Wodak, 2001; Reisigl and Wodak, 2009). It brings with it a distinct but not homogenous sets of concepts, theories and models of which analysts have at their disposal to refer to when conducting their own analyses (Fairclough, 2001).

This perspective accords that the social and linguistic practices are co-dependent and therefore inter-relational (Fairclough, 1995). Critical analysts defend the basis that both practices are constitutive of one another and assist in the unveiling of explicit / implicit power relations and biases wielded through discursive interaction. This is one of the basic assumptions underlying the critical analysis of civic discourses. The properties of mainstream discourse analysis still apply to the works of a critical analyst. The difference between the two styles of discourse scholarship lies within their epistemological and ontological viewpoints. The epistemological principles of critical discourse analysts first and foremost understand that systemic within our everyday and function-specific language use are issues of power inequalities, oppression and inequities of structure (Fairclough, 2001).

Equally, the ontological premises of the critical analyst immediately question the existence, being and becoming of our knowledge cultures and normative ways of discourse use (Van Dijk, 1998). Crucially, critical discourse analysis has been employed for the use of highlighting the reproduction of ideological dominance and submission embedded within naturalised uses of social and political discourse (Wodak, 2015). In this respect, context is not only important in determining what is capable for political change but also, the history of how these changes have come into fruition and how particular versions of change have been suppressed.

4.4 The Discourse-Historical Approach (the Vienna School)

This approach is sometimes referred to as the Vienna School in reference to where this theoretical approach was born. While working in Vienna with a group of former colleagues and PhD students, Wodak elaborated the Discourse Historical Approach, an interdisciplinary, problem-oriented approach to analysing discursive change and practices over time across

multiple texts and various genres. What differentiates Wodak's (2009; 2011) pioneering work from the rest is the Vienna school's insistence on the (i) blending of interdisciplinary theories and methodological theories. Transitional change over time serves as a natural objective for many analysts due to this approaches' historical minded orientation (ii). While other critical discourse theories argue the socio-political context is inextricable from) academic analyses, Wodak inspired analysts defend the notion that this context inherently possesses a history of acquired meaning over time. Therefore, historical considerations help us in the long term not only to establish 'what is' in discourse but how categories of discourse 'come to be'. Analysts concern themselves with the intertextual, interdiscursive linkages between the universal genres and 'fields of discourse' (iii).

Other methodological preferences point to the use of 'insider' methodologies, favouring fieldwork or ethnographic models of research design to genuinely achieve a complete and rounded investigation of the phenomena at hand. The Discourse Historical Approach attempts to integrate a large quantity of available knowledge about the historical sources and the background of the social and political fields in which discursive 'events' are embedded. Lastly, and most importantly, this is not only viewed as information. At this point we integrate social theories to be able to explain the so-called context.

4.5 Discourse-Historical approach: the critique, ideology, power nexus

'Power relations are legitimized or delegitimized in discourses' (Guardado, 2018: 56). Language bears its power not from within itself but rather through the ability to maintain and regulate power of others. In this case, over the minds and actions of others (Talbot et al., 2003). Power is then socially enacted and is figurative through social and political relations.

Van Dijk describes this as tandem to a conception of ‘social power’, often wielded when persons of hierarchical social positions gatekeep access to political discourse. He conceptualises this most clearly through his identification of dominance through ‘political access’ (Van Dijk, 2005: 84) Dominance in this respect refers to the moral or legal control over others in pursuit of one’s own interest. The exertion of control over another is primarily understood through means beyond that of coercive force or state violence. Rather, it can include the control of people’s freedom through warnings or pledges. Power is also enacted through persuasion and the influencing of dominant knowledges. In this case, the data sample challenges heteronormative ideation of the traditional norms and values of marriage. Attributions of privileged discursive access may manifest in the analysis of who within particular discursive domains are permitted to speak, about what or who will be granted a platform to do so.

Van Dijk also identifies other markers of access through referential aspects. For example, how people are discursively constructed and who is worthy of public platform. In the political domain and within their respective policy-making procedures, it is the personal and ideological opinions of legislators themselves who feature in their plenary contributions on marriage equality. As the data chapters will detail, who is subject to public platform and who features most heavily in these conversations change greatly over the course of the campaign. Alongside changing power / legal balances in the polity, public debate exhibits both communal and individualist arguments bound in public and private political interests, opinions and viewpoints of the state and its preliminary functions. These are the tenets of a free democracy. This thesis first analyses both the oppositional argumentation and pro-equality movement discourse in tandem. It positions both sites of discourse as critical sites of ideological contest for maintaining or innovating the conversational parameters of marriage equality.

The secondary analysis is based on a discourse-historical approach which focuses on the ways in which the marriage equality leadership challenges conservative marital norms and ways of speaking about marriage equality (Toolan, 2002). For Wodak and Reisigl (2009), the ideological dominance unequivocally reproduces unequal power relations through discourse. As argued by this thesis, we may understand this as the gatekeeping and control of access to the institutional discourses of equality.

This can be observed by the decision to start the campaign with a vote-lobbying focus, despite the Northern Ireland Assembly's safeguarding procedures. The following discourse-historical analysis which is to follow identifies the alternative linguistic practices and behaviours which counteracted and sought to mediate and reproduce new ideological stems in the over-politicisation and legal pathology of equality. The discourse-historical approach is one of many dominant frameworks within critical discourse studies. It has been chosen as the main theoretical framework to process the pro-equality communications of the movement which are all multi-directional but still interconnected.

4.6 The discourse-historical approach and the marriage equality movement data

In alignment with the Discourse-Historical approach, this thesis tentatively focuses on the historicity of subject argumentation, the voices which perpetuate these arguments and the fluctuation of specific discourses over time. The multi-variant dataset included within this study was designed by a principle of source-inclusive triangulation. As detailed in the figure below, Wodak and Reisigl (2009) premises their approach over a multitude of 'fields of action' which transpire to multiple other 'fields of discourse'. In this case, one element of political reality is constitutive of a frame from which discourse will come to be organised.

Based on the figure below, it can be determined that topics of discourse can live across multiple fields of actions, beginning in one and transmitting across another. There may also be overlaps in discourse and their respective fields of action. To unpack complex political phenomena such as that included within this study, a discourse-historical analyst should opt to gather multi-dimensional data; which varies across data type, genre, political actors and specific periods of time (Reisigl, 2008). In the methods chapter, I shall elaborate on this thesis' application of triangulation not only in its theoretical integration and methodological specifications but also in its gathering of background information.

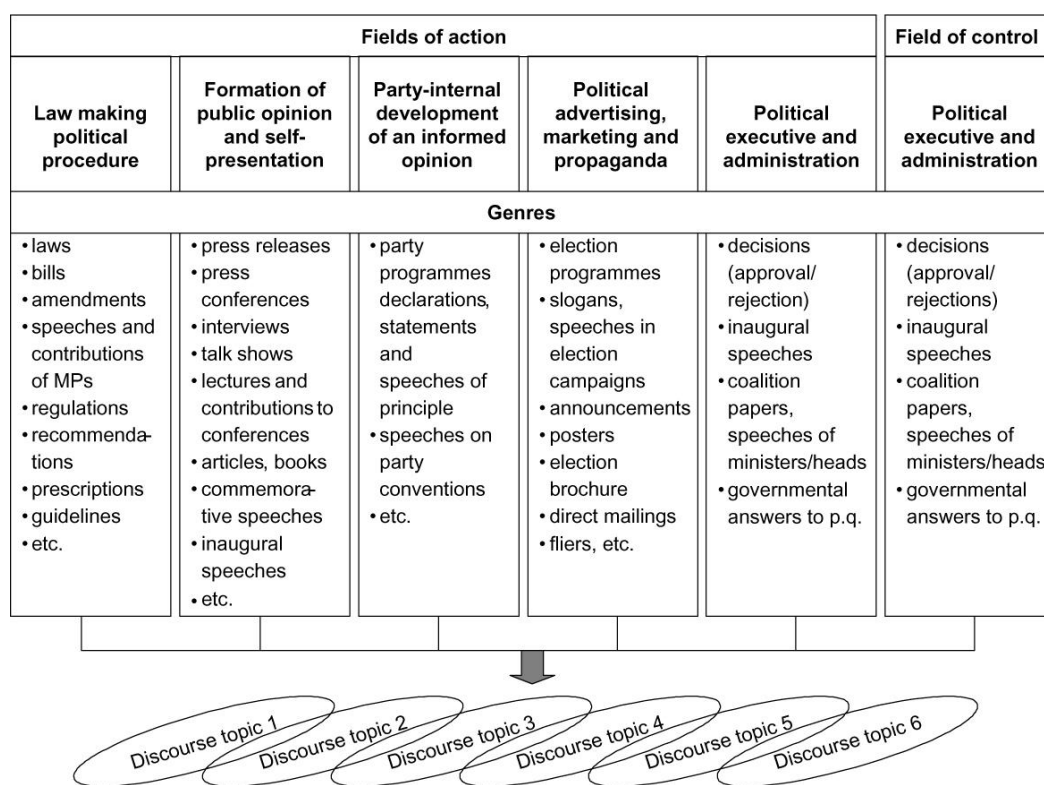


Figure 1. Fields of action, genres and topics of discourse (Wodak and Reisigl, 2017).

The Discourse-Historical approach follows a three-dimensional analytical approach. When applied to this thesis the preliminary objectives are to (1) identify topics of oppositional discourses, their interaction with the pro-equality communications and secondly to investigate how these discourses have travelled across time as well as the discursive strategies which enact

them. Following the completion of a thematic analysis of the plenary debates on marriage equality, the macro topics / subtopics determined the parameters of the institutional conversation. Moreover, discourse production considerations are important to question and unveil the underlying sources of persuasive rationale. These questions, as formulated by Wodak (2015a: 98), are as follows:

- How are persons, objects, phenomena / events, processes, and actions named and referred to linguistically?
- What characteristics, qualities, and features are attributed to social actors, objects, phenomena / events, and processes?
- What arguments are employed in the discourse in question?
- From what perspective are these nominations, attributions, and arguments expressed?
- Are the respective utterances articulated overtly?
- Are they intensified or mitigated?

4.7 Intertextuality, interdiscursivity and discursive change

Texts are not produced in silo. They are mirrored on pre-existing meanings and relative to an infinity of other textual significations. Even in environments where hegemonic discourse is actively subject to challenge, what we may understand as utterance is dependent on the drawing of the production and reproduction of those already in existence. Intertextuality is a concept which applies to the cross-pollination of variant topics of discourse, styles and genres of discourse in a uniform text. As the thematic analysis will go on to demonstrate, oppositional repertoires follow a very specific set of strategies designed to legitimise Northern Ireland's current position in regards to marriage equality for example, in the context of state inaction. In the context of movements, discourses are not constructed in silo but rather innovated in response to the presence of other voices amongst a wider discursive field. Bahktin's (1981) original use of the dialogic concept was intended as an explanatory device to understand the relational elements between pieces of literature.

Dialogism in the methodological sense refers to a multiplicity of perspectives and voices sometimes referred to as ‘double-voiced’ or ‘multi-voiced’. In the context of this study, discourse is not merely just spoken, it does not just unfold but rather, its intrusions upon the statements of other discursive actors use it to react to dispute current hegemonic discourses from the opposition. Movement discourses are not passively constructed discourses without reason, they do it to be heard to change and influence minds.

According to Bahktin’s (1981) dialogic theory one genre or community of discourse, is and always draws upon the existence of other discourses of power and other vocal actors. This is where I will begin the next chapter. This thesis adopts a perspective-triangulated approach, one that is informed by this interdiscursive ‘mixing’ of other voices thereby presenting new and viable opportunities to alter or transform discourse. This study’s methodology is also premised on the relational aspects of dialogism, which advance that specific discursive uses draws upon the history of culturally and historically embedded, universalised meanings to create new structures. Discursive constructions are created in response to other discursive statements and in anticipation of statements that have yet to come. Methods of analysis must also incorporate this heterogeneity – and must acknowledge and appreciate such differences.

The process of discursive transference within new contexts is referred to as, “recontextualization”. The element (partly) acquires a new meaning, since meanings are formed in use of language (see Wittgenstein, 1967). Recontextualization can be observable to the analyst in instances of high or subtle contrast, for instance, in the repetition of a political speech as selective news reporting throughout various newspapers. This may feature ‘decontextualised’ text bound within quotations which once newly framed in a different article

or different newspaper, becomes recontextualized. They can partly acquire new meanings in the specific context of press coverage, if, say, the respective report focuses solely on this one quote without taking the source text into detailed consideration. Interdiscursivity signifies that discourses are linked to each other in various ways. Thus discourses are open and often hybrid; new subtopics can be created at many points.

4.7 Conclusion

When considered in silo, these concepts are only partially capable of explaining how movement behaviour and discourse change can be expected to unfold given the constraints on both elements of movement-based process. Scholars now know and accept that opportunities in political and discursive change are subject to the movement's inter-contextual relations with its environment. They also understand that movements are entirely capable of the fruitful exercise of their own agency and can build their own opportunities through discursive interaction. What binds both the bases of discourse opportunity theory and discursive institutionalism is their communal quest to understand how movement languages and political action initiatives behave within their respective political constraints over time. Both acknowledge that inextricable from their analyses is the innate sensitivities to state-challenger power relations but only one acknowledges the lingering power implications for institutionalised ways of speaking and political interference (discursive institutionalism).

It therefore remains only fitting that the primary mode of research methodology inherits the same power conscious, discursively minded approach for historically processing the data selected for this study. The following chapter details the methodology of this project, addressing the planning, design, implementation, and actual outcomes of the research process

unique to this study. This chapter lays out the necessary introduction to the Discourse Historical approach, first beginning with the principles and epistemological assumptions of this concentrated approach.

Chapter Five; Methodology, Investigative Design and Perspective Triangulated Sampling

5.1 Introduction

This chapter specifies the mixed-methodological design and process from which this study's investigative aims of contextual-bound change were carried out. The measurement of pro-equality movement communications in silo invites little stimulation beyond mere argumentative direction. As a methodologist, the decision to model a source-inclusive, triangulated data collection practices was based on the purported weaknesses of previous secondary analyses which may only generate limited inferences. To carry out such a one-dimensional analysis would fail to provide indications of how and why communications changed, or at which point of time did new stems of argument enter the public sphere of political discourse on the matter of marriage equality. Instead, a multi-lateral data collection design and methodology was carefully mapped out in order to assume a fuller contextual understanding of the contest-relational elements of discursive change.

As detailed in the previous chapter, new social and cultural normative understandings of discourse are borne in contest, across variant fields of discourse and political action. This necessitated that the data collection practices of this study enlist a source-inclusive yet, a proximity limited variant sample of data. In this study, I restrict the concept of proximity as determinate not only on the level of familiarity with the works of the pro-equality campaign and the oppositional effort but also, the degree of active leadership participation in the motors of change in social and political culture. The following study's approach to data collection and dataset accrual follows the same logic of proximity focused discourses and actor focused discourse production. Approaching and working with those who were best positioned to discuss the articulatory forces of change within the campaign leadership meant deciphering which

events must be treated as ‘key’. While speaking with the various co-ordinators of the Equal Marriage Northern Ireland campaign and the Love Equality Northern Ireland campaign, these events varied in importance between participants. As a study interested in the history of movement-based, institutional and legal discourse around the issue of marriage equality, the first priority became focussed on assigning the main ‘fields of discourse’ based on the campaign’s events timeline. See figure 2 below.

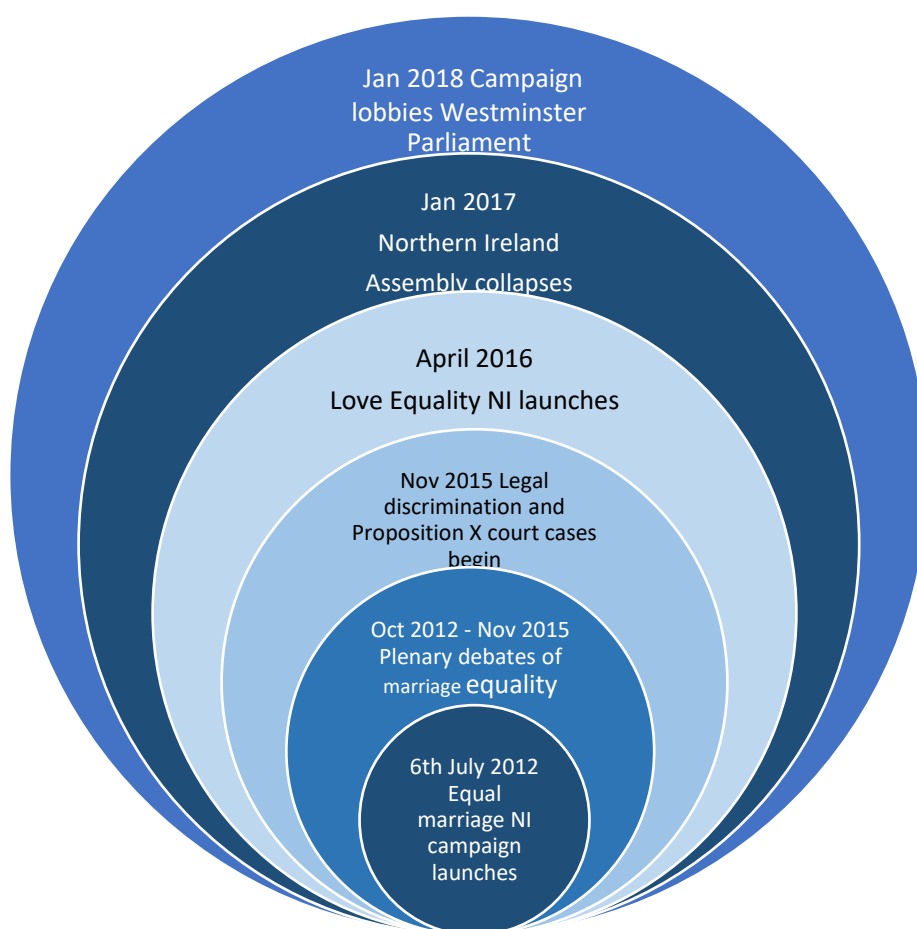


Figure 2. Timeline of Equal Marriage NI and Love Equality NI Campaigns.

The substantive fields of discourse most significant to this study were determined based on their relevance to key events of articulative contest mentioned above (see figure 2). They correspond to three key boundaries within the campaign’s greater nexus of discursive contest. In summary, they present as the plenary boundary, the legislative boundary and the social boundary. This presented three arterial pathways for the processing of communicative data

therefore methodological sequencing is of utmost importance. As the first significant political discussion on the topic of equal marriage, the plenary debates marked the primary data entry point. This established the beginning of the analytical pathway through this study's data. This was in acknowledgement of a key critical discourse principle which recognises the ways in which discourse constitutes and subsequently regulates the abuses of power. Naturally, this will involve the interaction between persuasion, ideology, and conflict (Fairclough and Wodak 1997; Phillips and Hardy, 2002).

Wodak (2008) also insists that conclusion of one's research phenomena, cannot be reached from a distance. Social research should centralise fieldwork and ethnographic approaches which study phenomena from the inside. Only then may we acquire the necessary basis for a more thorough analysis and adequate theorisations of the object under investigation. Wodak (2008) communicates this best with her advocacy of insider methodologies which in this case, meant attending public rallies and meetings where possible. To be there physically, within the movement's intended audience allowed valuable insights into public reception and a greater proximity to ever-changing campaign updates as political events were unfolding. Choices in the selection of data samples reflect an insistence on prioritising the campaign voice as opposed to elitist fidelity to media narratives who continually obscure and moreover, are only of use in reporting what has been said.

The dataset central to this study is built upon a need to conduct a fuller, more context-sensitive analysis. Approaching two major components, the employment of the Northern Ireland Assembly plenary debates acquired the cultural base of the institutional conversation on marriage equality. Meanwhile the investigation of movement discourse included multi-modal data collection across a wide variety of articulatory sources. In including social media

communications, public meetings, letter-writing campaign material and other online written sources this has accommodated an intertextuality and interdiscursivity ready sample for analysis. Lastly, crucial to this approach is great care and acknowledgement of the historical context wherein text interpretation and discursive interaction is in occurrence. Exploring the ways in which particular genres of discourse are subject to change over time is to make explicit and transparent the historical (i.e. intertextual) dimension of discursive practices using social theories to explain context (Wodak, 2011). Historical orientated analysis marks the social memory / social recall functions as an important process linking texts and discourses intertextual and interdiscursive change over time. Discourses are constrained by and situated within broader social contexts.

Discursive practice oversees both a reflection and reconstitution of politicised language (Fairclough, 1992). This study has found that greater understanding of contemporary articulatory activism foregrounds an understanding of the history of past policy decisions and normative cultures from previous policy legacies. Drawing on interviews, thematic analysis and the Discourse Historical approach, the findings provide a more comprehensive understanding of the critical junctures of movement discourse from a historical change perspective. This thesis adopts a change-orientated analysis over time, firstly to explore the drivers of movement discursive change and the elements which inhibit or strain new possibilities of discursive action. As directed below, the thesis aims and objectives pertain to the following aim.

5.1.1 Thesis Aim

To explore how, and what political / cultural elements impacted changing possibilities for opportunities of discourse and cultural development in the evolution of the Northern Irish marriage equality movement.

5.1.2 Objectives

- To capture the wider constraints and cultural impacts in the building up of new policy interventions in policy-dormant environments.

- To interrogate how new political discourse interventions, live and interact with hostile legacy environments.

- Posit whether the absence of a positive policy legacy negatively impact subsequent interventions in political lobbying and public engagement.

5.2 Selection and integration of interdisciplinary theoretical lens

To the ordinary qualitative data analyst, the complex theories bound within this study appear random. This however is not the case. As indicated in the three chapters which precede the current methodological chapter, I discuss the theoretical concepts of power, procedural norms and the deliberative processes which nurture the building of opportunities for new discourse/action.

Wodak and Reisigl's Vienna discourse-historical model is adopted as the main method for identifying a) the core sites of discursive contest and b) how these discursive cores change across these fields of contest. As a critical theory methodologist, it was necessary to select a theoretical lens which did not take surface presentations of discourse and meaning construction for granted. When a novice movement analyst approaches the literature of social movement theory, they will be met with a plethora of different schools of epistemological and ontological premises. As a methodologist, I subscribe to the notions that language use and more so language production are not value-free processes and certainly not processes we analysts should take for granted by only engaging surface presentations of meaning. A considerable amount of time was spent getting familiar with all theoretical modes of social movement

inquiry to first discard the schools which failed to meet the question's investigative focus or requirements.

As a study focused on the location and documenting of the sites as well as processes of political and discursive change, political opportunity theory appeared to be the most natural fit in terms of conceptualising how processes and outcome of change unfolded for Northern Ireland's marriage equality activism. In the simplest of terms, opportunity theory derives from political process theory which places emphasis on political change occurring as a result of exogenous factors to the infrastructure of political system and the procedures around it. The decision to include this exogenous based theoretical lens of analysing factors of change I engaged historical institutionalism concepts and discourse opportunity theory to map and pursue a trajectory analysis on how these structures morphed according to the communicative needs of the campaign.

5.3 Cross-contextual sampling and rationale for methodological sequence

Inherent within all movement collectives is the existence of time and context bound communication systems. These systems are highly complex - constitutive of an entire multitude of discourses in verbal, textual or at times semiotic form each occupying an express role within the movement's greater arsenal of communication repertoires. The methodological design of this study enabled the recovery and subsequent analysis of how the 'discursive core' of the Northern Irish marriage equality movement emerged and shifted over time between multiple contexts. The next section is based on the collection and synthesis processes for this study's local population of texts for analysis. Data sources within movement research are often vast. The inclusion and exclusion of relevant material is accounted for highlighting the variant a spectrum of voices central to diversifying the public conversation on marriage equality in

Northern Ireland. This reflective account will address the sequence and arrangement of this study's pathway through the data. The following account will also reflect on decisions made in the course of exploring the variable ranges of data within the population of texts this study employs.

Further, the ethics of accessing, handling and accurate representation of publicly available statements that can at times, be personal will be addressed accordingly. This methodological account will primarily address the potential for ethical complications that might naturally arise in the private reflection of publicly made statements. This account will also address the complications for anonymity that may arise when dealing with interview participants that are known to one another professionally. These reflections will refer to and draw upon the relevant methodological and subject literature which informed the planning and actualised responses to these issues.

5.4 Data selection and case selection for thematic analysis

Developments in communication technologies have changed modern movements capacities to communicate with and mobilise members of the public, far extending the potential reach of pressure groups and movement coalitions. According to Power and Devereux (2019), analysis of the boundaries of dominant, state-media narratives offer insights into how 'common-sense' presuppositions are distributed and confined as 'normal within our greater social understandings of social phenomena around us. I refer to these simply as, 'authoritative logics' of discourse. Unlike previous frequency-based studies, the following thematic analysis correlates both the weight (frequency) and the underpinning authoritative 'logics'(rationales) by which oppositionists attempt to evidence or warrant their plenary submissions. Such assessments offer a much-needed opportunity to explore the institutional constraints for

discourse and action before the pro-equality campaign. Only then can we further understand the bases and rationales for (pro equality) counter schemes. Taking note of the long legacy of social conservatism within the Assembly leadership (Bloomer et al, 2017), and its residual impact for LGBTQ+ homophobia, discrimination and hostility, the intention of this study is not to antagonise nor condone this history. Rather, the following thematic analysis serves to better identify the logics of defensive communication unique to the politicisation of marriage equality in Northern Ireland.

As a strong social media presence becomes an increasingly integral part of movement life, a wealth of discursive data is now digitally accessible and readily available to researchers within a matter of seconds. In previous studies, this data has resembled press statements, representations of the media and / or political speeches made by campaigners or else inference to the campaign issue. As analysts, the decisions on which material to include and exclude will vary considerably by a) our theoretical disposition and approach to language and b) by the premises of the study's research question(s).

The primary research question upon which this study was based calls for an account which is first able to identify sites of discursive struggle, secondly track the history and development of these sites of discursive contest and finally be able to interpret as well as explain these changes in their wider political contexts. While this question is focused on the language contributions of political actors, it also is a study based on discursive leadership within the confines of the marriage equality coalition. As such, one of the primary data collection strategies limited the scope of voice representation to oral / textual samples produced by campaign leaders and ministers of the legislative assembly only. The contributions of campaign and communication officers who were integral to the management and refinement of public facing campaign

discourse would then be considered after. Issues of access to publicly available material was little to none. Data sources for this project were largely internet based apart from the primary data generated from the interviews with campaign leaders. Much of the material under scrutiny was largely produced online and found within the campaign's own websites and social media archives, primarily Facebook. Examples of sources included were transcripts of plenary debates in the Northern Ireland Assembly, letter writing campaign material, political lobbying engagement statements, political lobbying correspondence, petition discourse, event campaign narratives and the campaign's specific emphasis on the results of social attitudes surveys.

The dataset also included the language produced within storytelling drives, protest marches and public rallies. Other samples tested were summations of public meetings, press conferences, press releases, codes of conduct particularly those that expressed emphasis on protest etiquette. This population of texts was quantified at 287 pages of data, 107 pages of which belonged to the plenary debates and march / rally transcripts on marriage equality. 96% of this data pool belonged to the engagement under the leadership of the then active but renewed Love Equality NI campaign.

5.5 Developing an analytic pathway through visible data

Social media coverage and the running of campaign events consistently appear throughout both campaigns. Alongside data collection, a chronological timeline of the history of the campaign was also constructed wherein stages of the campaign became apparent. Data included within this study were considerably variable and appeared to emerge within particular points in the history of the campaign. Referring back to where components of the data 'belonged' on this historical time scale, this study observed focused concentrations of particular kinds of data throughout different time periods within the campaign.

Based on the variation of data, each of the sources harnessed a distinct functionality. Where data must be recovered in retrospect, movement analysts are only privy to content that has been mainstreamed for public consumption. Following interviews, it was discovered that the actual starting point of the movement began as a lesser-known university grassroots group. However, finding the actual persons involved within this group proved difficult as they were largely unknown to later activists. Uncovering the struggle of a relatively invisible movement would have been important to the premises of this study, as I later focus on how these deliberative practices are key to inciting the eventual mass of visibility and power the movement later begun to accumulate. However, as a study focused on discursive interaction – all data samples had an inclusion rule of being in contest or interaction with others. As the grassroots movement had not formally organised in public nor had it any published statements in response to other UK developments at the time, it was discarded as a site of discursive contest due to the prerequisites for this study.

Historical tracking of the data and ascribed differential discourses were unique to uncovering the greater meta rhetoric of the data. As is typical in accounts of protest history, the events of the campaign and its surrounding contest-engagements unfolded haphazardly and when necessary. Discourse functionality varied across the core phases of campaign activity. I have attributed these parts accordingly as the following four distinct campaign phases, 'assembly facing', 'public facing', 'political paralysis' and finally 'Westminster facing'. The primary phase of analysis was confined to the early Equal Marriage Northern Ireland (EMNI) campaign which was focused on proactive lobby engagement with political leaders between October 2012 to November 2015. From April 2016, the secondary phase represented the re-entry of the equal marriage consortium as a new coalition under the name of, 'Love Equality NI'. During this time, discursive repertoires were predominantly orientated around the engagement and

changing of the hearts and minds of the public but when the Northern Ireland Assembly collapsed, the immediate goals of the campaign changed. As such, discursive repertoires began to be less fixated on 'marriage equality at home' and towards its legalisation via Westminster which represents the final and fourth phase from 2017 onwards.

5.6 Justifying a participant focused thematic analysis

The public conversation on marriage equality emerged on an institutional level (i.e. the conversation was led by state legislators). The debates represented a different kind of discourse, with markedly distinct communicative needs from those carried by campaign repertoires. The discursive space within which the debates occurred were also considerably more closed in the sense that participants were limited to members of the legislature only. Moreover, the actual number of legislator participants involved made the inclusion of this data (the plenary debates) largely impractical for any method except thematic analysis. For the reasons detailed above, I did not subject the debates to a discourse historical analysis. The inclusion of thematic analysis in this study's design was based on more than just an opportunity to manage a particular dataset (the plenary debates) but rather, on its ability to first facilitate the rigorous analysis necessary to follow the at times chaotic flow that tends to characterise debate settings. This method of analysis was chosen to make sense of this chaos.

In his analysis of civil partnership related media coverage, Bachman (2011) insists that data analysts must evolve from fielding the surface interpretation of political attitudes to capturing why and how the greater arsenal of oppositional interpretative resources are employed within their political repertoires. The first reason relates to an existing gap in the data in relation to Northern Ireland based thematic analyses of marriage equality debates, at least in the United Kingdom. The second reason relates to a perspective-based principle upon which this study relies upon. The inclusion of differential perspectives acknowledge i) that discourse occurs

within interaction and contest and ii) the differing perspective provides a functional purpose. This purpose was to understand the wider discursive terrain that the campaign would hold itself responsible for rehabilitating.

In practice, defining the differential perspectives presumes the binary positions of ‘for’ and ‘against’ marriage equality. Ideological positioning on the matter of marriage equality was not so black and white when one attempts to read over the Northern Ireland plenary debates. It certainly did not prove difficult to isolate those that were most vocally in support or against marriage equality. However, over the course of further plenary debates it became apparent that other parties had yet to establish an official party position on the matter. While this did not disrupt the objectives or intentions of the thematic analysis – it did provide a tension point to further explore in the course of the reflexive interviews which would occur post analysis. It prompted the integration of questions which would interrogate the ways in which the campaign would utilise to overcome buy-in difficulties from middle ground supporters or those who were not directly impacted by the lack of marriage equality legislation.

For example, the Social Democratic Labour Party did not officially announce its party position as for or against marriage equality until after the first plenary debate, instead choosing to acknowledge concerns expressed by the opposition as well as those in support of the issue. At first, this did present a concern as to how to categorise what I will now establish as ‘rolling positions’ on marriage equality. But, this would only have been an issue had I run a thematic analysis which considered all extremes of the positioning on marriage equality. To consider all of the positions would be to improperly use the method of thematic analysis. As a qualitative research method, thematic analysis offers the exploration of the social and political problems that hold the most significance to participants.

King (2004) proscribes a thematic mode of analysis offers insights into the often differential perspectives of research participants. On occasion, these exercises may often render insights from participants that were unanticipated by the researcher. For the purposes of this doctoral research, the thematic analysis presented an original opportunity to capture the arrangement and test the seemingly uniform character of traditional party policy, accommodations were also made to test for differences across oppositional party argumentation. By oppositional, I refer only to those parties who predominantly and consistently voted against legalising marriage equality within the Northern Ireland Assembly plenary debates. The designation of a preliminary micro analysis of oppositional argumentation established the normative legacies of discourse which the early and late campaigns of, 'Equal Marriage Northern Ireland' and 'Love Equality Northern Ireland' would seek to transform.

Understanding the nature of this argumentation would begin establishing the roots and fundamental basis of what arguments the pro-equality campaign leaders were responding to as well as how they arranged these responses. It must be understood that the sequential arrangement of this study's research design is no accident. As a reminder, this study endeavoured to first conduct a thematic analysis of the plenary debates on marriage equality, followed by a discourse-historical analysis of relevant campaign communications and closed by reflexive qualitative interviews with those campaign leaders/staff who had the greatest proximity to discourse-related decision making and political action practices.

To ensure dual data starting points, the subsequent discourse historical analysis would also begin at plenary level to enable the documentation of both the early and late campaign's attempt to respond, innovate and disrupt the discourse of the opposition. Building upon Wodak and Reisigl's (2009) discourse-historical model, I engaged historical institutionalism concepts and

discourse opportunity theory to map and pursue a trajectory analysis on how these structures morphed according to the communicative needs of the campaign.

The placement of a secondary analysis of both the campaign's plenary reactions and the pro-equality own media productions were completed to in part account for unanswered questions remaining from the thematic analysis. During the early stages of preliminary analysis, the 'data end limits' could not be well determined on the basis that the political climate and background in terms of action on marriage equality was constantly evolving and circumvent to new, additional avenues for political change. It then became very important to establish a definitive end point for data collection and processing for at the time, it was largely unclear to the analyst and indeed to the campaign leaders, she was working with – if marriage equality were ever to be won in Northern Ireland. Therefore, the research question became strongly focused on the processes and procedures in relation to the 'fighting of and for marriage equality'.

While secondary analysis alone did not completely help the analyst to establish the motives nor rationale for the priority and engagement of some discursive moves and not others. Interviews with the campaign leaders responsible for these decisions however did facilitate such opportunities. Recruitment for reflexive interviews regarding discourse development was careful not to dismiss the involvement of early campaign leaders, as their contributions were necessary to conduct a representative analysis of discursive change start to finish. A focussed entry and pathway through the data, can in part contribute to the accurate and true representation of participant inference. As qualitative analysts, we do not verify nor qualify the accuracy of our data in the same manner that a quantitative analyst might. For example, instead of relying on specific tests to measure the relationship between the dependant and the independent variable, qualitative analysts might account for the authenticity of their data by

making their deliberative and coding processes more accountable. The following section now proceeds to detail the principle considerations of how this study accurately reported its thematic findings in a robust fashion.

5.7 Quality Assurance and Thematic Data

The writing up of qualitative data analysis generally involves description of results, a collation of key findings followed by a subsequent analysis and discussion of what they mean. Few accounts of qualitative data analysis actually reveal the processes and decisions within the analysis which informed the study's final conclusions (Attride-Stirling, 2001). If we take the methodologies of thematic analysis for example, such omissions appear to create the illusion that themes are simply 'found' within the data corpus. Methodological descriptions then reduce accounts of analysis to the vague emergence or apparent reading-off of themes. Such common occurrences are evident in the language of many studies which employ the use of qualitative data analysis such as Lanutti's (2005) case study which analysed cultural understandings from members of the Massachusetts LGBT+ community regarding legally recognised same-sex marriage.

The procedural reflection within her methods described 'themes emerging from the participants' responses' (Lanutti, 2005:8). Braun and Clarke (2006) insist that the language of an emergence of themes neglects the otherwise active role that the analyst plays in the isolation and grouping of key themes. Braun and Clarke (2006) continue that the lack of information regarding the decisions researchers made in the thematic analysis of data present difficulties in the external evaluation of their research methodologies. This reinforces the necessity of greater transparency and clarity around the often individualist practice of qualitative analysis itself. Often iterative accounts of the methodological description resemble manual like step by step

recall, seldom with adequate reflexive commentary. For example, Webb et al's (2017) social attitudes survey on the issue of same-sex marriage in South Australia recounts the independent reading of the same data by three researchers who also kept records of the initial classifications of themes as well as subthemes'.

After which, researchers were said to differentiate 'distinctions between related categories' before 'combining these categories together.' However, later researchers approaching this dataset cannot understand the full process of thematised data aggregation without an adequate audit trail of how the finalised themes came to be. When working with large volume datasets and consequently working between different datasets, Leung (2015) advises the maintenance of continuous audit trails and record keeping to assist greater transparency efforts in the transformation from 'codes' to 'themes'.

In their framework for thematic analysis, Braun and Clarke (2006) proscribe that an analysis begin several courses of 'blanket-reading' the sample(s) of text in an effort to become familiar with its cultural and discursive contexts. In an effort to make better sense of the plenary data, the first blanket reading was accompanied by short but code focused 'thematic maps' which documented the journey of oppositional argumentative codes throughout the course of the five plenary debates. During this time, notes were taken with a specific focus on the party and individual MLA ownership of oppositional statements. The second blanket reading of all five plenary text samples was completed alongside open-coding framework matrices focused by year of the debate and by political speaker. Each of the five framework matrices would later assist the creation of a master framework matrix which could provide an overview of all oppositional statements organised by year, only side by side for comparative purposes.

The provision of these trails alone, cannot in itself fully account for how individual or groups of codes aggregate into master themes. It is only when analysts show the progression of their coding or data maps that an external viewer might fully understand the bases of these decision making practices. While these actions do not fully eliminate the remnants of the interpretative bias which can sometimes accompany qualitative analyses, Pascoal et al's, (2018: 54) online survey on the sexual practices of the LGBT+ community emphasised the need to track the dynamic nature of thematic coding maps. Further they reiterate that maps in a constant state of development should document discarded anomalies or disagreements as they occurred in the final interpretation of codes, subthemes, or main themes and express how such instances were resolved by the analyst.

Without these reiterative accounts, procedural descriptions remain hollow without discussions on how themes came to be, how rogue thematic codes were dealt with and how such occurrences may have impacted the grand narrative as interpreted by analysts. Braun and Clarke (2006) remind us that the decisions and choices which are rarely made implicit but which nonetheless require express consideration and much further discussion.

A reflexive account takes into consideration the occurrence and management of such issues throughout the entire analytic process. While working with a considerably large and multifarious dataset, keeping a coding diary became much more important than simply logging codes, but recording the interpretive nuances when moving between data types. Other items to record included the inferential deliberations as new codes and indeed new dimensions to the data began to emerge. This is just one of the methods of analytic transparency wherein analysts may strive to better quality assure their work. Early scholars have since compiled functional lists of eleven such minimum standards (Patton, 1990, Elliot et al., 1999).

However, the key principles this study's design proscribes to begins with methodological compatibility and its ability to provide strong evidence to answer its research question and secondly, openness regarding the processes of data collection and analysis. For quantitative analysts, other researchers can test the generalisability of the results by replicating identical procedures but with a different control population. The procedural design of this doctoral research studies very specific materials, within particular moments in history with a specified sample population. With the correct level of information and data transparency, it is possible to replicate this study by engaging the same methodological procedures. As qualitative analysts however, our inferential ranges and perceptions seldom bare strong similarities from researcher to researcher therefore, it may not be entirely possible, nor realistic to arrive at the exact same conclusions.

The recall of our own personal narration through the data contributes to the building of our own credibility checks which may remain stark in difference in comparison to the verification of quantitative analyses. More qualitative analysts should acknowledge this difference – as we do qualify our data differently.

Even specialists within the qualitative analysis field create and defend methodological rigour differently. With specific application to the uses of thematic analysis and discourse analysis – I will discuss how such analysts might go about that. This chapter elaborates on both the method and methodological considerations that underpin this research. These inform my critical analysis of text from four genres of discourse (see Wodak, 1997b) in Chapters Five and Six, specifically, a constitutional court ruling, letters to a newspaper editor, personal communication from legislators, and assembly debates.

5.8 Preparing the plenary debates for thematic analysis

Cain (2017) describes thematic analysis as a practice, not a methodology and one that is easily integrated with other methods. Typically, thematic analysis functions to interrogate singular datasets which encompass textual / audio sources such as interview transcripts, reports, documents, survey responses as well as media content (Braun and Clarke, 2009). Data analysts specifically choose to use this method because they are interested in pattern-testing the data (Richardson, 2014). They might also be interested in the correlations that may exist between these patterns. Beyond this, thematic analysis is a constructivist based technique. One that is interested in how the data comes to 'be', so to speak. It is then the role of the analyst to interpret meaning assignment by its participants and how such practices may differ from participant to participant.

This became the initial starting point for justifying the use of thematic analysis in a specific and short time period within my data set. At the start of this project in 2016, the only data that was readily available for analysis were the five plenary debates on the prospect of legalising marriage equality in Northern Ireland. In addition to that, social media posts regarding these debates were also available but they were relatively uncommon. The media productions of the early campaign 'Equal Marriage Northern Ireland' were at this point, not well publicised beyond those involved within the plenary debates themselves and campaign leaders. As previously indicated, dealing with unfolding political circumstances can be difficult in terms of ascribing those definitive data starting and limit points. In relation to this study, analytical objectives became focused on documenting the process, not outcomes within the life career of the Northern Ireland marriage equality campaigns. I will now discuss how each of the five plenary debates were prepared for analysis.

All five plenary debates were held in the Northern Ireland Assembly Chambers located within Parliament Buildings, Stormont during the time period October 2012 to November 2015. Transcripts of the plenary proceedings are prepared by the Official Report of the Northern Ireland Assembly and made available on Hansard online. According to Hansard (2019) online, all transcripts are said to be ‘substantially verbatim’ in the sense that transcripts record what was originally said and subsequently how each matter was finally decided. Transcription is only substantial as while the statements of members are recorded, ‘repetitions and obvious mistakes’ are said to be removed (Parliament UK, 2019). All five debates included the participation of the six main parties, the Democratic Unionist Party (DUP), Ulster Unionist Party (UUP), Sinn Fein, Alliance Party Northern Ireland (Alliance), Green Party Northern Ireland and the Social, Democratic Labour Party (SDLP).

The plenary debates represent the first source of interactional discourse in relation to the matter of marriage equality. Up until this point, discussions around the matter occurred behind closed doors or on a one-sided basis. For example, in the promotion of party manifesto positions against the legalisation of marriage equality. Legislative deliberations are part and customary to the role of any member of the legislature therefore, speaking within plenary proceedings represented part of their natural surroundings. Perhaps more specifically, the plenary debates did not function to address persons than other corresponding plenary speakers. Members of the public for example, were not involved in plenary contributions. Debates were not designed to address the media but solely to debate the prospect of legislating for the issue of marriage equality through the Northern Ireland Assembly. Members were also free to speak of their own accord and prepare their own statements for contribution to each debate. This sample was also free from any researcher manipulation initially, as the data was already pre-transcribed. No other alterations had been made by the researcher pre-analysis.

5.8.1 Planning for and identifying analytical priorities in the plenary analysis

Thematic analysis was identified as the approach most capable of capturing the ‘discursive culture’ in which plenary debates occurred. Specifically, the thematic analysis was designed to focus on the elements of the Northern Ireland Assembly discursive culture which were most vocally staunch in their resistance to the prospect of reforming a lack of marriage equality provisions.

With this conversation emerging on an institutional level from 2012, this study endeavoured to map the terrain of the oppositional plenary argumentation which to date has been greatly under-researched (O’Leary, 2016). This sets up the contextual premise upon which the findings from the discourse historical analysis are based. Previous chapters have detailed that discourse particularly in the social movement settings do not occur in isolation. Often oppositionists, supporters and pressure groups use discourse to respond to one another. Resistance groups like the campaign leaders use public events, rallies and public engagement orchestrations to challenge and resist the hegemonic idealism of traditional marriage as it is legally understood in Northern Ireland. The plenary debates were the first evidence emergence of this culture in the public sphere.

Pre analysis, party positions and individual member positions on marriage equality were largely unmapped and estimates of support could only have been based in their known personal beliefs. Only the positions of the DUP on homosexuality were well known, and not on marriage equality. The positions of the other parties were even less clear. In the absence of explicit party and individual positions on marriage equality, thematic analysis of the plenary debates offered the possibility of mapping how discourses of opposition cultivated points of discursive contest

within this culturally conservative political landscape. In reference to discursive culture, I refer to the elements of dominant discourses and political ideologies which impact the wider political atmosphere. In addition, I employ Van Leeuwen's (2008) strategies of legitimation to help map how oppositionists were evidencing and legitimise these claims. These would influence and later provide points of contention for the pro-equality campaign to later address and contest. To analyse the discursive culture emerging specifically in this political context, attention was focused on the participants in direct contest of marriage equality, the modes of opposition within as well as between political parties and the evidence with which legislators relied upon in making their contributions to plenary discourse.

Some may understand the method of thematic analysis as simply reading and re-reading texts as well as finding codes. However, Braun and Clarke (2006) proscribe a rigorous and controlled approach to data analysis. To capture the key repertoires of opposition and ultimately, their strategies of legitimation to defend these stances, I followed the process proposed by Braun and Clarke (2006) who recommended the following processes (Creswell, 2007).

First, becoming familiar with the selected data through multiple readings; generating initial codes; open coding (using deductive or inductive approaches); arranging codes into families (or 'trees'); searching for themes through this organisation of codes; reviewing themes for robustness and coherence; create a narrative for each of the themes that defines it and the data it represents; and finally, create a coherent and concise account of the data which relays a comprehensible story to the readers, and accurately reflects the nature of the data. Data analysis led an inductive approach maintaining as far as practically possible the ability to maintain naturally occurring political talk.

5.8.2 Familiarisation of the Northern Ireland assembly debates on marriage equality (Phase 1)

Closely following Braun and Clarke's (2006) model for thematic analysis, deep understanding typically involves reading and rereading the data. This process began with a preliminary speaker focused reading to define which parties actually stood in opposition to marriage equality. Part of the familiarisation process also included getting to know the individual party members who made personal contributions to the debates. This initially was mapped out using the mind map feature in NVivo.

Beyond looking at the reasons why parties opposed marriage equality, this study also aimed to test whether there were tensions between members within the same party. Attention was also paid to the reasons considered most dominant for opposing marriage equality. This varied from party to party, but the early familiarisation of the data prepared the analyst for this likelihood in the later cycles of analysis. It was at this point that coding development and documentation of this process began. A coding archive was kept to monitor the rolling interpretation of data helping to construct an audit trail wherein the coding decisions and interpretations can easily be followed by an analyst outside of the case study.

Transparency and demonstrable proof of such considerations contribute to the validity of results generated from qualitative data analysis (Nowell, 2017). At this phase, memos and coding notes amounted to nothing more than initial insights, first impressions of the dataset in its entirety and potential ideas for what initial coding schemes might look like. Part of this familiarisation process was attempting to understand the flow and structure of these debates and subsequent changes (if any) throughout the dataset. Approaching the data this way for every plenary debate allowed for a comparison of how oppositional arguments evolved

throughout the years. Initial ideas for coding schemes began with scrutinising the rules for code-tagging. Establishing coding rules began with specifying rules for inclusion otherwise known as a direction which would indicate the types of raw data the study would specifically include or not include. To prepare for the following step of naming initial codes, the next step was to appropriately tag each oppositional statement with the name of the plenary speaker. In this study, ownership of these statements came to be important particularly where conflicting views existed within the same party. Tagging the data to include who said what also meant this study could account for shared views across parties. Dates were also recorded for each statement to test which arguments were reoccurring across the five time periods. In doing so, I prepared for the next processual step which involved coding the data.

5.8.3 Generating initial codes of plenary opposition (Phase 2)

After tagging and selecting parts of raw data for analysis, codes were given temporary names – as per the second step in Braun and Clarke’s (2006) model. After downloading the PDF versions of the five plenary debates (2012, 2013, 2014, 2015a, 2015b) from Hansard online, all files were imported into the NVivo project file. The data could now be systematically analysed and organised into codes. During the initial phase of analysis, data began to be sorted and organised into child nodes (sub-theme codes) using the NVivo 11 software programme. Qualifying a recurring codes to themes, statements had to be made by two or more party members where at least two were from different parties. Frequency testing the nature of oppositional arguments also facilitated another measure of argument salience. Part of discovering the discursive culture within which these debates were occurring meant I as an analyst needed to fully understand all argumentative dimensions of the plenary contributions for speakers both for, against as well as in between.

During the drawing up of initial codes, there were obvious occasions wherein other peripheral parties had not yet come to a decision as to whether or not their party officially was or was not in support of marriage equality. These codes were not excluded from analysis but reserved as the starting point for the next method of analysis which would later become the catalyst of one of the Equal Marriage NIs campaigns main lobbying strategy.

The drawing up of initial codes began with the identification of oppositional arguments to the legalisation of marriage equality. Drawing upon these statements and contributions of plenary speakers, initial categories were coded on the basis of the argument. Therefore, the primary rule for coding schemes were to identify the central justifications of each oppositional argument. It was very important that initial codes reflected the language used by participants, as the construction of debate contributions remained the focal point of this study. Working through each transcript, codes were assigned to each sample. Codes based on oppositional arguments reflected phrasing such as, ‘legal floodgates’, ‘redefining marriage’, ‘no human right to same sex marriage (ssm)’, ‘civil partnership is equality’ to name a few.

5.8.4 Explaining the search for themes (Phase 3)

After a preliminary list of initial codes were drawn up and collated, I then began to analyse the relationships between categories. The grouping of codes refers to the process of thematising the data. A theme is a pattern or trend within the data. DeSantis and Ugarriza (2000) suggest that themes are identified by bringing together components or fragments of ideas or experiences, which in isolation are meaningless when considered alone (Aronson, 1994). To do so, mind maps, framework matrices, cluster and concept maps were explored to display the relationships between themes beyond the linear template (Crabtree and Miller, 1999). Fragmented data is classifiable as a theme when the piece of data in question occurs two times

or more. Themes were established in this study through quantitative means. Following the production of an initial code list for every plenary debate, subcodes relevant to the oppositional statements of plenary speakers were grouped and categorised into broader, overarching themes. Subthemes were quantified based on their occurrence across all five plenary debates. For data to be grouped into a subtheme, the argument must have been mentioned by two or more party members. A theme must also belong and be attributed to two different political parties. The above list was compiled due to the high frequencies and reoccurrences such arguments made across all debates. Theme quantification was also established using a technique from David A Snow's (2006) master frame analysis in which he had previously used the concept of discursive space to measure frame salience.

According to this quantitative measure, salience could be measured by the physical volume of space the text or audio 'takes up' of the format concerned. In this study, I adopted a line count technique as a way to test which arguments take priority in speaker's contributions. The analyst felt this was the most appropriate and robust way in which themes could be extracted as speakers only have limited time to contribute. Line counts were administered using Microsoft Word's word count option. All plenary debate PDFs were imported into a Word Document and relevant lines for particular speakers were highlighted and automatically counted using the programmes word count function. Final tallies were recorded separately in five tables differentiated by date. A master line count table was configured which accounted for the final line count of each major theme. Overall line counts of all oppositional arguments were also measured for each debate.

5.8.5 Reviewing the themes explained (Phase 4)

Now that themes had been mapped, Braun and Clarke (2006) initiate a fourth step wherein the themes are checked and reviewed usually against the data first. It was at this stage that the

analyst will return to the codebook to ensure that the coded data extracts do indeed accurately reflect the basis of the code. In some instances, codes that appeared to resemble similar meanings or that appeared to duplicate one another were collapsed into a singular code. The relationships between codes should also exist in coherence to one another. At the end of this phase, researchers should have a good idea of the different themes, how they fit together, and the overall story they tell about the data (Braun and Clarke, 2006). The researcher should be able to clearly show how each theme was derived from the data. Testing the referential adequacy can be accomplished by returning to the raw data and comparing it to the developed themes to make sure that all conclusions are firmly grounded in the data (Lincoln and Guba, 1985). In this study, coded data extracts reviewed and re-analysed each subtheme to determine if a coherent pattern was apparent. Inclusion criterion were also established and re-established during this time.

5.8.6 Explaining the definition and naming of themes (Phase 5)

During the fifth phase, the foundations of each grand theme was established and described what aspect of the data its label accurately captures. These descriptions can tell an external analyst who may be auditing the work about what each theme refers to, what is so interesting about them and why they qualify as a thematic code. At this stage, depicting how each theme fits into the overall story about the entire data set helped to determine the relational elements between themes (Braun and Clarke, 2006). The first findings chapter, chapter 6 contains elements of both thematic analysis and a discursive historical analysis of the campaign's early lobbying strategies. To begin understanding how the conversation changed, I first needed to know what the discursive culture looked like, how it began and where and specifically when it began to transform. The thematic analysis began this process.

The data sample it was focused on was where the public and institutional conversation began in Northern Ireland, therefore that primary mode of thematic analysis allowed the analyst to understand the hegemonic discourses of the opposition. It was therefore located as the first site of contention. This allowed the analyst to understand the discursive climate in which the early campaign was seeking to change. This closes the procedural description for the thematic analysis proportion of data recovery. The next section will now focus on the primary based research interviews and secondary based discourse historical analysis.

5.9 Primary data collection; Interviewing the pro-equality reform leadership

Consulting the websites of the both the early and the current campaign (Equal Marriage NI; the Love Equality NI), it was not difficult to pinpoint the campaign members with the greatest proximity to the planning and leadership of campaign activity. The beginning of this doctoral study marked a critical juncture in the former Equal Marriage NI campaign. At the time, the campaign was beginning to transition into its main campaign, Love Equality NI. The mass collection of campaign related social media posts/bulletins were copied, dated and imported into word documents. Data included the press statements of the campaign, social media callouts for campaign volunteers, editorial posts, written transcripts from the campaign's public rallies, researcher taken notes at their many public meetings as well as any media articles lead, or key campaigners were involved in. All of these sources were subject to a subsequent discourse historical analysis which I will discuss following the interview section.

5.9.1 Recruitment of interview participants

As an analyst, it became vital to regularly attend the campaign's public meetings and observation of public protest rallies to keep up with fast changing, unfolding political

circumstances. As a small but impactful campaign, the number of interviews is relatively small (n=8). The sampling strategy is based on a purposeful framework, wherein invites for interview contact were sent to a targeted population. As a concentrated sample, the recruitment criteria was based on the actor's proximity to the control and management of discourse production. Interview contact immediately excluded members of the public who were in support or in opposition to the campaign. As a study designed to measure the drivers and inhibitors of discursive and reform pathway analysis, ordinary members of the public or staff who were unconnected to the campaign would not be privy to the high-level deliberations composite of such major changes. Therefore, only members of the leadership and campaign communications staff were contacted for interview as these were persons directly involved in the development of campaign communications and planned protest. However, this study does acknowledge that measuring the audience-reception dynamics of the Northern Ireland marriage equality movement certainly does provide an area for further and original research.

Participants invited for interview contact ranged in both company position and within the life career of the marriage equality movement. For instance, members of both the early Equal Marriage NI campaign and the subsequent Love Equality NI campaign were contacted. The latter campaign existed as an inter-network coalition of organisations from human rights defence organisations, trade union-based organisation, the student's union leadership and directors level representatives of the LGBTQ+ voluntary / community sector. Whereas the early campaign were elected members from LGBT groups and student union representatives.

This study's multi-level sampling allowed for variable perspectives on the motivations of campaign discourse and its social/political engagement. Interviews with ex-non serving members of the early campaign led to a certain candidness about the realities of running cross-

organisational campaigns. Such conversations led to the disclosure of inter-organisation conflict about the approaches and definitive goals of the campaign direction. This was mainly located to insights from early campaign contributors. The decision to interview all key persons involved in the campaign leadership alone facilitated this ability to speak candidly and certainly, the analyst did not anticipate that either campaigns would struggle to determine the best approach forward. To anyone outside of the campaign, it did appear that all finalised approaches were uniform and were uniformly supported by all members across the campaign leadership. However, there were moments within both aspects of the campaign history that were important for the interviewer to interrogate. I will now discuss them below.

5.9.2 Designing questions for reflexive interviewing

In the literature, an in-depth interview refers to ‘conversations with a purpose’ (Burgess, 2002). The finalised interview guide was split into four substantial sections. The first aimed to test for skill and goal transference of the early campaign to the renewed Love Equality NI campaign. The second section aimed to collect more in-depth data on the efforts of those lobbying members of the legislature. The third section asked questions to reflect the experiences of campaign leaders involved in the conditioning of the public focused campaign work with the renewed coalition members. Finally, at the time of interview – Love Equality NI was not long out of Westminster engagement for legislative change therefore concluding questions were designed to gather data on the future directions of the campaign.

Interview guides were based on a semi-structured interview approach. The first two interviews quickly determined that a one size fits all approach did not work for all participants due to the variability of participant involvement and their level of experience in the leadership of the campaign (Silverman, 2013). The same questions were asked to all participants however, those

with experiences across both the former and the renewed campaign were asked additional questions. Those with more communications experience were asked to elaborate on the grassroots practicalities of campaign co-ordination. This grounds the interviews in a standardised approach without compromising the freedom and adaptability of the semi-structured style interview (McNamara, 2009).

In practice, semi-structured interviews rarely strictly follow the set of questions, get ordered responses and then move on to the next topic. Beyond finding out about the interviewees contributions, the interviews were set up to find out more about the private deliberations that are not known to the public but are still a vast influence on the ‘public’ element of campaign work. That is where the flexible approach comes in. It was not uncommon for certain levels of campaigners to reveal something other than what was asked. This of course added substance to the research project and other dimensions for further exploration in later interviews. The following section will now detail the ethical principles and foundations followed in the recovery, interpretation and representation of statements which were both political and personal to participants involved are detailed. This will be followed by the analyst’s documented experience of using all three methods in this account of the study’s methodological procedures. Fieldwork procedures have been informed and applied by the guidance as indicated by the British Sociological Association ethics guide and statement of ethical practice.

5.9.3 Ethical awareness and researching LGBTQ+ populations active in the public sphere

Research involving the population of LGBTQ+ individuals requires distinctive ethical awareness and built in protections for a population considered ‘vulnerable’. In Northern Ireland and beyond, there are many reasons for this perceived vulnerability including a history of social marginalisation and the historical mistreatment this community has endured as a result of years

of homophobia, transphobia and related discrimination (McAlister et al, 2014). The literature depicts ethical vulnerability of the LGBT+ population in particular, in relation to a history of past ethical transgressions from the bio-medical field who only sampled this population in associated studies of, “sickness, diagnosis and causation” (Blair, 2016: 3). Thereafter, LGBT+ affirming researchers came to focus on the safety and mental well-being of participants throughout the entirety of the research process. However, Blair (2016) also cautions a need to strike a balance between the protecting the safety and mental wellbeing without compromising the equal participation and continued access to LGBT empowering research.

While a main method of this study’s methodological design did involve speaking to key campaign leaders and relevant communications staff, the only experiences discussed and prioritised were those in relation to their professional roles as movement leaders. Interview questions were carefully designed to only speak of key events, their professional thoughts and expectations in reaction to wider political circumstances. Operational questions were only confined to these areas. At no point, were participants asked to discuss their personal connections or emotional feelings on the issue.

For a wide majority of the interview pool, this was an issue of personal significance as all but a few were in same-sex relationships and were still legally unable to marry their partner in Northern Ireland. This was an issue that did affect their own personal lives, however participants were emailed in advance of any face to face contact to state whether they would like to participate or not. Most of the campaign leadership agreed to participate willingly, with a few exceptions. The exceptions concerned did not affect the findings of the interview, as it was focused on those in leadership roles and those in control of decision making practices. One participant who shall remain anonymous did question whether they were would be any

monetary gains from their participation. Of course, to engage in such activity would be to compromise the ethical premises of full, informed consent and free participation within research.

This study was designed to capture how LGBTQ+ leaders innovated and constructed both a powerful and action based narrative capable of challenging political and legal legacies. The community's self-empowerment strategies are of particular significance in a political environment which has historically criminalised and pathologized the identity and culture of the LGBTQ+ community. The interview population selected for this study are by no means your average population of people. Each participant was a well-known and driving force within the wider LGBT+ community and had powerful influence within the policy and advocacy sector. The public status of participants was one element of the specific ethical considerations that was considered in the ethical application that required approval before fieldwork processes commenced.

Another consideration related to how the researcher's fieldwork interventions might impact the leaderships working relationships. Perhaps the most important factor would concern the discussion of personal statements which had the potential to be made known to the public (by way of publication). Certainly, another concern would be the accurate representation and interpretation of participant's professional thoughts and impressions of the unfolding and at times, difficult political circumstances. I will now discuss the operationalisation of each ethical liability in turn.

Beginning with the public status of the fieldwork participants, a few precautions were taken to mitigate the potential for any ethical complications. These accommodations relate to a) the

scope of interview topics and b) the fieldwork space selected for interview and c) the reporting of interview data. There were also ethical procedures for researcher-interviewee conduct pre and post fieldwork. I will begin with the steps taken to ensure ethical and informed participation pre-fieldwork. There are risks to fieldwork participants who are well-known political actors and because of their public status are more likely potentially identifiable due to the public nature of the campaign platform. Their public status however does not diminish their ability to experience ethical harm or misrepresentation of professional thoughts or interpretations as a result of their fieldwork involvement. The researcher was careful to ensure that the correct level of ethical minimum standards and practices were applied and known to the participants before agreeing to be involved.

Each prospective fieldwork participant was contacted via email to inform the recipient of the substantive intentions of the doctoral research study and related information regarding the study's background. A request to set up an informal pre-fieldwork chat was also within this initial email. This afforded the recipient the opportunity to ask any questions or discuss any potential concerns regarding their fieldwork involvement.

In some cases, potential interviewees were interested in the finer details and parameters of the finalised interview topics. Copies of the participant information sheet were also given to the participant at this point and explained in further detail. This informal chat also afforded an opportunity for the researcher to vet any specific concerns for each participant. This mainly concerned what the representation of their data would look like. All participants were offered the opportunity to receive a verbatim transcription of their individual interview data as well as working drafts of what the discourse historical analysis looked like. Although not always practicable given fieldwork participants time constraints, these informal chats were useful for

getting that pre-interview familiar contact rather than only meeting face to face before the interview.

Before the actual fieldwork interview, a number of procedures were followed to ensure participants were given the necessary information and assurances to make a fully informed decision to consent to interview participation. Before each interview, the participant was reminded of the study background and the objectives of the research interview. Additional copies of the participant information sheet were brought to each interview and each interviewee was asked if they had read the document prior to interview. If not, additional time was added to ensure each person understood this information. The briefing sheet was presented in a question answer format. For example, in relation to explaining the rationale behind interviewee selection the information sheet read,

“Why have I been invited? You have been invited to participate because of your experience campaigning for LGBTQ+ rights. Your current position would mean that you will be asked about campaign development and its utility in changing public conversations.”

Prior to the signing of the consent form, the participant was asked to provide or decline consent for the recording of the interview. The other conditions required that the interviewee confirm that they were given the opportunity to ask further questions, that they confirm their voluntary participation in the study, that they understand their right to withdraw their participation could be enacted at any time, that the procedures for partial anonymity had been fully explained to the participant and that the recipient was not in receipt of counselling or treatment for a mental health condition or illness. In the event, that a participant would decline the audio recording of the interview, handwritten notes would instead replace the recording. All parties involved however did provide their consent. As part of the first condition of the consent form, the interviewee must have read and indicated that they understood the contents of the information

sheet. The remaining ethical considerations relate to the management of post-fieldwork issues. Walsh-Bowers and Parlour (1992) also state that research with minority groups is ‘necessarily an ethical and political intervention with participants’ and as such the researcher should take specific steps to prevent harm to research participants and their environments (p.109).

As previously discussed, fieldwork participants would be asked to elaborate on their private professional opinions and experiences in working for the campaign. The interviews at times focussed on the background deliberations, some of which was not known to members of the public. In some cases, participants asked for some information to be kept off record. During these instances, the recorder was stopped – showed to the participant to confirm it had been stopped and restarted when they were comfortable to be recorded. For the purposes of confidentiality, I cannot disclose what this information was.

For LGBTQ+ populations in particular, the results of unethical studies have been used to promote stigma and prejudice against LGBTQ+ populations which then necessitates that additional and particularly detailed information be provided to LGBTQ+ participants regarding assurances of confidentiality. They also pertain to the ways in which findings are likely to be used and disseminated, its express consent and in particular the ways in which verbatim quotations will be presented in reports and other publications. (Blair, 2015). When sharing working drafts of the discourse-historical analysis, there were two primary concerns. The first related to the accurate representation and subsequent interpretation of the participant’s opinions as well as experiences. The second related to how these drafts might affect the professional relationships and indeed, reputations of those involved in the fieldwork interviews. The audio recovery contributed to ensuring the accuracy of data recovery from the interviews however, it is also the responsibility of the researcher to ensure that the thoughts and opinions of

participants are interpreted correctly and without exaggeration or embellishment. Following the completion and transcription of each interview. The personal details and the interview transcript were kept separately labelled only by interview codes.

In the working drafts, each interview excerpt was anonymously tagged, for example as 'interview one'. The sharing of the drafts did pose a concern in relation to whether another participant could be identified by a fellow campaign leader however, as no excerpts were tagged with anybody's real name – this did help to mitigate the possibility of in group identification. Working drafts were distributed via email with encouragement from participants to provide feedback. No adjustments were suggested.

5.10 Secondary data collection: discourse-historical analysis

A discourse-historical approach was incorporated for the secondary processing and interpretation of pro-equality movement communications and related data. The decision to select this method was based on this method's capacity to facilitate a strong contextual analysis on the background discursive dynamics and influencing political circumstances in social change movements. The discourse historical approach mandates a macro-micro simultaneous analysis which provides interesting insights into how each element affects the other. This dual tiered approach facilitates a relational analysis between the constructive functionality of discursive strategy particulars and the wider context within which they are bound.

The contextual sensitivities embedded within Wodak and Reisigl's (2009) discourse historical model greatly facilitated the drawing out of the ideological bases of the pro-campaign's communicative repertoires across various operational fields of discourse. In addition to exploring the arrangement and construction of the campaign's discursive strategies, the

secondary analysis set out to interrogate how this discourse behaved across the span of different but nonetheless connected fields of discourse. According to their model, there are four main strategies used by political discourse actors. These pertain to how political actors name persons, events or processes (nomination), how political actors evaluate persons, events or processes (predication), the positioning of the political actor's perspective (perspectivation) and how political actors signify as well as validate their claims of truth (argumentation).

5.10.1 Procedures of discourse-historical analysis

The size of the discourse sample to be processed following data collection was finalised at 287 pages of social media communications, campaign editorial productions, campaign newsletter pages. All of this data was recovered from the campaign's social media Facebook page and both campaign's online websites. The following section will engage the methodological procedure for conducting the discourse-historical analysis.

In reference to the campaign's timeline, it can be observed that the movement engaged multiple fields of discursive contest over time. In line with the same logics of the thematic analysis, the recovery of the nature of key discourse topics or topoi were important for determining the extent and instances of discursive and political transformation generated by the campaign. Key discourse topics were determined by the frequent and sustained reappearance of topics of discourse across an extended period of time. In addition to testing the frequency of particular topics, the measurement of changes in discursive dynamics would seek to determine how these topics travelled between the various fields of discourse. Through a) the plenary debates, b) the public facing campaign and c) through the relative legal petitions on the matter of marriage equality. Alongside documenting the changes in topics of discourse, the discourse historical analysis also took into consideration – the nature of functionality for certain topics at particular

points of time within the campaign's lifetime. Beyond uncovering the multiple lines of argumentation the campaign focussed transformation efforts, it became important to also interrogate how referential strategies were changing in terms of the place and medium of political change. For example, did the campaign want to legalise same-sex marriage through legislative change or by a court mandate? In tandem, with this notion of where the fight might be won was also, the changing articulations of how and through what approach would provide the best opportunity to oversee political and social change in relation to marriage equality. The final and perhaps most significant lens through which to measure change was through whom's perspective was the story being told.

5.11 Conclusion

Both findings for the thematic analysis and subsequent discourse historical analysis left some questions unresolved later answered through qualitative interviews with campaigners themselves. As this study is concerned with the communication building practices of the campaign, interviews were limited to campaign leaders, previous campaign and communication officers. Grassroots campaigners were not included in the participant pool as they had no control over any aspect of the campaign's overarching communications. Interviews were conducted with 6 representatives from both the old and current campaigns. Participants were contacted via email regarding whether or not they would be interested in participating. In most cases, this email was responded to however, a few inactive campaign former leaders were invited to participate.

The subsequent discourse historical analysis was the second mode of analysis. Reflecting on the codebook of the thematic analysis, I also recorded 'processual' codes which did not necessarily fit the narrative.

A processual log was also created as I found predominantly one of two narratives within the plenary debates. The first and perhaps most observable element were the actual arguments for and against and between. The second refers to the recommended approach for the Northern Ireland Assembly to deal with this issue. Looking back on the discursive historical analysis, part of the struggle to win hearts and minds owed to opening a discursive space for a positive conversation on the significance of marriage equality and what it symbolises. During the beginning of the discursive historical analysis, I found the reluctance of some parties to come forward with a manifesto position / policy position on the issue to be interesting. I found initially that this would form one of the main ideological lobbying strategies that the campaign would later come to address which was open and proud representation.

Closeted representation was an issue I would later address through interviews. As I would discover through interviews with campaign leaders themselves, starting this conversation from scratch was evident in the hap hazard planning for campaign communications. In the beginning, there was nothing local to build upon in relation to marriage equality or other LGBTQI issues.

Very few campaigns had existed prior to this, therefore there was no discourse to build open. Interviews revealed that, initially, it wasn't the process of trying to figure out how to talk but rather actually reaching out and starting to talk to those both in support of and potentially against the prospect of marriage equality. Moreover, the transformation of the marriage equality movement came from continual conversations. That is campaigners speaking to people, these people speaking to other people – family, friends, colleagues. Interviews also revealed the struggles and key tactics for upholding the salience of the issue of marriage equality amongst a stifling political environment.

Engaging a thematic analysis of the plenary debates on marriage equality began this process of gaining a better understanding of the discursive culture that the early campaign was in operation of. The end results were indicative of a) that most of the oppositional concerns were rooted in legal consequence and religious repression and b) that public and open support was ultimately the key to encouraging otherwise middle ground MLAs from continuing to abstain their votes. This dual narrative illustrates this contentious moral battleground in which the campaign would eventually overturn with a fifth majority vote (overthrown by veto). This still however left the analyst with a few unanswered questions.

Chapter Six; Discourse Historical Analysis: The Legal Arguments

6.1 Introduction

In prioritising a historical approach to the understanding of discourse power relations, this thematic study contextualises the Northern Irish debates by understanding the context of marriage equality activism in the wider UK. This is based on critical discourse presumptions that discourse is constructed upon culturally embedded systems of meaning that in this case, are enshrined within the definitions of our common law. Further, a brief turn to the wider context of UK marriage equality activism emphasises how different and unique the Northern Irish obstacles are. For Scott (2002), power is discursively reproduced and inherits much of its constructions from in this case, the social learnings of earlier experiences. This section will now proceed to offer a historical discourse analysis on the legal argumentation from petitions:

- Wilkinson v Kitzinger [2006] EWHC 2022 (Fam) in England and Wales
- Scottish Petition PE1269
- Joint appellate case for Close, Sickles & Flanagan-Kane, Flanagan-Kane (N.I.)
- Re X [2017] (N.I.; Recognition of overseas marriage)

Genre is “the use of language associated with a particular social activity” (Fairclough, 1993; 138). The legal genre assumes a “different means of production [...] with different resources for texturing” (Fairclough, 2000;.441). The legal conventions naturalised within statutes of law represented key sites of contest for all UK campaigns and particularly that of Northern Ireland. The next section will now proceed with critiques on the first petition within the UK campaigns, Wilkinson v Kitzinger [2006].

6.2 Contextualising legal argumentation of the UK marriage equality appeals

Protests around the UK ban on same-sex marriage occurred as early as the nineties when prominent Gay Liberation Front (GLF) member, Peter Tatchell along with five couples filed for marriage licence applications in city hall. All five applications were met with immediate refusal with Tatchell regarding this as, ‘the beginning of a long fight for equal marriage’. By 2004, the Netherlands, Belgium and Canada remained the only international member states wherein same-sex couples were legally able to avail of marriage provisions. Until then, UK campaign activity and public conversation on the matter remained relatively dormant. Passed by the second term of the Labour Cabinet, the introduction of the Civil Partnership Act 2004 was constructed as an ‘important stepping-stone for equality but however, not enough’ (Kitzinger, 2002). This would later represent the fundamental essence of legal argumentation in the *Wilkinson v Kitzinger* case. Leading argumentation submitted in both the petitioner’s statement and Sir Potter’s concluding verdict illustrates first, what traditions and legal standards the petitioner is in contest of. Secondly, how these historical traditions and minimum legal standards are employed to justify inaction or indeed a change in the British response to marriage equality activism.

6.3 England and Wales: The *Wilkinson v Kitzinger and Others* [2007] Petition

Drawing on direct statements from both the petitioners’ personal testimony and legislative definitions on the issue of marriage, I now turn to illustrate the elements of law which reinforce and idealise a conservative conception of heteronormative marriage, in preference to that of same sex unions. Only in understanding the interdiscursivity between the two, can we better understand the under-belly driving constraints in discursive constructions of legal resistance within and beyond Northern Ireland.

Having legally married in Canada, named Petitioner Susan Wilkinson and first Respondent Celia Kitzinger initiated legal proceedings for a declaration of validity under section 5, subsection 1 of the Family Law Act (1986). Under section 11(c) of the Matrimonial Causes Act 1973, a marriage was legally considered void in England and Wales, if it is between two persons belonging to the same sex. The petition also contested section 215 under the Civil Partnership Act 2004, which stipulated that any same-sex marriage entered abroad shall legally be declared a civil partnership, not marriage. The petitioner further claimed that the prohibition of marriage between two persons from the same sex in the UK constituted a direct contravention of the petitioner's rights, under the European Convention on Human Rights (ECHR). Specifically, Article 8 (which protects every person's right to respect for privacy and family life), Article 12 (which provides that every man and woman has a right to marry) and Article 14 (which prohibits unjustified discrimination). In the event that the provisions could not be 'read down', petitioners had also entered a declaration of incompatibility.

Turning first to the petitioners' response to legal impediments to marriage equality, legal argumentation in relation to the *Wilkinson v Kitzinger* [2006] EWHC 2022 case were constructed on premises of equality and a protectionist stance towards human rights jurisprudence. Effectively in pursuit of equal recognition, equal access and equal treatment between different sex as well as same sex relationships under the common law of England and Wales. The presumptive basis of the petitioner's claims were that the legal distinction between existing arrangements for different sex couples and non-existent arrangements for those of the same sex creates heteronormative hierarchies of the ideals of marriage. In paragraph [18] of her supporting affidavit, the petitioner refers to marriage as 'society's fundamental social institution' insisting that a lack of legal recognition for their marriage unjustifiably withholds access amounting her case to an automatic 'equal rights' issue.

Specific to this case, she continues that exclusion in the access to common law marriage on the grounds of sexual orientation is ‘fundamentally unjust’. Insisting the availability of civil partnership as a ‘consolation prize’ the above arguments are formed with calls for formal equality, officially recognised within the common law of England and Wales (Auchmuty, 2008). In paragraph [23], this argument is supported by claims intertwined with human rights frames of ‘alienation and marginalisation’. Kitzinger’s claims go beyond marital access and stress their denied entry amounts to ‘deprived full citizenship’ and render both partners unable to function as, ‘fully contributing members of society’. Appeals to the Royal Courts of Justice for equal recognition stem from the respondent’s insistence for official acknowledgement of the ‘highest form of international recognition for a committed relationship’, regarded by many as the ‘gold standard’ in paragraph 18 of her affidavit. The final core argument is based on the premise that civil partnership provisions are not in direct equivalence to common law marriage. This argument is based on the assumption that denied access to marriage, to solely civil partnership on the grounds of sexual orientation is, ‘downgrading’, ‘demeaning and effectively, a ‘consolation prize’, paragraph [18].

Continuing that civil partnerships are not equality, petitioner Wilkinson referred to legislative arrangements available at the time (only civil partnerships) as ‘separate but equal’ measures, paragraph [19]. The underlying premise in the ‘separate but equal’ argument is that of differential treatment upon which the petitioners urged the acceptance of a conclusion of discrimination under Article 14. The petitioner and first Respondent advance this claim of differential treatment pointing to pre-existing, separate sets of legislative measures for the recognition of same-sex and mixed sex relationships. Insisting again that marriage and civil partnership are not in direct equivalence, they argue that the availability of partnerships alone are simply a lesser alternative and do not possess the guarantee of international recognition.

Other arguments pursued are based on the premise of relative recognition (in comparison to their mixed sex counterparts) by public institutions (banks, tax office, public health services). Without a formal legal status and recognition of marriage within the law, the couple protest that such services may not accord the same respect and value for same-sex partnerships as they do for mixed sex marriages.

6.4 Wilkinson v Kitzinger and Others [2007]; The judgement

Eventually, the High Court accepted a difference in treatment had been suffered by persons in an analogous position but held that the distinction in legal provisions was justified. In response to the petitioners' complaints, Sir Mark Potter constructed a three-line retort which first denied the absence of same-sex marriage provisions as a legal problem. He then proceeded to defend the legally recognised definition of marriage as that between a 'man and a woman' and continued to assert that the UK had already fulfilled its obligations for equality in the legalisation of access to civil partnership for same sex couples.

In denying that the legal absence of same-sex marriage is a problem, he first questions the level of discontent of other same-sex couples currently in existing civil partnerships claiming, 'it is not clear a substantial number of other couples are not content in same-sex partnerships'. He further defends marriage as an 'age old institution' within which the definition as we know it, and as we always legally understood has been between a man and a woman. Asserting that Article 12 is, 'by longstanding definition and acceptance of a formal relationship between a man and woman', he insists that a same-sex marriage then, 'flies in the face of the convention' (120). Further finding limited contravention of Article 12, Sir Potter also defends his decision to not legally allow same-sex marriages in the 'preservation and support of the concept and

institution of marriage as a union between persons of the opposite sex'. Insisting that this is the optimal environment which protects 'paternal and maternal influences in upbringing'.

Denial of a legal distinction and thereby a difference in the legal treatment of civil partnerships and traditional heterosexual marriage is an attempt to deflect that same-sex marriage was in any way inferior. Sir Potter continues to interject that currently Parliament has already taken the necessary steps in enacting the Civil Partnership Act to accord to same-sex relationships effectively all the rights, responsibilities, benefits and advantages of civil marriage in all but name. Reminding the court that this Act essentially removed the legal, social and economic disadvantages suffered by same sex couples. The final judgement ultimately asserts that this distinction and this difference in treatment surmounts to active discrimination against same-sex partners. He articulates that it is reasonable and proportionate as under the law and EU jurisprudence – mixed and same sex marriages are inherently 'different'. Final conclusions found that such discrimination had a legitimate aim and falls within the margin of appreciation accorded to convention states. Noting Potter's reliance on case established legal precedence, in *Hyde v Hyde* which based its definition of marriage as a 'voluntary union for life of one man and one woman, to the exclusion of all others', Probert (2007) perpetuates this defence as one that is 'heterosexist'.

Questioning the extension of limited protection of Article 12 to only marriages of different sex couples, Murphy (2004) insisted that this interpretation is read through 'culturally conditioned heterosexist eyes'. Similarly, in her analysis of Sir Mark Potter's justification of discrimination, Culley (2007) questions why marriage under EU jurisprudence must prioritise protection for heterosexual marriage only. Celia Kitzinger and Sue Wilkinson were unsuccessful in their legal challenge to the UK High Court on the lack of provision and access to same-sex marriage for couples in the UK. While this case did not proceed to generate any legislative change, it did

force the state and members of the judiciary to legally review and rationalise its lack of family law policies which were beginning to legalise in other EU member states. This landmark case returned a judgement wherein the state, and leading members of the judiciary openly and positively admitted that in treating couples in civil partnerships and couples in heterosexual marriages differently – this amounted to discrimination against same-sex partners. Kitinger and Wilkinson also undoubtedly awoke the institutional conversation on same-sex marriage. While press and media coverage was somewhat minimal, the case invited people to re-engage oppositional argumentation against the legalisation of same-sex marriage. If one were to look closely at the ‘argumentative grounds’ of these oppositional tropes – it can be observed that there are opportunities for pro-equality campaigns to become more specific in their arguments in support of marriage equality.

6.5 Scotland; the equal marriage campaign the PE1269 public petition

Unperturbed by High Court losses, British campaign leaders spoke out against the judgement verdict as ‘homophobic’ stressing that civil partnerships are not in equivalence with the same standards of marriage, should they decide to legalise same-sex marriage. Campaign narratives strongly associated the legal distinctions with lesser and differential treatment – with OutRage campaign leader Brett Lock directly referring to the separate recognition systems as a form of ‘sexual apartheid’. Eventually this formed the basis of the 2009 Scottish ‘Equality Network’ [PE1239] first petition. This called for the Scottish Parliament to amend the Marriage (Scotland) Act 1977 to legally allow the registration of a civil or religious marriage between two persons of the same sex (if the relevant religious body consents). The discursive basis of this petition referred to the absence of same-sex marriage provisions as active discrimination, insisting that the law restricted accessibility to both civil and religious marriage specifically for

LGBT+ couples. This petition was also the first of its kind in the UK to specifically call for the inclusion of religious marriage for same-sex relationships.

While petition leader, Nick Henderson fully acknowledged the identical legal effects of both civil partnership and marriage provisions – he criticised the separate systems of legal recognition as ‘enforced segregation’ rendering same-sex couples as unable to achieve ‘full equality’. Notably, the language in petition PE1239 no longer teeters on the suggestion that the separate recognition systems are imbalanced in respect of equal treatment but rather strongly insists that the law as it stood deliberately withheld access to a key social institution that is marriage solely on the basis of a couple’s sexual orientation. The petition does not solely call for equal treatment and legislative reform. Rather, it attacks the law as inherently discriminate and responsible for the othering of the legal recognition of same-sex relationships.

While the accessibility argument is one based on the universal inclusion of both mixed and same sex couples – this change in tone and language mirrors discourses inherent of the targeted marginalisation and deliberate exclusion of same-sex couples in pursuit of marriage. In 2009, the Scottish Government rejected the petitions proposals reasoning that the drawing up of such a legislative bill would be unduly complex, given the inability for Scotland to legalise same-sex marriages across other devolved regions in the UK. In Scottish Parliament, opposition on the matter of marriage equality resonated strongly around the fear of religious persecution and the robustness of the safeguards set up to negate concerns around fears of legal action, or institutional reprimand for one’s expression of disagreement on the issue of same-sex marriage to name a few. The discursive bases of oppositional arguments were inherently organised around consequence, particularly those which were unintended. Opponents raised the issue of potential conflict with existing equality act protections and associated this opportunity for family law reform as unpredictable mostly in regards to the inability to foresee court

interpretation. Debate submissions also raised the issue of freedom and legal protections for non-clergyman and those who did not operate within religious institutions.

The debates returned submissions from those who were directly in favour of legislative reform, those who were in direct opposition to the proposals and those who were ambivalent towards the prospect of the new measures. As the debate progressed, pro-equality submissions from both campaigners and pro-MPs then became much more concentrated and specific in integrating the concerns directly onto the proposed Marriage and Civil Partnerships (Scotland) Bill. Protections were articulated through the necessity of opt in / opt out abilities, amendments to the Equality Act and additional prosecutor guidance on the rights of those in verbal or practical opposition of the celebration of same-sex marriage. Much of the narrative building for both the Scottish and the British lobbying for marriage equality were built through government sanctioned, centralised public consultations in which interested parties / organisations were invited to respond to the legislative proposals. Public facing campaigns like that in Northern Ireland were to some degree absent and more focused on directing engagement towards the government as opposed to members of the public.

6.6 Northern Ireland – Appealing Marriage Inequality

In 2015 - Northern Ireland remained the only UK jurisdiction to not legally allow persons of the same sex to marry. The appellate case was brought forward by four main applicants: Grainne Close with Shannon Sickles and Christopher Flanagan-Kane and Henry Flanagan-Kane. Under Article 6(6)(e) of the Marriage (Northern Ireland) Order 2003 ('the 2003 Order'), a legal provision impedes both couples and couples alike from legally marrying if both parties are of the same sex. An adjacent petition of appeal was delivered on the basis that, marriages

solemnised elsewhere in the world be recognised in Northern Ireland as marriage under the law, not as civil partnerships. This case, known as the ‘Petitioner X’ appealed,

‘Schedule 2, Part 1 paragraph 2(1) of the Marriage (Same Sex Couples) Act 2013 (‘the 2013 Act’) provides that the appellant’s marriage under the law of England and Wales is to be treated in Northern Ireland as a civil partnership formed under the law of England and Wales and accordingly the appellant and his husband are to be treated as civil partners under the law of Northern Ireland’ ([2020] NICA 21; 1)

The judiciary rejected the substantive content of the petition on the basis that the jurisdiction regarding marriage status prioritised ‘the laws of the domicile state rather than on the law of the state in which the marriage was celebrated’ ([2020] NICA 21; 3). In respect of the Petitioner X response, the learned trial judge rejected any breach of the appellant’s Convention rights on the basis that:

- The Strasbourg Court held that no such right for same-sex marriage existed under Convention rights.
- The Chief Commissioner of the Northern Ireland Human Rights Commission did not accept a violation of international standards by restricting access to opposite-sex couples.

In addition to addressing the submissions as presented in the appellant’s petition, the Northern Irish judiciary also had to return judgement verdicts which ascribed whether a) discrimination could be found and b) whether this discrimination had a legitimate aim. The case drew on parallels found on the *Wilkinson V Kitzinger* 2007 FCR 183 on the grounds that the aim was disproportionate. Reflecting on Sir Mark Potter’s analysis, the refute of civil partnership indicates that this is an instance of differentiation.

‘He concluded that marriage was an age-old institution, valued and valuable, respectable and respected, as a means not only of encouraging monogamy but also the procreation of children and their development and nurturing in a family unit in which both maternal and paternal influences were available in respect of their nurture and upbringing.’ (2020] NICA 21; 6)

Maintaining the tradition of traditional marriage was deemed a legitimate aim yet, the intervention of Northern Ireland’s domestic courts were questioned on their appropriateness returning the responsibility to resolve and provide for the matter of marriage equality as a matter for the legislature to complete (Law Society of Northern Ireland, 2020). The Northern Ireland judgements, much like the English and Scottish accounts are telling of a historical reluctance to recognise commitment in the same way it may be recognised in a ‘stable’ heteronormative marriage. It must be understood that in the context of Belfast, men who had sex with men were still living under a blood-donor ban and those in a same-sex relationship were not legally able to adopt as a couple. The relocation of responsibility to resolve the ‘marriage equality’ problem in Northern Ireland therefore, absolved the judiciary from deciding on this matter returning it as a matter for the legislature itself to resolve.

6.7 Conclusion

The legal judgements returned from members of the judiciary across the United Kingdom drew heavily on the social and cultural expectations understood in history. Sloan (2017) considers that Ministerial or objections from the legislature derive from an idealism of the heteronormative traditional family model which maintains that marriage between opposite sex persons is the ‘right’ and ‘good’ example of marriage. Prior to 2004 and at the time of proposal, the potential introduction of civil partnerships grew a tension between supporters around the need to have their relationship recognised under the law and the acceptance of a secondary,

lesser alternative (Cranmer and Thompson, 2018). Eekelaar (2020) typology included societal justifications for state response in this matter. In this typology, state-societal justifications refer to the ‘legal and social evaluation of actions in relation to the ways in which society is organized’ (Eekelaar, 2020: 5).

This includes the ways in which society has been historically organised. Referring briefly to the historical and social context of gay rights, he refers to the systemic protection of state-hierarchical codes of morality – one that has historically cast those in same-sex relationships as ‘immoral’, ‘abominable’ and / or ‘sinful’. The design of the previous equality institution, – the creation of civil partnerships were implemented to specifically demarcate ‘traditional heterosexual marriage’ from ‘same-sex civil partnerships’. This is evident in the state secularisation of civil partnerships which prohibited the use of religious premises for the registration of partnerships, or other religious elements including that of music. Submissions were brought forward by members of the Catholic Church, the Church of England and other significant members of religious influence. As detailed in *Wilkinson v Kitzinger and Others* [2007], the civil partnership was somewhat of a compromise wherein legalisation could only happen should Westminster submit to the ‘quadruple lock’ which pre-empted (Barker and Monk, 2015: 5):

- “No religious organisation or minister can be forced to marry same sex couples;
- That an opt-in system be created;
- Amendments to Equalities Act 2010 to ensure no discrimination cases may be brought;
- Any new proposed legislation does not intrude on Canon Law of the Church of England.”

Following the legalisation of civil partnerships, the same objections began to appear in later campaign objectives for the realisation of full, and absolute equal marriage provision. But why are these objections important? Oppositional argument does not construct itself in silo. Rather, it defends itself as self-reflecting of idealised common social and family values which have existed across our legal statutes over time. By way of tradition, the law has protected one family, the nuclear traditional family with one mother and one father. Oppositional argument is defensive and challenges unwanted intrusions like legislative change as a threat against this traditional definition of marriage. Oppositional tropes of argument are constructed in a carefully nuanced manner and it is imperative that this study investigates how and in what ways does this defence occur with the plenary debates held in the Northern Ireland Assembly.

Chapter seven; the oppositional perspective: deconstructing the conservative defence of religious marital conservatism

7.1 Introduction

Studies dealing with the institutional composition of socio-legal discourses on the recognition of same-sex relationships have evidenced a wide repertoire of argumentative rhetoric in the international defence of traditional marriage (Wetherell and Potter; 1992, Ellis and Kitzinger; 2002, Clarke and Peel; 2007, Peel and Harding; 2008, Jowett and Peel; 2010). Recent academic contributions have appropriated samples of plenary corpora researching parliamentary organisation of 'key semantic fields' within argumentation opposing same-sex marriage (Bachman, 2011). These correspond to heteronormative discourses of difference (Paterson and Coffey-Glover, 2018), embedded ideologies within these discursive constructions (Baker, 2005), constructions of marriage idealism through procreational-based arguments (Cole et al., 2012) and definitional reclamations of the state classification of traditional marriage (Jowett, 2014).

As indicated in the methodology chapter, this study follows a particular sequence and pathway through the data. Designed to contextualise and establish the institutional norms and expectations for publicly discussing the matter of legislating for marriage equality, this first sequence of analysis represents one of the multiple perspectives this study is interested in. It would be a mistake to assume that there exists only binary conversations on this issue. An unexpected finding following the thematic analysis was that many legislators publicly demonstrated an initial reluctance to come out in public support of this plenary matter. The following chapter will attest to the struggle to engage and lobby legislators to change their public and party policy positions on this policy issue. As per the theoretical framework for processing this thesis' data, the following thematic analysis assists the testing and trajectories

of new discursive footprints and its interaction with institutionalized, formal modes of discourse on the public conversation on marriage equality. Looking for instances of discursive prioritization, specific arrangement of oppositional argumentation, this study's investigation begins by seeking to contextualise the interrelation of movement discourse amongst the existence of other discourses within the institutional boundaries of political discourse (Wodak, 2001). Beginning with the oppositional composites of political discussion on the legislative discussion on marriage equality, I seek to illuminate the ideologies present within an existent body of discourses. Helpful in this kind of analysis, is the discourse-historical approach framework which helps to make implicit the structural inequities which persist through sites and practices of discourse boundaries.

7.2 Thematic design of plenary analysis on marriage equality

As indicated by the theoretical framework chapter, I start with the assumption that oppositional arguments recourse to articulation resources beyond mere opinion. While not condoning nor supporting the contents of their statements, legislators commonly apply measures of evidence and rationales for political inaction. In the first sequence of my data analysis procedure, I thematically explore the selection, arrangement and evidencing of oppositional argumentation schemes on the matter of legislating for marriage equality in Northern Ireland. Using transcript data from five plenary debates ranging from October 2012 to November 2015, this thematic analysis found legislator accounts to be hostile to the idea of legislative change on the grounds that i) the duty and legal responsibilities for change in this respect, did not exist ii) that the unintended consequences of legislating for marriage equality were too high to concretise it as a right legally and finally iii) the protection under the law to mitigate these consequences were unsatisfactory.

7.3 Key summary of thematic findings

Party member positioning on the matter of marriage equality, experienced a slow incremental change as the analysis of each plenary debate progressed from October 2012. It was also found that oppositional legislators across different party factions did not rely on the same rhetorical tropes to defend the traditional, common-law definition of marriage. In the greater nexus of legislator duty, obligation and risk, party contributors also attempted to evidence why legislative reform was both unnecessary and consequential in several ways. Party contributors from the Democratic Unionist Party, the Ulster Unionist Party and the Traditional Unionist Voice punctuated their statements by prioritising the inclusion of legal and religious expert voices in combination with their personal assessments of the issue. The inclusion of the voices of these important others were significant as it indicated that the underpinning rationales of some legislators' reluctance to legalise same-sex marriage were based on appeals to the higher authority of the law and the tradition of marriage as it was legally understood.

To be more specific, this meant reasoning their inaction on the legalisation of marriage based on the legal directions stipulated on the minimum standards and charter of the 'European Court of Human Rights'. To oppositionists, the prospect of legislative change on the matter of marriage equality, threatened the tradition of marriage as it was legally understood, as heterosexual marriage. Finally, hypothetical 'ifs' were employed in an attempt to substantiate the tangibility of the opposition's use of cautionary storytelling based on the experiences of real people and punitive outcomes.

This analysis found legislators attempt to draw on historically-grounded rationales and heterocentric 'evidence' bound in institutionally sanctioned idealism in defence of traditional marriage as was previously stipulated in UK (UK) common law. Thematic conclusions found

legislator submissions defend inaction on marriage equality on the basis that such a prospect represented the redefinition of marriage. Those who proceeded with this argument also pursued the premise that as stipulated by the EU legal definition and minimum standards – there exists no obligation to legislate for marriage equality. Legislator oppositionists thereby defended that marriage is by time-honoured definition, by law, undisputedly a union between a man and a woman. In other words, marriage as it stands is the way it is because this is what the law says.

These results help illustrate the discursive constructs oppositionists use to legitimise what activists' term as marriage inequality in Northern Ireland. This research pathway was designed as such to gain a more comprehensive and true understanding of how the language of other political actors constrain movement language within the wider discursive field. The thematic findings later assist the subsequent discursive historical analysis designed to shed light on contextual decision-making practices in the selection and styling of pro-equality rhetorical schemes. It does so with emphasis on understanding *how* and in *what ways* pro-campaign leaders actively challenge hegemonic narratives evident within plenary debates which advocate for the continuance of marriage inequality.

As suggested by Meyers (1994), the careful examination of public discourse in reference to the pursuit of LGBTQ+ civil rights assists the analyst in the better understanding of the origins and development of civil libertarian efforts to transform otherwise repressive legal standards and regulations. Interest in the Northern Ireland plenary debates extend far further than the contents, organisation and distribution of argumentative schemes but also on the underlying ideological beliefs and values upon which the opposition use to legitimise their plenary submissions. Plenary submissions on the matter of marriage equality in Northern Ireland inherited an ideological chorus of its own.

Attempts to normalise the absence of legal provisions for same-sex couples actively reproduce dominant ideologies idealising forms of different sex marriage, over same sex. Conservative cultures of religious marital ideology portray current legislative arrangements as ‘equal’, attempting to surpass the legal necessity of new arrangements. In their attempts to evidence their arguments, plenary contributors also established and relied on their own ideological burdens of proof. These included categorical claims of legitimacy through the authority of law and government, the fear of the radical LGBTQ+ revolution and the honour of tradition as well as time in the defence of current Northern Ireland legislative provisions.

Original to the findings of other parliamentary discourse studies, (Jowett, 2014) I expand on the opposition’s commitment to a ‘heterocentric’ time-honoured tradition of traditional marriage as it currently legally exists and how this is connected to their defence against a ‘redefinition of marriage’ unique to the Northern Irish anti-equality politics. I later connect and analyse thematic segments with legislators’ ambivalence towards change, and the way legislative change has historically been discussed by the Northern Ireland Assembly.

7.4 Legitimising political inaction on marriage equality in Northern Ireland

The following ideological based analyses deconstructs the particularised argumentative sequences in which the oppositional parties from the Democratic Unionist Party, the Ulster Unionist Party and the Traditional Unionist Vote have discursively enacted strategies to legitimise a recurring majority ‘no’ vote. Using van Leeuwen’s (2007) framework of moral legitimisation, I now proceed to unpack the definitive matters oppositionists are in contest to, as well as identifying the nature of, strategies deployed to engineer legitimacy around domineering legislator parties inaction on legislative change. In his framework, processes of legitimisation occur across four key categories: authorisation, moral evaluation, rationalisation

and mythopoesis. Through ‘authorization’, legitimation occurs by reference to the authority of tradition, custom and law, and of persons in whom institutional authority is vested. ‘Moral evaluation’, is legitimation by reference to discourses of value. Rationalisation specifies legitimation by reference to the goals and uses of institutionalised social action, and to the social knowledges that endow them with cognitive validity. Finally, mythopoesis is legitimation conveyed through narratives whose outcomes reward legitimate actions and punish potentially non-legitimate actions (van Leeuwen, 2007; 91).

7.5 Thematic breakdown of plenary debates

Applying Braun and Clarke’s (2006) methodological rigorous framework for thematic analysis, the study identified eight core schemes of argumentation each carefully organised around a tri-chorus of evidentiary strategies in their attempt to legitimise political and legal inaction on marriage equality in Northern Ireland.

7.5.1 Non-obligation for marriage equality

The most prominent schemes subscribe to the portrayed lack of necessity and non-obligation of marriage equality (or lack thereof) by references to the legitimate authority of law and government. Where opposing legislators argued that ‘No legal right to equal marriage’ existed, it was found that attempts to authorise the legitimacy of no marriage equality were employed by the integration of the voices and knowledges of experts within their arguments. Using a rhetoric of sameness, opposing legislators argued that ‘Civil partnership is equality’ in their attempt to delegitimise any opportunity for legislative change. In par with their portrayed non-obligation for change, opposing legislators defended their inaction with a rhetoric of difference rationalising ‘Marriage equality as a rightly devolved matter’.

7.5.2 Costs of legalising marriage equality

Legislators were also found to morally evaluate what they imagined as the conceivable costs of new legislative provisions for marriage equality. The imagination of future hypotheticals found opposing legislators postulate what they deemed as real concern for potential consequence in this case, of the legal kind: ‘Churches protection from future legal retaliations’. Legitimacy through storytelling or what van Leeuwen (2008) refers to as ‘mythopoesis’ is what I found to be the discursive construction of the possible fruition of such concerns based on real life examples. The implication of real people and real experiences is a very deliberate attempt to rationalise what they deem as a legitimate ‘threat of intellectual religious liberty infringements’. All such cost related discursive themes allude to the ‘Slippery slope of marriage equality’. All of which are designed to not only contest the matter as a subject but to relate opportunities for legislative change to the cost and detriment of personal freedom.

7.5.3 Democratic principles of legislative change

The final two arguments rationalise the conditions that marriage equality intentions *should* satisfy in order for the Assembly to authorise the prospect of legislating for marriage equality as it has been historically understood. Legislators were found to directly correlate change with cross-party consensus commitments that must prerequisite the delivery of marriage equality. This stems firmly in the opposition’s insistence on preserving the traditional and legal mandated definition of marriage between a man and a woman. Core arguments in relation to this final scheme point to the ‘pace’ and ‘approach’ for legislative change that repetitive plenary submissions were portrayed to invalidate. Calls for a ‘Need for balanced, wider dialogue on marriage equality’ against an ‘Unchanging tide of opinion’ allude to the portrayal of a lack of political engagement outside the plenary sessions.

To briefly summarise, oppositional argumentation schemes point to wider planes of debate starting from – if there is foreseeable change in legislative provisions; then reason and obligation must necessitate it. Secondly, if a change in law is foreseeable at what cost will this be? Finally, should legislative change processes occur at Assembly level – it must be done so with a majority consensus across all Assembly parties. The findings below build and contextualise the complexities and combinations posed by the above questions

7.6 Deconstructing legislative history of marriage equality in Northern Ireland

In 2012 political discussion on the matter of marriage equality in Northern Ireland had been met with much reluctance and a general lack of enthusiasm from some factions of the political spectrum in the Northern Ireland Assembly. The original June 2012 motion failed to be read before the Assembly chambers having failed to build open cross-party support (Poole, 2012). A month later, Sinn Fein councillor Mary Ellen Campbell proposed a motion in public support of same-sex marriage in the Belfast City Council (Poole, 2012). The motion passed by 21 votes from Sinn Fein and SDLP representatives with no support from the DUP and UUP councillors. All but one Alliance councillor abstained their vote under then party leader's David Ford's direction to consider more internal party consultation. At this point only the Green Party Northern Ireland and Sinn Fein were seen to be publicly in support on this issue.

This preliminary study is not interested in whether conservative arguments on the matter of marriage equality are legitimate or not but rather occupies a process-led interest. On the basis of this study, the following thematic analysis deconstructs the process of how and why Conservative legislators were '*legitimising*' the absence of marriage equality in Northern Ireland. Since its original motion in October 2012, proposals to legally recognise the marriage

of Northern Irish same-sex couples had been the centre of Assembly debates on five occasions. As a reserved matter, the prospect of legalising same-sex marriage was met by great dissention by opposing Northern Ireland Assembly legislators. As a result, each motion for the matter of marriage equality was subject to veto by the petition of concern. The Petition of Concern (PoC) is a mechanism whereby 30 MLAs can petition the Assembly requiring a matter to be passed on a cross-community rather than a simple overall majoritarian basis. Under the Belfast / Good Friday Agreement, it is one of the ‘safeguards’ in Strand One as a mechanism ‘to ensure key decisions [in the Assembly] are taken on cross-community basis’.

Amongst those who voted in opposition to the introduction of same sex marriage were the three traditionally conservative Unionist parties – the DUP the UUP and the Traditional Unionist Voice (TUV). In line with devolved governance arrangements, legislators were not only trying to legitimise inaction on marriage equality but also to rationalise their exploitation of the petition of concern originally designed to safeguard cross-community issues. I now proceed to discuss each finding in turn.

7.7 Opening the institutional conversation on marriage equality in Northern Ireland

Prior to discussing the results, the introduction and contextualization of the preliminary grounds of marriage equality opening statements are discussed. In his position as former leader of the Green Party Northern Ireland, Agnew’s opening submissions in the preliminary debate called for public, state recognition of marriage between same sex couples. Legal acknowledgement is important to the Northern Irish context as all contests won in previous equality disputes were either subject to Strasbourg scrutiny (*Dudgeon v UK* 1982), passed by the Westminster Parliament and extended to Northern Ireland (Civil Partnership Act 2004) or

contested in the Belfast Court of Appeal (lifting of adoption ban for same-sex couples in 2013). Further, Agnew's opening statement was constructed on the basis that couples of different sex and same sex are not treated fairly, nor equally in accordance with then existing arrangements under the law. Agnew was also careful not to 'grandstand' on the issue, faring an assimilationist tone in his dual appeal for both religious freedoms to solemnise and freedom from forced solemnisation. The following thematic study does not however focus on arguments in support of marriage equality but seeks to deconstruct how oppositional arguments are organised in the defence of maintain marriage inequality and opposing appeals for legislative reform.

7.8 Results

In my summation of thematic findings, I found three master themes prevalent within debates on the matter of marriage equality. These relate to i) the Northern Ireland Assembly's obligation to act on marriage equality, ii) the costs of legislating on marriage equality and iii) the need for cross-party consensus before legitimating marriage equality.

7.8.1 Disputing the obligation to act on marriage equality

Amongst wider legislative change in the surrounding jurisdictions of Northern Ireland during 2012 to 2015 the region remained the only UK area wherein marriage inequality remained the status quo until 2020. The prospect of its possible legislative introduction for oppositional legislators represented a 'redefinition of marriage'. Repeat debate readings found discourse of rights had dual prevalence across both submissions in support of, and against equality. In defending the traditional conception of marriage, oppositional discourses first populated their arguments in delegitimising the prospect for change. I begin with legislators' assessment of invalidating pro-equality rights discourse.

7.8.2 No legal right to equal marriage

Denial that a human right legally existed specifically for same-sex marriage inevitably became one of the most verbose strategies of legitimising inequality. In rejecting that the issue of legalising same sex marriage is a human rights issue, the Unionist opposition attempt to lull the impetus for any legal obligation to comply – such an obligation does not exist. Reliance on the state sovereignty of UN minimum standards and legal instrumentation embodied a greater push back against the extension of UN human rights while simultaneously respecting member states private responsibility to ratify their own legal standardisations in law (OuR, 2017).

“Today's motion has nothing to do with equality or human rights.”
(Storey, DUP; 2014 motion; p20)

“The European Convention on Human Rights does not recognise what is called ‘same-sex marriage’ as a right” (McCausland, DUP, 2015 motion; p5)

Dependency on the UN jurisprudence saw oppositional accounts attempt to obscure their reasoning beyond portrayal of their own opinion. Reliance on the use of ‘expert voices’ is what Leeuwen (2007) refers to as a form of ‘authorisation’ wherein the speaker appeals to a higher or more esteemed source to strengthen the persuasion of their position / argument. Sourcing is what Garretson and Ädel (2008) refer to as a process of ‘evidentiality’.

“It has long been established in human rights jurisprudence that there is no right to same- sex marriage under the European Convention on Human Rights” (Allister, TUV, 2012 motion; p22)

Statements from the above legislators come from those who belong to two parties who have historically have a long legacy of opposition to LGBTQ+ rights in Northern Ireland. In sourcing and ‘evidencing’ their position, they attempt to evoke a discursive strategy typically innate to political discourse wherein a voice of expertise or authority is able to speak for them and substantiate their claim.

Invoking the power and legal standing of the ECHR, DUP politicians attempt not only to mitigate what the campaign may consider an unpopular point of view but also, weaponize the minimum legal standards of the ECHR to validate their claims.

“This is not some narrow and bigoted view. Article 16 of the UN Universal Declaration of Human Rights, as upheld by the UN Human Rights Committee, defends this view of marriage.” (Mcilveen, DUP, 2012 motion, p15)

Members of the DUP opposition were quick to reinforce that their determination; that a legal right for same-sex marriage is non-existent is not something (completely) founded in personal conscience but rather this is what the law says. Further, the Minister of Finance and Personnel, a member of the DUP continued with:

“This is not Sammy Wilson's view as an amateur; this is the view of those who steep themselves in human rights legislation”. (Wilson, DUP, 2012 motion, p25).

The Minister of Finance and Personnel attempts to deflect any personalisation of their view drawing on the authority of the law. Quickly accompanying this deflection, is also an implicit insertion of the words of another,

“Since I am not an expert on human rights law, maybe I am not the best person to ask. Let us look at what the experts on human rights law say”. (Wilson, DUP, 2012 motion, p25).

Typically the inclusion of this higher, authoritative voice is incorporated directly into the legislators statements in the form of direct speech which Voloshinov (1973) constitutes as a deliberate attempt to capture the authenticity and distinctness of this alternate voice. Common to DUP party member rhetoric; Thurlow and Jaworski (2009) refer to this as ‘disavowal’ of in this case, elite opinion and status. Over the course of the five debates, DUP party members continually opposed the prospect of legislative change on the basis of – the law stipulates there is no requirement. What we see here, is an attempt to obscure personal conscience against

living legal minimum standards from the European Court of Human Rights (ECHR) which legitimises the Northern Ireland Assembly's inaction on this issue. This indicates that members of the Democratic Unionist Party were not only basing their opposition to marriage equality on their own personal assessments on the matter but also, on where the law stands on the issue. To be clear, as directed by the ECHR there is no operational right to same-sex marriage specifically. This facilitated some legislators to warrant their opposition based on this absence. Fundamental to the evidencing of this argument to the Unionist opposition, is that 'the law is in our side'. Furthermore, if this is what the law says then we should respect it.

7.8.3 Marriage equality as a rightly devolved matter

The next sub-theme also belongs under the Northern Ireland Assembly's disputed obligation to legislate on the matter of marriage equality on the basis that is a devolved matter. Beyond the dismissal of pro-equality rights arguments, oppositional accounts also constructed defence discourse organised around the shielding of national legislative frameworks from international interference.

“I ask the Members who support the motion to consider this point: the law of the land is something that it is necessary for all of us to obey”.(Kennedy, UUP, 2013 motion; p2).

Anti-rights argumentation across party membership not only attempted to forward and validate a legal position but members also defended the state's *defence of traditional marriage*. In defining what equal marriage did not represent, the opposition were also clear to define what it was. Many in their defence of their anti-rights argument, juxtaposed this with governmental autonomy that,

“The European Court of Human Rights has deemed the definition of marriage not a matter of equality but a matter for individual state law”. (Wilson, DUP, 2014 motion; p23)

As has been documented in other qualitative analyses (Bachmann, 2011), the opposition argumentation also relied heavily on a politics of difference. However, as Northern Ireland is the only jurisdiction in the UK to not legalise same-sex marriage this sameness / difference rhetoric represented something different in this context. As a devolved matter, equal marriage is essentially a legislative matter transferred and subsequently delegated from Westminster to the Northern Ireland Assembly. This is essentially another form of authorisation, this time in relation to the governance of devolved administrations. Remaining devolved symbolised for the Unionist opposition, the right to be different. Under this argumentative trope, their position in refusing to legislate for marriage equality was portrayed as legitimate.

“Of course, some people argue that we are out of step with the rest of the United Kingdom and that what has happened in Great Britain should also happen here. However, there are times when it is right to be different” (McCausland, DUP, 2015 motion: p53).

Rationalising why marriage inequality existed in Northern Ireland, argumentation became charged around the threat over a potential loss of legislative control that the state held on this matter. Oppositional accounts held UN minimum standards as the gold standard in its protection of the traditional definition of marriage however, the ECHR directed that each member state could hold their own interpretations of this law. Beyond the stipulation that there exists no right to equal marriage, at least in the ‘eyes of the law’ – oppositionists also revert to a secondary claim, one of national defence. Oppositional accounts then increasingly come to be characterised to position legislative change as one that undermines the national rule of law in any given state. Furthermore, they argue that national governments are at risk of being

undermined by legislative forces exogenous to the command and control of national frameworks.

“I believe in devolution because it allows the people of Northern Ireland to take their own position on all of the issues devolved to us”. (Givan, DUP, 2014 motion, p44)

Cross party reference and emphasis on marriage equality as a devolved matter stresses legislative independence and ultimately the freedom to resist change. It also positions Northern Ireland’s then unique position on the only jurisdiction in UK where marriage equality is disallowed as a matter and indeed, a right for the state, to resolve this matter internally as within its domestic, national legal superstructure. This draws upon OuR (2017: 78) description of a right to national sovereignty.

“It is for this Assembly and this Assembly alone to determine. It is not for any other Parliament or Assembly in these islands, and certainly not for any judge in a court, to determine the law of Northern Ireland”. (Hamilton, DUP, 2014 motion, p51).

“Why should those of us in Northern Ireland who oppose the redefinition of marriage care what the Irish constitutional convention says on the matter?” (Wilson, DUP, 2013 motion: p23).

For a devolved legislature, the prospect of incoming legislative reform was constructed as an imminent (and altogether avoidable) threat to national government and state determined ‘values’. Party member statements then positioned exogenous interference, and outward influence as risking institutional autonomy over law-making practices. Inducing democracy discourses to further illustrate this threat, it was argued that legislative influence from other jurisdictions threatens the Northern Ireland Assembly itself. Indeed, to submit to the growing surplus of marriage equality states would effectively hold these devolved rights and freedoms hostage to power plays amongst states.

7.8.4 Civil partnership is equality

Oppositional reference to the ‘equality problem’ found amongst almost every central plenary debate on any form of legislative change, is the dispute of the rationale or motive to induce legislative change. In this respect, reference to civil partnership both attempts to authorise the state’s current position in relation to equal marriage and rationalise the state’s non action in this respect. The claim that,

“...equality already exists. People are free by marriage or civil partnership to take on the same rights and bear the same legal burdens”. (McIlveen, DUP, 2012 motion, p15).

Here the Unionist opposition attempt to legitimise and rationalise their non-action by employing a discourse of sameness. Equal rights therefore are constructed as already in existence.

“When it comes to pension provision, child maintenance, inheritance, life assurance and immigration rights, civil partners are not disadvantaged. Civil partnerships offer the same legal treatment as marriage and, therefore, there is simply no need to further change the law and no need for a motion that calls for the same legal entitlements”. (Kennedy, UUP, 2012 motion, p22).

Speaking on the specifics of civil partnership, the Unionist opposition attempt to turn the concept of equality on its head. Describing marriage and civil partnership as legally equivalent attempts to pacify the necessity of legislative change ultimately, articulating that to do so is to follow a choice. One that the state does not have to follow, as the Democratic Unionist party has already indicated that the state’s current position (non action) does not infringe on any ECHR articles for it is a matter of individual state interpretation. Moreover, Northern Ireland is able to remain as it is and continue to deny equal marriage because it is deemed nationally, a devolved matter.

7.8.5 Marriage equality as a threat to intellectual religious liberty

Ongoing with this association of legislative change with threat, the next theme reflected trends in legislator accounts regarding the hypotheses of consequences that may accompany change.

Hypotheticals help political speakers to first construct and secondly, legitimise fear.

“Does the Member agree that it causes people real concern that this is the thin end of the wedge? We see people who have already been tried in court in England and who have been sacked from jobs for expressing a viewpoint”. (Poots, DUP, 2014 motion: p23).

Unionist oppositionists however, populated their argumentations with what Leeuwen (2009) refers to as mythopoesis, which is the use of storytelling to concretise the speakers statement. Referred to also as narrativisation by Varaa et al., (2006) – members of both the DUP and the UUP point to real life examples, providing experiences indicative of a cautionary tale. Not this could happen, but rather this is already happening.

“...a Church of England minister who is also a chaplain at his local health service hospital preached while conducting a wedding service in his parish church that marriage is only for one man and one woman. His local health service boss found out, and he was later disciplined for breaching the National Health Service diversity policy”. (Beggs, UUP, 2013 motion, p24).

Here we have an example of fear induced rhetoric and an example which attempts to instil the notion that the fear is real and is capable of rendering potentially real consequences such as institutional dismissal. As will be explained shortly, the fear mentioned by oppositionists appeals to a ripple effect type argument which dictates that these potential repercussions also face those not immediately in the religious community or acting in an official religious capacity.

“Sadly, we have had numerous examples from the rest of the UK that have shown how teachers, adoption agencies, businesses and public servants have been negatively affected as a result of their beliefs on this issue. I have no doubt that the same would happen if this were to become law in Northern Ireland”. (Lyons, DUP, 2015 motion, p11).

It appears it was almost constructed to make certain that this affects persons beyond religious officials. To oppositionists, the ‘danger’ of legitimising marriage equality brings it with it erosions in ‘freedom of conscience’. That is, if the government allowed same-sex marriage, it would only be a matter of time before the courts forced churches to marry same-sex couples. This draws on the commonplace principle, identified by Wetherell and Potter (1992) in political discourse, that ‘nobody should be compelled’ to act against their conscience. This argument constructs marriage equality as incapable of balancing with other rights to religious freedom. Moreover, many in opposition to same sex marriage attributed the potential for legislative change as akin to according the rights of lesbians and gay men special status in the law.

7.8.6 Marriage equality as a threat to religious institutional autonomy

Similar to the devolved argument, this tactic of positioning marriage equality as a threat to religious institutional autonomy, attempts to appeal to the autonomy of churches. The data revealed conflicts on the positioning of both the state and the church, in relation to legalising marriage between same-sex couples. Specifically, plenary debates saw staunch defence between the boundaries of the state in what Unionist opposition regard as matters of the Church. Those who defended the traditionalist, heterosexual ideal of marriage also conceived of it as, ‘a religious institution of marriage’ (Danny Kennedy, 2015: 51). Underpinning this belief, was that the issue of marriage equality, or rather the defence of the current marital provisions in Northern Ireland were to be a matter resolved by Church leaders, not politicians. ‘The Church should never be the slave of the state, and, consequently, the state has no right to dictate the terms of religious marriage to the Church’ (Danny Kennedy, 2015: 49). In addition to stressing that both the state and the church were self-governing with their own sitting councils and procedures – specific effort was made to decimate the possibility of the state influencing decisions of the church or vice versa. Previously, consequential claims relied on past actions which did have consequences.

However, hypotheticals identified by the asking of rhetorical questions like,

“How long will it be before the Churches are pressurised and, if not compelled by way of law, put into a situation where, for example, requirements for funding or other forms of assistance, will require that? I think it is naive to believe otherwise”. (Weir, DUP, 2015 motion, p9).

Again, expert voices are included to strengthen the positioning of the consequential claim.

Implicit acknowledgement of the experts own specialised knowledge, attempts to create the illusion that this fear is verified by someone who is within this world.

“An expert in discrimination law, Neil Addison, stated in the research paper to the House of Commons that: ‘if same-sex marriage is legalised in the UK it will be illegal for the Government to prevent such marriages happening in religious premises’”. (Storey, DUP, 2013 motion, p27).

“What if he or she decides that it is against their religious and moral beliefs to teach that definition of marriage? Immediately, that teacher will be brought into conflict with the education authorities and with those who decide to challenge him or her”. (Wilson, DUP, 2012 motion, p24).

Ordinarily, hypothesising about the future, constitutes ‘an ideologically significant site in which dominant political actors and institutions can exert power and control’ (Dunmire, 2007: 19). In this case, politicians present equal marriage, the prospect of change (a certainty) and associate it with a hypothetically fearful scenario speculating the uncertainty of a disastrous future, imagining scenarios, constructing potential conflicts instead of mentioning actual experiences or facts. This is what may happen, not this is what will happen.

7.8.7 Marriage equality as a slippery slope

“[I] was just wondering how far the Member's aspirations about equality go because, you say that on the basis of equality, what about the man who says, ‘I'm in love with two women; I want to marry two women? Does it become a question of equality that we have to then authorise polygamy?’” (Allister, TUV, 2012 motion, p14).

References to ‘opening the floodgates’ typically took the form of the ‘slippery slope’, ‘thin end of the wedge’ or ‘where will it end?’. As claimed above, associating the prospect of legislative change with the instability of traditional marriage constructed this notion that the idea of same-sex marriage was radical and could only lead to the prospect of polygamous or incestuous marriage. Slippery slope arguments have been mobilised to pursue a conservative agenda in a wide range of political debates and have historically been used to oppose lesbian and gay equality. Scholars such as Calhoun (2005) and Cahill (2005) suggest that within same-sex marriage debates, social hostility and disgust towards polygamy and incest are invoked to whip up a moral panic around the ‘erosion’ of sexual norms.

“They lead me onto the broader point that the LGB agenda is part of a much broader campaign to bring about a social revolution. Pressure for further change will undoubtedly come. This is the beginning of a process that will undoubtedly continue. If we follow the spurious argument that it is all about equality, human rights, love and so on, the logical outworking of that can go in many ways”. (Storey, DUP, 2014 motion, p20).

As Billig (1991) notes, opinion giving inevitably involves positioning their argument alongside to counter-opinions.

“The reality is that that will simply be a stepping stone to the next demand, which will clearly be that religious ceremonies are recognised and that there is total equality. If you are part of a gay or lesbian couple and you have the offer on the table of civil marriage but are denied any opportunity of religious ceremony or the opportunity for a Church to conduct that wedding, or, indeed, of a particular faith, you are not, according to your own definition, being treated equally. So, it will only be a matter of time”. (Weir, DUP, 2015 motion, p9).

Slippery slope argument precipitates that the acceptance of one argument (regarding a decision, act, or policy) may lead to the acceptance of other and further arguments (regarding other decisions, acts, or policies). It is typified as hypothetical in form, if ‘a’ happens, then ‘b’ is inevitable. These arguments are premised on speculation regarding the possibilities of actions

individuals may take and the results that may follow. As predictions, made by lawmakers, contributors do so with the intention of persuading others to change their behaviour.

7.9 Discussion

In an effort to focus on rhetoric rather than attitudes, other research has tended to examine the arguments used publicly to oppose same-sex marriage. In a study of public debate over same-sex marriage in Hawaii, Hull (2001) found 13 ‘discourses’ in letters to newspaper editors opposing same-sex marriage. Arguments identified included the need for the will of the majority to prevail and objections to the tactics of marriage equality advocates. Other frequent discourses were the morality or unnaturalness of homosexuality, the idea that homosexuality is a choice and the argument that marriage by definition involves one man and one woman. While supporters of same-sex marriage most often invoked discourses of rights and tolerance, Hull claimed that opponents employed discourses of democracy and morality.

Another study by Cole et al. (2012) examined the frequency of some common arguments used to oppose same-sex marriage in the United States. First reviewing the scholarly literature, Cole et al. identified key oppositional arguments: ‘change over time’ arguments, which claim that marriage arrangements have been fixed across time and place (and therefore should remain that way); ‘norms’ based arguments which suggest that same-sex marriage is a threat to social order; ‘procreation’ arguments which emphasise the necessity of two people of different biological sexes to reproduce; ‘welfare of children’ arguments which assert that children raised by a mother and father within marriage do best and ‘moral’ arguments, often involving religious pronouncements about the immorality of homosexuality. They then used content analysis to assess the prevalence of these arguments within prominent US newspapers. Arguments that marriage has always referred to a heterosexual union, and therefore should

continue to do so, were the most frequently used (mentioned in more than a third of articles), followed by moral arguments (appearing in just under a third of articles). The forms that same-sex marriage debates take are undoubtedly culturally specific – for example in some African countries the issue of same-sex marriage often intersects with cultural discourses about whether homosexuality is an ‘un-African’ Western import (Van Zyl, 2011) – and the content and form of an argument on any matter of controversy will be shaped by the rhetorical context in which it is expressed (Billig, 1991).

7.9.1 The tradition of ‘good marriage’

The results of the above thematic analysis reveal that oppositional legislators have relied on a very specific arrangement of defensive argumentation and evidentiary strategies to protect the definition of marriage that previously stood with no legal impediment so long as it were between a man and a woman. A notable majority of oppositional legislators defended their positions not as undermining the progression of LGBTQ+ equality but rather constructed their hostility to change as in protection of ‘good marriage’ in so far as it has been historically protected by the law as marriage between persons of different sex. Typical of the above analysis was a defence of marriage as inherently and traditionally heterosexual. Defensive statements would then base their presuppositions on ‘marriage is, on the basis of tradition and definition, intrinsically a heterosexual institution’. This line of argument was typically underpinned by another argument that (heterosexual) marriage was a timeless concept whose meaning had remained constant across time and place. Recognition of this within the plenary debates was put rather, matter of factly stating that the continued reproduction of this was simply reality.

Traditional marriage was presented as something pre-discursive, with heterosexual marriage constructed as a ‘reality’ which the law merely recognises. Marriage in this form, was described

as something almost pre-historical. It was described as something which is ‘universally understood. Opponents of same-sex marriage also argued that marriage was by definition a relationship between a man and a woman and same-sex marriage was thus ontologically positioned as an oxymoron. Thus, we may begin to recognise oppositional accounts of change as associated with an attempt to redefine the definition of traditional marriage. These statements while not value-free, pertain to ‘life definitions’ across what we as humans had thus far internalised and reproduced through our socially and culturally embedded understandings of legal marriage. These strategies are ultimately deliberate and prioritise authority attempting to substantiate their stances with a rather ‘factual’ quality as their main persuasive rhetorical strategy (Braun and Kitzinger, 2001; Potter, 1996). In this way, legalising same-sex marriage was constructed as illogical. Heterosexual marriage was also typically described as ‘traditional’. Indeed ‘traditional marriage’ was used as a euphemism for heterosexual marriage, presenting heterosexual privilege and the exclusion of same-sex couples from the institution of marriage as a part of our cultural heritage and something to be preserved for future generations.

7.9.2 Opposing the equal treatment / human rights argument

This argument claimed that equal marriage legislation was not required as lesbians and gay men already had ‘equal rights’ in the form of civil partnerships, and that the proposal for marriage equality would not confer same-sex couples any additional ‘legal rights’: Opponents advancing this argument would typically draw on the commonplace principle that ‘everyone should be equal before the law’ (Wetherell and Potter, 1992), and it was often presented in a concession / criticism disclaimer format, whereby opponents conceded the importance of lesbian and gay equality before criticising the proposed equality legislation as unnecessary (see Wetherell and Potter, 1992, for examples of how similar rhetorical resources have been deployed to racist effect). By commenting on the merits of civil partnerships, opponents of

marriage equality positioned themselves as being for equality while being against same-sex marriage, thus re-appropriating the notion of equality and mobilising it to their advantage (see also Summers, 2007). Through conceding support for lesbian and gay equality in the form of civil partnerships, the argument for the continued exclusion of lesbians and gay men from the institution of marriage is presented as balanced and fair. Equality was constructed in terms of the legal substance of 'rights' conferred by the two forms of relationship recognition rather than in terms of social and symbolic status (Kitzinger and Wilkinson, 2004).

Marriage and civil partnership were thus described as legally equivalent and the difference in name was presented as irrelevant. Summers (2007) notes that although the notion that everybody should be treated equally is typically beyond question, the extent to which a policy under debate is framed as being about equality is a highly negotiable matter. Accordingly, opponents characterised the campaign for marriage equality as not about equality but about something else. Many, for instance, suggested that the proposed legislation was an attempt of grandstanding by Sinn Fein to vote gating in numerous local elections at the time. This line of argument employed a rhetorical strategy of calling into question an opponent's motives by constructing the proposal for same-sex marriage as being based on public relations and party politics. This argument therefore opposes marriage equality not by arguing against 'equality', which is treated as something that all sides believe in, but by constructing the status quo as already constituting equality, and presenting the proposal for marriage equality as an unprincipled political strategy.

Disputing that marriage equality is a human right, oppositional legislators have directly quoted verbatim legal standards in an attempt to distance and deflect any personalisation of the view. This argument was seldom used alone, and usually in tandem with the devolved strategy,

signifying that the decision to enact legislative change, a decision to innovate the legal standing of marriage in Northern Ireland belonged to legislators, not the court, not the people but the legislature.

7.9.3 Change as undemocratic

Opponents appealed to notions of democracy, arguing that there was no evidence that the majority of British citizens were in favour of same-sex marriage or used opinion polls to imply that the majority were opposed. This argument draws on a commonplace principle that ‘minority opinion should not carry more weight than majority opinion’ (Wetherell and Potter, 1992). ‘Popular opinion’ has historically been used as a justification to curtail equality for lesbian and gay men. For instance, Smith (1994) observed that opinion polls were used to powerful effect in the introduction of Section 28 of the Local Government Act (1988) which prohibited local authorities (including state education) from ‘promoting’ homosexuality. Similarly, Ellis and Kitzinger (2002) noted that majoritarian arguments were employed by opposed to equalising the age of consent for gay men in line with that for heterosexual partners. Moreover, Ellis and Kitzinger (2002: 172) claimed that the idea that the government should act upon majority opinion is often ‘elevated to the status of a democratic right that overrides the principle of equality’.

In my data, opponents of same-sex marriage claimed that the government had no mandate to introduce such equality legislation. In addition to opponents positioning themselves as being in line with majority opinion, this claimed majority was also commonly constructed as a ‘silent majority’, despite the many plenary submissions dedicated to opposition arguments; ‘the majority of people – mostly silent – are being asked to accept a policy advocated by a minority’.

The implication of this kind of discourse is that government policy should concern itself with the many rather than the few, with ‘ordinary’ (heterosexual) people, like the presumed readers of such articles, rather than ‘minority’ groups who are constructed as seeking to be overly powerful and influential, and seeking political representation beyond what is warranted by their numbers.

7.9.4 Change as a threat to religious freedom

Another ‘danger’ of marriage equality articulated within the data was that it posed a threat to religious ‘freedom of conscience’. The argument went that, if the government allowed same-sex civil marriage, it would only be a matter of time before the courts forced churches to marry same-sex couples, drawing on the common place principle, identified by Wetherell and Potter (1992) in political discourse, that ‘nobody should be compelled’ to act against their conscience. This argument was however pre-emptively responded to within all five debates, in which it was proposed that it would be explicitly written into the legislation that religious ministers or organisations could not be compelled to marry same-sex couples. Yet this did not result in opponents ceasing to use this argument, rather, opponents questioned the credibility of the government’s assurances, by questioning its authority to sustain such a position.

More specific to the Northern Ireland analysis, is the threat to the devolved status of legislative making, was seen by many oppositionists as an opportunity to defend autonomy and not ‘fall in line with the rest of the UK’. The devolution argument also employed to allow oppositionists to defend a traditional view of marriage; their view of marriage. How the opposition have lay claim to the sanctity of marriage as it was historically understood in Northern Ireland has also revealed processes of moral evaluation wherein marriage equality is portrayed to be disruptive of this tradition. Observations around this line of defence render the Northern Ireland Assembly

and future challengers of the European Court of Human Rights (ECHR) as subject to unwarranted and more importantly unwanted trespass into devolved legislative power making processes. The prospect of change was more commonly associated with inevitable future interventions of the ECHR portrayed as a threat to freedoms of religious belief and conscience. This argument constructs marriage equality as being potentially in conflict with others' human rights and pits the rights of lesbians and gay men against the rights of those with a religious belief. It presents same-sex marriage as potentially precipitating an injustice rather than remedying one and effectively positions those of a religious faith as being the ones who are really persecuted and under threat, rather than lesbians and gay men.

In summary, this thematic analysis has observed an entire repertoire negating the rights / equality binary. Oppositionists view the lack of legal standing for same-sex marriage as inadmissible as a human right. Oppositionists believe they are not wrong in thinking this because the ECHR is portrayed to be in support of the state, traditional definition. Their view was that 'there is no impetus for us to do anything as this is a devolved matter and a matter of state interpretation'. Oppositionists also argued same-sex marriage was not needed as civil partnerships exist - they are the same if not by name. Indeed, the process of debating legislative change is imagined as a process wherein the legalisation of it may enact a super revolution from members of the LGBTQ+ community wherein they will ask for more and more. Many of the oppositions repertoire relies on fear inducement. This is attempted through reference to past experiences and the perplexing of future, disastrous potential scenarios wherein the freedom of individuals will inevitably be threatened. Legislative change is imagined as negative and harmful to individual liberty.

7.10 Conclusion

As the above thematic analysis has demonstrated, oppositional repertoires follow a very specific set of strategies designed to legitimise Northern Ireland's current position in regards to marriage equality – i.e. inaction. In the context of movements, discourses are not constructed in silo but rather innovated in response to the presence of other voices amongst a wider discursive field. Bakhtin's (1981) original use of the dialogic concept was intended as a device to explain relational elements between literature pieces. Dialogism refers to a multiplicity of perspectives and voices sometimes referred to as 'double-voiced' or 'multi-voiced'. Oppositional arguments on the introduction of marriage equality in Northern Ireland first question the obligation for marriage equality, the costs of doing so and finally the conditions upon which this equality must be met. In addition to the carefully constructed anti-equality discourses, the opposition have relied upon a number of evidentiary strategies in defence of their arguments. Observations of double-voiced statements appear in the apparent 'backing up' of legislator's statements with instruments of national law, instruments of European law and expert witnesses. In the context of this study, discourse is not merely just spoken, it does not just unfold but rather, an emphasis on the roles that discursive actors occupy in the reaction to dispute current hegemonic discourses from the opposition. Movement discourses are not passively constructed discourses without reason, they do it to be heard to change and influence minds.

The following chapter will follow Bahktin's (1981) dialogic theory insisting that any one discourse, is continually informed by other discourses and other voices – as other discursive actors come into play; there presents more opportunities to alter or transform discourse. It will draw on the relational aspect of this theory, advancing that discursive use inherently draws on the history of past usages and universal meanings to project new formations. Everything in

discourse, is therefore constructed in response to other discursive statements and in anticipation of statements that have yet to come. This is one of a few ways that discursive transformation occurs – by the influx of other voices. Dialoguing then is always discourse in contest – as discursive actors we can legitimise our actions and delegitimise the actions of others. Methods of analysis must also incorporate this heterogeneity – and must acknowledge and appreciate such differences.

Chapter Eight; Pro-Equality Discourse Historical Analysis: The Equal Marriage Northern Ireland Campaign [October 2012 – November 2015]

8.1 Introduction

As detailed in chapter four, this thesis followed a perspective-triangulated methodology across three key territories of discourse-contest. The first territory positioned itself as the assembly boundary, which featured in the previous chapter. The assembly boundary localised its analytic focus on oppositional statements only. This study followed the logic that if it were to record pro-equality sentiment – that it only did so, where the speaker was a campaign-selected representative of its own communal voice, or the speaker is an active partner of the campaign’s organisational voice. This study personally chose not to use ‘perspective -filtered’ statements, like that of the pro-equality Ministers of the Legislative Assembly. This thematic analysis unveiled the very particular arrangement of oppositional argumentation and the corresponding evidentiary strategies employed to defend traditional conceptions of marriage provision.

Due to the impracticalities of surveying the entire dataset using a thematic procedural treatment, only the oppositional-focused was subjected to a thematic analysis to the first debate from October 2012 to November 2015, the last and final plenary debate. The primary and secondary data gathered around the campaign’s life career from the early, Equal Marriage Northern Ireland campaign (2012 – 2015) to the rebranded, Love Equality Northern Ireland campaign (2016 – 2020). As specified in the introductory chapter, the Northern Irish campaign unusually operated on a variant of change pathways; through the Assembly, the High Court (the legal boundary) and through Civic Public Engagement (the public boundary).

The preliminary section of this chapter dealt with the first discourse-contest territory, this time from the perspective of the pro-equality communications of the first and early, Equal Marriage Northern Ireland campaign (EMNI).

Part of this data will feature excerpts from a secondary analysis of the campaign communications related to the Northern Ireland Assembly lobbying and political engagement activities. Around this time, the EMNI campaign had not yet launched its public-facing campaign, nor had it begun its legal pathway for reform. As this was a significant section of the primary data-based semi-structured interviews, this section will also feature interview transcript data from those coalition actors who were either primarily responsible for the discursive - operational management of the early campaign, or those who had high -level leadership responsibilities on both campaigns. The following chapters will be laid out in the order of the events according to the campaign timeline. This chapter will begin by detailing the findings of the discourse-historical and interview experience-based data with the EMNI campaign. The succeeding chapter will carry on with a discourse-historical analysis of the legal argumentation as per the marriage equality petitions and the judiciary's' judgement retort. Analysis will finalise in a following chapter with data collected around the discursive management of the Love Equality Northern Ireland campaign.

Before this thesis proceeds with the first section of data from the discourse-historical analysis, it will momentarily reflect on the impacts (be it advantageous or disadvantageous to the campaign) that political representation can have on communities which have been historically marginalised by the state, the law and members of the previously uninformed public.

In a community which has faced historical social and legal marginalisation, studies have found political representation and vocal support positively influence the reception as well as the realisation of formal equality and family law policies (Reynolds, 2013). In the pre-liberation era (pre-1982), official public discourse criminalised lesbian and gay individuals and pathologized same-sex sexual behaviour driving many undergrounds; early LGBT+ activism had to first deal with resisting cultural tropes of criminality, deviance, sickness, and sin (, Meeker 2006). Historically, Reynolds (2013) discusses how negative political and early social perceptions of LGBT+ life fostered greater distrust and fear in acceptability of their political interests by legislators. Reynolds (2013) study on the impact of LGBT+ representation found positive voting behaviour and favourability of pro-equality policies were more probable where greater visibility and mainstreaming of LGBT+ interests accompanied political opportunities for social and legal change.

Like the efforts of the second wave radical feminist movement, the late visibility politics of the Northern Irish LGBTQ+ community were key to the growth and development of new discursive legacies and transformation of the public conception on the issue. Tactics of the late Love Equality NI campaign were then not charged with solely creating a political consciousness but one that was informed with the realities of living under local marriage provisions. (Weeks, 1990; Taylor and Whittier, 1992). The radical turn of the gay liberationists is a clear example of how public and out participation had helped to lift lesbian and gay political identities, ‘out of the closet, into the streets’ establishing positive community narratives on LGBTQ+ realities (Seidman 2002). Ghaziani et al’s, (2016) comparative study on the representation of LGBT+ rights and activism found that the key to diversifying opportunities for equality was the celebration and integration of positive, public and proud equality narratives. Public support and political interest in LGBT+ policies have since come a long way

from early liberation efforts in Northern Ireland wherein representation by legislators on a political level was non-existent – activists were essentially on their own (O’Doherty, 2013 paraphrased in NVTV). In 2012, Sinn Fein’s Mary Ellen Campbell put forward a motion proposal in support of gay marriage. Councillors passed the motion with 21 votes from the Sinn Fein party and parts of the SDLP, all Unionists failed to stay in attendance for the final vote and all but one Alliance councillor abstained their vote.

“While the council debate was important to us. At the time we hoped, that these discussions would reach Assembly level – where they actually have the power to extend marriage to couples of the same sex”. (Movement leader 6, Interview 6)

As indicated by the above research, the Belfast City Council vote in 2012 and the eventual successful opening of the first Northern Ireland Assembly motion on the matter of marriage equality in 2012 represented a significant, positive step against the initial reluctance from legislators to come forward and openly discuss the matter. These public affirmations of support signalled the necessary step towards the opening of channels for a balanced dialogue between political parties and individual MLAs to consider the issue of legislating on the matter of same-sex marriage. Reluctance then for legislators to politically engage and openly come out in support of LGBT+ pro policies comprises a degree of harm in the form of ‘closeted representation’. A study by Ryrie et al., (2010) on the experiences and barriers to participation in public and political life for LGBTQ+ people, found that the lack of positive social association of LGBTQ+ people was contributed by a general absence of political representation and discussion in local and central government. Low visibility at this level was comparable to the re-marginalisation and the breach of legislator responsibility to effectively represent the needs and concerns of LGBTQ+ constituents (Ryrie et al., 2010). LGBTQ+ interviewees emphasised the importance of representatives in positions of power and public influence to openly discuss / support community issues and not remain ‘closeted’.

Reynolds (2013) also connects the viability of opportunities for legislative change to the longevity and presence of meaningful discussion led by legislators. As figures of political influence, Assembly legislators are well positioned to culturally transform the climate in which matters such as same-sex marriage are discussed in Assembly chambers and perhaps more importantly, by society.

As legislators, as persons capable of changing the law – Assembly legislators are agents of power as well as agents of influence. As legislators, they are both holders of power and agents capable of exercising this power, however this study conceptualises power in its social manifestation as understood by Van Dijk (2008). As per his definition, social power is discursively enacted acting as a mechanism of enduring dominance and control over the minds and knowledges of others. Like their liberal counterparts, conservative legislators have similarly defended how the Assembly should talk about the matter of marriage equality, how and if it should be treated as a legal problem and how they should legally approach the issue.

As political representatives for their constituents – legislators have immediate access to and control of public discourse which greatly influences how we understand and publicly converse on policies like same-sex marriage. In political climates that have a deep-rooted history of socially conservativeness like that of the Northern Ireland Assembly, dominant groups (like equality oppositionists) will influence as well as adopt the institutionally defined values, norms and ideologies surrounding political talk to benefit socially conservative interests (Thelen, 2009; Power and Devereux, 2019). These are nominally those which have presumed dominance over time. In accordance with Scott's (2002) power elite typology, this study observed relations of authority as present in both commanding elites (legislators) and expert

elites (the expert voices legislators employ). Power in these elites is derived from the discursive signification and legitimation of other principals and ‘subalterns’. Commanding elites (legislators) as those in a legitimate position of control, can determine whether an issue is in actual need of legal revision or whether in fact, it can be an opportunity for legislative change. In their attempt to block marriage equality, this study observed commanding elites also foregrounding the positions and knowledges of expert monopolies of the legal technicalities where legislators could rationalise inaction on the matter of marriage equality.

The exercise of social power requires not coercion, but careful persuasion and explicit manipulation of government centralised social languages to attempt to mitigate ideological resistance. Scott’s (2002) map of social power relations tells us structures of authority are discursive based, produced and reproduced through persuasive influence. In this case, influence rests on the priority of reasons, appeals and arguments through which Northern Irish oppositional legislators attempt to rationalise their inaction or ideological resistance as necessary and, in some cases, just according to the law. This influence is observable through what Scott (2002) terms as processes of signification and legitimation, with legitimacy defined as existent when there is a true belief that a pattern of domination is right, correct, justified or even valid.

8.2 The emergence of the community campaign

The conversation about marriage equality originates in the fight for civil partnerships. For some gay and lesbian couples, the passing of the Civil Partnership Act 2004 gave same-sex couples something but not the possibility of something more. Having legally married in 2003 Canada, Celia Kitzinger and Sue Wilkinson returned to England to find their marital status invalid. Arguing for recognition of their overseas marriage, contesting the downgrading of their

marriage to a civil partnership was a matter of fairness and equality. Kitinger and Wilkinson expressed that partnerships were a ‘second-best option’, an ‘expressly different and entirely separate institution’ and treated same-sex relationships as inferior to those of their mixed sex counterparts. This measure was considered by the couple, and many others like them as one designed to quell the want for marriage equality. Many activists and more campaigns would continue to develop further down the line however, the same level and velocity of campaign activity was not happening in Northern Ireland around 2006. In the course of the interviews, the prospect of something more than civil partnerships seemed an all too distant reality.

“Marriage equality snuck up on us. We weren’t really prepared for it”
(Movement leader 7; Interview 7)

While these conversations in Northern Ireland may well have been happening around this time, they weren’t occurring at a public level. Nor were there any signs of organized, collective action for the issue of marriage equality until 2012. Visible, organized collective action for marriage equality in Northern Ireland did not begin at Love Equality NI’s predecessor campaign, Equal Marriage Northern Ireland but rather as a campus-based student campaign in Queens University Belfast. The university also saw the beginnings of the Committee for Homosexual Law Reform – the Northern Irish campaign for decriminalizing homosexuality. The early student campaign for marriage equality however was a relatively small activist group, with little to no resources.

With a lack of visibility comparable to the vast social media presence the Love Equality NI campaign currently holds– student activists approached leading members of the LGBT sector group, members of the voluntary sector and other student representative umbrella groups about bringing the movement forward.

The Equal Marriage NI campaign had a similar structure to how the Love Equality NI campaign. The early and relatively infant ‘Equal Marriage NI’ campaign consisted of The Rainbow Project NI, The National Union of Students, Union of Students Ireland, Gay and Lesbian Youth NI and the QUB LGBT+ society. Whereas the renewed campaign was comprised of the same leading LGBT groups with the addition of the trade union group, an amalgamated student’s union representative and an international human rights organisation. By name, these groups were Amnesty International Northern Ireland, the Rainbow Project, the Irish Congress of Trade Unions Northern Ireland, Here Northern Ireland, Cara-Friend and the National Union of Students, Union of Students Ireland. This was just the beginning of coalition-based activism for marriage equality in Northern Ireland. Interview participants agreed with the need for greater partnership building and inter-agency working to take the campaign forward, to give it structure from which it can co-ordinate its activities. For some participants, this union of groups however, did not necessarily reflect the strengths that such partnership working was imagined to bring forth. Members who sat on the committee for Equal Marriage Northern Ireland were elected via a public meeting (one of many public meetings of which the campaign would later use to mobilise support).

“Yeah, I suppose it was to formalize it and give it real ownership of the community. You know obviously you and I could decide that we are going to run a campaign on access to PrEP and there may be a lot of other people interested in that and want to commit energy to that. This was that opportunity through the sector organisations and the more established organisations to use their channels into the community to spread greater awareness of it. And then allow other people to participate and campaign. (Movement leader 2, Interview 2)

Almost all participants spoke of how the process of actually electing and positioning members of the LGBT+ community on the committee itself presented an opportunity to run a marriage equality campaign which was essentially ‘community owned and led’ [Movement leader 2, interview 2: 4]. Even in the early, EMNI campaign – perspectivization practices formed the

basis of the movement's future reform approach. Wodak and Reisigl (2017: 95) locate the concept of perspectivization as 'the positioning of the speaker or writer's point of view [...] expressing involvement or distance'. The EMNI committee elections represented an opportunity to self-elect LGBT+ people capable of speaking with experience about the issues that personally affected their own lives. Unrestrained and ready access to political participation pathways were said by previous studies to acknowledge the importance of having this voice and self-articulating why such issues are important and why other society members should also care (Leachman, 2014).

These elections were constructed by one activist to only bring forward grassroots involvement by those already based and well positioned in the LGBT+ sector, not necessarily any new faces. While this did bring resources and more people around the table, it was expressed in the course of the interviews that this meant set ways of doing things. As there was a rather diverse group in this committee – this set way of doing things also presented some difficulties in streamlining the campaign's best foot forward.

“For our main campaign, I suppose there are three strands. One is parliament whether that be through the assembly or Westminster. Strand two were the legal challenges. Love Equality supported both the legal challenges and the third is hearts and minds. And trying to get as much people as we can to understand equality and that's probably the most difficult strand so in terms of the legal challenges, they play a real important role in terms of the overarching campaign to ensure that we are operating on all strands”. (Movement leader 1, Interview 1)

Eventually, the campaign's strategy became devised across 'the three battlefields' simultaneously. As detailed in the introduction, the movement in its entirety had considerable experience in all three. Other international campaigns won the battle through hearts and minds engagements – while others sought political victories or litigation based pursuits – never all three. Different ideas began to arise as to where to take the fight first – should it be at the court

of public opinion or assembly focused? In the early stages, one activist recalls that a civic, hearts and minds campaign at this stage was unnecessary, costly and a battle the campaign couldn't necessarily afford to run. Court was said to be the battleground in which they would win. Of course, now we must consider how the campaign was to sustain itself.

8.3 Discourse-Historical Analysis: The Pro-Equality Response to the Oppositional Arguments [October 2012 – November 2015]

Using nomination, perspectivisation and argumentation elements of Reisigl and Wodak's Discourse Historical (2001) model, I track the campaign's transition from a passive rights / equality dominant narrative toward a more normative / expressive language in the 2016 relaunch of the Love Equality NI coalition and the 2017 collapse of the Northern Ireland Assembly. I begin this section with a perspective dominant analyses of the 'strained' campaign voice wherein EMNI leaders were burdened with the discursive labour of undoing a legacy of silence and closeting gay rights and culture.

In this section, I demonstrate how the campaign responded to plenary statements which questioned a) the obligations for legislative change b) the cost of legislative change and c) the common principles necessary to see legislative change. EMNI's community-based campaign led to the tendering of new opportunities for new discursive engagement and the exploration of new fields of communicative terrain. Ultimately, the following DHA subscribes to an appreciation of ideational power, based on the notion that ideas, values and beliefs and the communication of all three all play a role in historical and political change. A central question political change studies have increasingly investigated is how movements adapt and survive in their wider socio-political and historical contexts. A common assumption is that opportunities are perceived by movement actors, who subsequently adjust their strategies accordingly

(Meyer and Staggenborg 1996). There is some evidence to support this idea, yet it is far from conclusive (de Moor 2016). The following section seeks to forward a contribution to this answer, however heeding historical-political constraints in both the structure of decision making typical to Northern Ireland and the lack of policy legacy in regard to LGBTQ+ equality. I argue that while movement actors may perceive, and adapt to, structural features of the political context, these activities take place within the wider processes in which social movements have historically constructed within the policymaking capacities in their respective environment and policy histories.

In chapter two, I discussed the theoretical basis of institutionalism which proffer that the structure and commonplace procedures of the political polity can impact the likelihood of instances of social and political transformation. In the literature review, I referred to this as the ‘political rules of the game’ and discussed the relational considerations that one must take into account when assessing opportunities for political change. The basis of this argument was that traditional of rules and procedures for political orders of business play a part in the structural access and equally, level of participation that a challenger may engage in (Thelen et al, 2016). I closed the review with the reiteration that, movement strategies of discourse innovation are not chosen freely. While other international campaigns for marriage equality took to litigation contests (in the US, Freedom to Marry), others chose public referenda options (Yes Equality, Ireland)– the Northern Irish example however remains the exception. As we look at the history of policy pathway in the marriage equality campaign, we may make a number of observations. The first is that the structurally embedded and history of equality policy making could only ever produce a possible range of outcomes given the devolved cross-community safeguards.

'Of course, some people argue that we are out of step with the rest of the UK and that has happened in Great Britain should also happen here. However, there are times when it is right to be different.' (McCausland, 2015 plenary debate: 81)

Speaking on behalf of the DUP, McCausland refers to Northern Ireland's sole status as being the only country in the UK wherein same-sex couples are not legally able to marry. In reference to devolution, McCausland and other members of the DUP and UUP defended its legal ban on same-sex marriage as a matter of legal autonomy. He and other party members positioned the ban as one that rightfully prohibits same-sex couples from marrying one another, in protection of devolved arrangements. Revealing a distinct repertoire defending the sanctity of traditional marriage, the oppositional thematic analysis was telling of a discursive culture wherein much of the oppositional frames were organised around a 'topos of threat' (marriage equality as a threat to religious autonomy) and a 'topos of consequence' (marriage equality as the beginning of LGBTQ+ radicalism). Despite this, the final motion did reach a cross party majority only later to succumb to veto by the petition of concern. It was previously understood via the literature review that how a political individual behaves depends on their positioning, the rules of the game and their respective context (Fioretos, 2011).

As per the literature, the possibilities of political action is dependent on the standard operating practices that structure relations between individuals in the polity (Gerring, 2007). Let us turn briefly to Figure 3 for the macrostructure of plenary support for marriage equality below.

2012	2013	2014
T1; Recognition of same-sex marriage	T1; Recognition of same-sex marriage	T15; Marriage inequality as discrimination
T3; Marriage is a human right, not a heterosexual privilege	T9; Leaving NI behind	T16; Equal recognition for my relationship
T4; Separate but equal is not equal	T1a; Recognition of their love and commitment	T17; The freedom to refuse
T5; Equality before the law.	T10; EM as a civil rights matter	T17; unnecessary public legal action
T6; Politics of Fear	T11; Importance of public representatives proudly voting	T9; Leaving NI Behind
T7; Homophobia of MLAs	T12; Protection of religious freewill and freedom (anti)	T18; Public majority support
T8; Denial of rights and religious freedoms for gay Christians	T13; Consistency of rule of law in UK	T4; Equality is not civil partnerships
	T14; Differential definitions of the right to marry	T13; Equal treatment across the UK
	T15; Marriage Inequality as harmful to attracting economic investm	T19; Responsibility to the people
		T20; Abuse of petition of concern
		T21; Rogue voters on party policy voting
2015	2017	2018
	T11; Out and proud support	T42; Weaponising petition of concern
T17a; Court as the last resort	T33; Dignity and respites of LGBT people	T12a; Protection of Protestant and Catholic Freedoms
T22; Devaluing of overseas same-sex marriage	T34; Marriage Equality as a Guarantor for Government for all the p	T43; Reform of petition of concern as a precursor to return to NI Assembly
	T34a; Respecting the will of the people	T44; Marriage equality is a matter for politicians
2016		
T23; Time to deliver same rights	T35; Government must serve the people	T44a; Not for Secretary of State to impose
T24; Our love is just like your love.	T36; Government commitment to marriage equality legislation	T45; Secretary of State as Arbiter of Marriage Equality
T25; Second class status	T37; Marriage equality at home	T46; Continuing use of petition of concern
T26; Equal value of same relationships and families	T37; Same as above.	T47; Petition of Concern as a veto on equality
T27; Demand for change.	T15; ME as discrimination	T48; Stormont failure
T28; Differential treatment of samelldifferent sex couples	T34a; Politicians must reflect the will of the people	T49; Reform of petition of concern as part of settlement deal
T29; Couples as the heart of the campaign	T34b; Failed to follow the will of the people	T50; Free vote in Westminster
T30; Equal marriage affects real people.	T38; Legislators as protectors of marriage rights	T51; Lottery of free vote; lottery of rights
T3; Right to marry	T39; Theresa May's responsibility	T13b ; Borderless right to marry
T31; Ceasing of abusive tones in MLA engagement	T40; Will of the Assembly will be frustrated	T52; The choice to legislate
T32; Continue to push on a closed door	T13; Consistency of rule of law across UK	T53; Cross party, cross parliamentary support
T18; Public majority support	T34a; Respecting the will of the people	T54; Good to talk about marriage equality
T13; Consistency of rule of law across UK	T41; Marriage equality as a political football	T55; Changing society for the better
T5; Equality before the law	T3; Right to marry	T15; Protection of religious freedom (anti)
T3b; Civil marriage is a human right		T56; Fear of Change
		T57; Smokescreen of public support
		T3; Right to marry the person they love
		T39; Responsibility of Theresa May
		T15; CP New form of discrimination
		T58; Aging family/friends
		T59; Differential treatment as degrading

Figure 3. Year by year breakdown of DHA macro-themes in pro-equality communications

Referring to the 2012 quadrant of the pro-equality response topos, this forms the skeletal arrangement of the early campaign communications. The perspective here is community based, while the nomination strategies (naming strategies) are based on the advocacy for, or the advocacy of. At this point, it is the interdiscursivity of the community voice in conjunction with the institutional voice which acts in defence of their equality rights. There is a certain assimilative tone within the pro-equality communications which did not seek to antagonise statements of the opposition despite their disagreement with them,

“It was important for us to at least clear up misconceptions about the fear of what would happen. But it was equally as important not to dismiss these fears but to address them head on. This for some was asking what the concerns were and clearing it up right away”. (Movement leader 7. Interview 7).

The chosen strategies for political change are imposed by the compliance procedures dictated by the legal and political mechanisms of change (Hall, 1986). Moreover, formal rules act as context setting for political behaviour and strategic choice (Shepsle, 1989). Movement leaders knew that they could not rely on opportunities for legislative reform through the Northern Ireland Assembly. Interviews with these individuals revealed however, that campaigners understood this. They understood the path dependency of the motion debates but still pursued lobbying practices and political engagement regardless.

“Well we did want to reach a majority and reaching a majority was an important victory but it wasn’t going to achieve marriage equality and we knew that. We knew very early on that it just wasn’t going to have the impact that we wanted it to have because the petition of concern...”

We knew that there was no way of overcoming the petition of concern because the DUP had a very clear anti marriage position and were very clear that they would continue to use the petition of concern”.(Movement leader 3, Interview 3).

The difficulty now with classical historical institutionalism is that it renders actors as hostage to the institutions they inhabit. Just because the way of doing politics is the way it has always

been – it does not necessitate that the way of politicising particular issues remained the same. In his arguments about policy inheritance, Heclo (1974) stressed that political actors from moment to moment inherit these discursive lessons from their previous experiences. The debates represent a critical turning point for the campaign in that, asking others to speak on their behalf was no longer pursuable. Particularly when fundamental rights of historically marginalised communities were at stake.

8.4 DHA: Moving Beyond Essentialist Argumentation for Equal Marriage Rights

Majority bloc resistance from groups like the DUP or delayed legal mandates from Westminster are defining elements within LGBT+ political and activist history in Northern Ireland. The pursuit of marriage equality evidently would prove no different having been previously vetoed on five separate occasions by the petition of concern. If immediate failure was almost certain, why then was the Northern Ireland Assembly route so important to the early campaign? Put simply, a cross party consensus was something that the early campaign positioned as an early goal with interviewees reflecting on much of the early political engagement revolving around the development and outing of party policy positions.

“In a way it was useful because it gave us the lay of the land. Because when it came to the crunch, we knew where we were. So we knew right, we were five votes behind. The learning from that was right, lets identify the people we can move. So beginning to scope around who they were, which parties they were in and then working with them to try and get them to move on this issue”. (Movement leader 8, interview 8).

As stated in the previous chapter, prior to the plenary debates an institutional history of conversation on marriage equality had yet to exist. Moreover, legislators had yet to be open about their views and party positions on the civil rights matter. At the time of the early EMNI campaign, a re-perspectivisation occurred through the platform of the institutional voice.

In this example, this refers to the constraints placed on speakers allowed to speak at the debates, naturally which was limited to MLA status only.

“At that time, you had John McAlister and Basil McCrea and people like that in the assembly. All of which who were very willing to take our phone calls but not necessarily willing to stand up and vote for marriage equality”. (Movement leader 2, Interview 2)

Noting evident changes in the discursive culture of talking about marriage equality in the Northern Ireland Assembly over time, this would eventually include transitions from middle ground legislators and vocal hidden support to out / proud and visible representation. As the plenary motion vetoes grew, the tenacity and predication of the change pathway grew more specific to the NI region. Therefore, movement discourse came to be organised around consistency on the rule of law throughout the United Kingdom. The unavailability of marriage equality provision not only became orientated as ‘unjust’ in the campaign, it now became an issue of relative equal citizenship.

‘We want people and their families to be treated the same as LGBTQ+ people and their families in the rest of these islands’ (Discourse Historical Analysis extract, 2014 letter writing campaign template, 26 April 2014).

Please see overleaf for an amended copy of the ^{2nd} MLA letter campaign template (Figure 4).

03 April 2014

2nd Template for MLA Correspondence

As one of your constituents, resident in the area you are elected to represent I write in reference to the marriage discrimination currently present in Northern Ireland. England and Wales have already enacted Equal Marriage. Scotland will begin in the autumn of this year, and in the South a referendum is due in the first part of 2015, with early opinion polls suggesting a significant majority.

I understand that a debate and motion on the issue of marriage equality in Northern Ireland will take place at the Assembly on Tuesday 29th of April 2014.

I strongly believe in the introduction of full marriage equality for all in Northern Ireland regardless of gender, gender identity or sexual orientation. This is important to me for the following reasons:

I want equal recognition for my relationship and those of many of my friends, family and colleagues. Separate but equal is not equal.

I support freedom of religion. This means allowing faith groups that wish to conduct same-sex marriages, such as liberal and reform Judaism, Quakers and other non-subscribing protestant faiths the opportunity to do so.

This also means allowing faith groups that do not wish to conduct same-sex marriages, the freedom to refuse to do so. If you are unaware, civil partnerships are currently prohibited from having any element of faith, such as blessings, psalms, hymns etc, or to be conducted in religious institutions. This is not freedom of religion.

I do not believe that transgender people should have to dissolve their civil partnership or divorce their husband or wife when they transition.

I do not want another embarrassing and unnecessary public law legal action to be taken through the courts to enforce my rights and demean the NI Executive.

It is important to also bear in mind that the proposed change in the law will not affect marriage of opposite sex couples and religious bodies and celebrants will not be obliged to conduct any ceremonies they do not wish to perform. We envisage that same-sex marriages will work similarly to divorce. Some faith groups recognise divorce and will remarry divorcees, others do not. There is no compulsion for faith groups that do not recognise divorce.

Accordingly, I would urge you to vote in favour of the motion and support a movement which is developing globally.

We do not wish to be the only part of these islands that is left behind in the journey to full equality for LGB and / T people and their families.

In referring to ‘borderless marriage’, the campaign refers indirectly to the same-sex couples experiences of differential treatment due to legal disparities between current provisions for English and Northern Irish couples. However, notice the arrangement of this writing template attempts to proscribe and almost dictate how a couple may feel (without actually including examples of couple’s own natural narratives). In short, members of the legislature are hearing about the experiences of same-sex couples rather than from these couples themselves. However, at this stage of the campaign much of the lobbying and political engagement was centralised around the Northern Ireland Assembly where a majority of the communications were led by legislators.

Identifying most closely with Reisigl and Wodak’s (2017) perspectivisation strategies in their Vienna Discourse-Historical model questions, from what perspective are these arguments expressed? To put it simply, much of the public discussion around the issue of legalising marriage equality attempted to speak in some cases for and on behalf of same-sex couples relying on third person references. This was clearly evident in much of the early campaign’s letter writing templates and indeed, much of the arguments submitted in plenary debates by pro-equality legislators.

“We as an Assembly have the opportunity to say that we see those couples as equal, and see their love as equal” (Agnew, Green Party Northern Ireland, 2012 motion: p14).

“I believe that this is an issue of equality and of freedom of religion, and, if we are a progressive society, we must respect diversity and provide equality and protection for all”. (Lo, Alliance, 2013 motion: p26).

“My view is that marriage is an institution that we can all value. When two people love each other and are prepared to commit and share their lives, that should be supported, and, when two people of the same sex love each other”. (Eastwood, SDLP, 2013 motion: p52).

‘My view’, ‘I believe’ and Mr Agnew’s preliminary opening statements in the first motion are clearly statements made on behalf of these couples. Genre-bound discourse in this plenary setting may expect this due to the nature of the plenary setting. Much of the plenary rhetoric then becomes to be focused around ‘the right thing to do’ without actually focusing on the direct words or experiences of LGBTQ+ people themselves. Doing so relies on the will of legislators to bring the *right* concerns up in plenary debates and also relies on the legislator’s knowledge and affinity to use the right kind of language. This re-perspectivisation orients the mass of discursive construction at this point to a more civic custodian role, which downplays the agency of movement leaders themselves. This is a significant element that the Love Equality Northern Ireland campaign address from its initial conception.

While the campaign’s political engagement of MLAs did eventually win a cross-party majority vote, interviews with early movement leaders reflected a sense of disempowerment in regards to the actual process. One leader in particular referred to the lack of control over motions as potentially undoing previous efforts to reflect and directly engage oppositionist concerns in their campaign communications,

“Motions were moving without seeing changes in public opinion. We weren’t being consulted before motions. It’s disappointing but we weren’t driving the process. The politicians were”. (Movement leader 4, Interview 4).

A lack of control over entry of new motions also affected their capacity to pre-empt new political lobbying campaigns.

“I think there was a lot of frustration that motions were being put forward, and we would hear about them last minute. And we were having to turn a campaign around in a few days and trying to build support”. (Movement leader 5, Interview 5)

The Equal Marriage NI campaign was involved in five consecutive motions despite knowledge that the petition of concern was guaranteed going to block any legislative reform.

“We didn’t know how to get beyond the petition of concern. That was always a question mark. It was that EMNI [Equal Marriage NI] had done good work but ultimately the goal posts hadn’t shifted. You know it was still an impossible ask for Northern Ireland”. (Movement leader 6, Interview 6)

8.4.1 DHA: 2012 the equal treatment retort

In response to oppositional statements, the following analysis based on discourse historical analysis and interview material demonstrates how pro-marriage equality campaigners have constructed alternative arguments to help shape the collective public response on the necessity of marriage equality. A rhetoric of difference was used to legitimise inaction by the oppositionists, the very same rhetoric is used here to highlight differential treatment in the way of discrimination. Assessments about the current situation at hand, embody themselves in movement discourse by way of situational descriptions and interpretations.

“As part of the Equal Marriage movement we may experience intimidation; however separate, but equal is not equal”. (DHA Extract, 2012; EMNI conference).

Difference rhetoric’s were also used to make normative and value descriptions about how current marriage provisions impact same-sex couples (Bachman, 2011). These descriptions are almost always defined in relation to other group’s assessments of what is considered just and unjust, equal and unequal. Situational interpretations however were also used to make clear to legislators that populist arguments, such as ‘civil partnership is equality’. This is the counter argument often adopted by legal oppositionists to marriage equality who argue that according to the law, no such right to same-sex marriage legally exists. In the eyes of the campaign, civil partnership represented ‘As part of the Equal Marriage movement we may experience intimidation; however separate, but equal is not equal.’ An active example of differential

treatment with one interviewer describing it as a modern-day version of, ‘this is our fountain and here is yours’. It is an example of how they are shut out of an institution heteronormatively regarded as heterosexual and that this institution is only ideal when it is understood in the traditional context. In presenting the argument that civil partnership is not the answer, perhaps one of the most notable sites of discursive contention is how both supporters and opponents of marriage equality position the existing provisions of civil partnership. The previous thematic analysis of the marriage equality plenary debates located that, ‘civil partnership is equality’ as a core argument within the repertoire of those who opposed plans to legislate for same sex couples to marry.

8.6 DHA: 2013 the internal borders retort

The pro-equality campaign however locates civil partnership as a compromise, ‘however separate, but equal is not equal’. It constructs current marital provisions in Northern Ireland as exclusive to only some, not all couples. It equates this lack of access to marital provisions for marriage equality as actively treating those who happen to be in same-sex relationships differently.

This differential treatment would later come to be a core discourse topic within the repertoire of the Equal Marriage NI campaign. However, the way in which the campaign would later come to describe it changes by the second of the Northern Ireland Assembly debates, in 2013. At this stage, England and Wales were four months from achieving royal assent for the Marriage and Same Sex Couples Act 2013. Previously, the differential treatment between different and same sex couples was tantamount to discrimination but by the second debate, this mistreatment was beginning to be associated with risk. As found in the campaign’s first letter writing template to MLAs, the first risk, is that amongst the global marriage equality

movement which was permeating Europe and the surrounding other countries in the UK – Northern Ireland is at risk of being left behind.

“We do not wish to be the only part of these islands that is left behind in the journey to full equality for LGBTQ+ people and their families”. (DHA Extract; 2013; Amended Letter Writing Template)

This included a specific focus that Northern Ireland is at risk of being a legal oddity in terms of marriage equality provision in the UK. Beyond that, this was no longer just about differential treatment between same and different sex couples but rather differential treatment between same sex couples within and outside of Northern Ireland. Consequently, this would present other risks this time of a definitional nature meaning same-sex couples across the UK namely between England, Wales and Scotland then Northern Ireland would operate differential definitions of the right to marry. In turn, the campaign would begin to frame these differential definitions as an issue of the constituency of the rule of law across the UK. A briefing submitted by the Rainbow Project NI (a key consortium leader in the marriage equality movement) would later classify this as an internal borders argument,

“We do not think that it will be acceptable to domestic or European courts that a person could be married in one part of the state and not married in another”. (DHA Extract: 2013: Rainbow Project NI SSC Bill Briefing)

In the same briefing, this risk is translated to disruption – in the sense that submitting wrongful information about one’s marital status could likely invite punitive consequences. Occupying this position as legally different in terms of equal marriage provision was also said to risk and disrupt international investment as well as the economic health of Northern Ireland. This differential treatment was also framed as disruptive to the lives of same-sex couples who may be planning to later settle in Northern Ireland, where their marriage would be deemed null and downgraded to a civil partnership. Risks here were organised around the risk of being unable to attract equal and diverse staff teams within Northern Ireland. Part of the ability to do so,

was to have a ‘seamless system for the transfer of their staff’. Topics in this stage of the 2013 vote lobbying, began to also incorporate an economic migration element in which world citizenship then posed an issue – if marriage equality were not to be legalised.

Encouraging individuals to write directly to MLAs was one of the early campaign’s attempts to focus the movement’s narratives around the realities of same-sex couples but reference to what these couples wanted, and additionally what they deserved was always referred to rather passively. In addition to foregrounding the potential risks of marriage inequality, arguments corresponding to equal and legal recognition of same-sex marriage were also emboldened by the micro-management of prospective fears as imagined by the opposition. Please see Figure 5 overleaf for a letter writing template for the Write to your MLA micro campaign.

Figure 5. Write to Your MLA campaign template

<p>19th April 2013</p>	<p>Write to your MLA Campaign</p>
<p>Dear Name,</p>	
<p>I am writing to you regarding the upcoming motion on same-sex marriage to be debated by the Northern Ireland Assembly.</p>	
<p>This motion recognises the significance of the determination made by the Irish Constitutional Convention, that same-sex marriage be put to a referendum allowing the people of Ireland to amend the constitution and allow for the recognition of same-sex marriages.</p>	
<p>Marriage equality is an issue of international importance. It has been legalised in 13 countries with France, Scotland, England and Wales poised to pass legislation soon.</p>	
<p>It could be that soon, Northern Ireland will be the only place in these islands where same-sex marriage is not recognised, damaging the competitiveness of the Northern Ireland economy.</p>	
<p>I, as well as many of your other constituents, fully support the rights of loving and committed same-sex couples to have their relationships recognised as marriages and I urge you to support this motion.</p>	
<p>*I understand that you voted in favour of the previous motion which was submitted to the Northern Ireland Assembly. For this I am very grateful. I am confident that you agree with me that equal marriage is one of the defining civil rights issues of our time and that it is important for public representatives to stand up for their constituents and proudly vote in favour of this motion.</p>	
<p>**I understand that you voted against the previous motion which was submitted to the Northern Ireland Assembly. I understand that many people have strong religious or moral objections to the introduction of same-sex marriage however I feel it is important to stress that allowing loving and committed couples to marry will not negatively impact anyone else's relationship. If your concerns are that religious celebrants could be forced to conduct same-sex marriages please understand that the Equal Marriage NI campaign are completely opposed to forcing anyone to conduct a marriage against their will.</p>	
<p>***I understand that you were not present for the previous vote on equal marriage which was submitted to the Northern Ireland Assembly. I hope you will agree with me that equal marriage is one of the defining civil rights issues of our time and that it is important for public representatives to stand up for their constituents and proudly vote in favour of this motion. I hope that you can be present to vote for the motion when it is debated in the Assembly.</p>	

The previous thematic analysis revealed this as the fear of forced solemnisation of same-sex marriage. The additional e-writing template targeted at MLAs, in 2012, in addition to the mission of the campaign, contained three inter-changeable endings, ‘I understand that you voted in favour of the previous motion’ below it, the discourse becomes expressive, normative and proscribes that proud, visible representation at the level of the Northern Ireland Assembly and the legislative progress activists would like to see. This also signals that agreeing to support same-sex marriage without actual active voting practices allows some political parties to remain on the fence regarding this issue.

The second ending attempts to reach out to those who oppose the decision to legislate for same sex marriage in Northern Ireland. ‘I understand that you voted against the previous motion’. However, the template positions opponents as those similar to the DUP and UUP, those who have ‘strong religious or moral objections to the introduction of same-sex marriage’ and almost presents this dichotomy between being gay and religious, if at all unintentionally. Interestingly, those who identify as gay and religious have at this stage barely come to the forefront of the campaign. This ending however, presents a clear attempt to dispute oppositional frames and minimise risk by engaging it stating unequivocally that, ‘please understand that the Equal Marriage NI campaign are completely opposed to forcing anyone to conduct a marriage against their will.’

“This also impedes the religious freedom of other church leaders. It was to some extent about appeasing the fear of a court challenge vs the church It became important to maintain sensitivity to religion to win middle ground MLAs”. (Movement leader 6, Interview 6)

This is essentially a form of exposition text wherein, the campaign is trying to discuss with their intended audience (hesitant MLAs) about the risks, not only from the viewpoint of the campaign but those who oppose marriage equality. This discursive construction of risk then is relative – it attempts to acknowledge that the imagination of risk from an opponent’s view is real but quickly serves to elucidate clearly what the campaign does and does not stand for. Campaigners in this sense attempt to appease prospective imaginations of risk and also make a normative claim in what should not be allowed to happen should marriage equality progress in Northern Ireland.

The first letter writing campaign is written to address all three kinds of MLAs, the supportive MLA, the oppositional MLA and the ambivalent MLA. The final ending in the first letter writing campaign reads, ‘I understand that you were not present for the previous vote on equal marriage which was submitted to the Northern Ireland Assembly.’ It indirectly signals that staying on the side lines and not getting involved is harmful to LGBTQ+ representation and advocates that, ‘it is important for public representatives to stand up for their constituents and proudly vote in favour of this motion’. That stating you will support same-sex marriage and not turning to vote isn’t enough, ‘I hope that you can be present to vote for the motion when it is debated in the Assembly.’ All of these statements are transactional, they are written to incite or invigorate new action – new political action in this sense.

8.7 DHA: 2014 religious freedom and equal protection retort

By the third letter writing campaign in 2014, equality remained a staple part of their discursive repertoire reinforcing that the fight to legislate for marriage equality was both about the equal

treatment between different and same sex couples, but it was also about equal legal recognition and value of the marriages of same sex couples and their counterparts.

By this stage much of the normative and value assessments remain the same. Discourses which employ conjectures on provisional equities, equal rights and equal treatment operate on some civic-based topics. However, evaluations of risk begin to get more detailed as the motions progress and as more letter writing campaigns commence. The third e-writing campaign further elaborated on this conception of risk of legal challenge in the eyes of the opposition but now acknowledged that these were not only potential legal risks, but they were also freedoms. They are religious freedoms ‘from’ that were also in need of legal protection, ‘This means allowing faith groups that do not wish to conduct same-sex marriages, the freedom to refuse to do so.’

The campaign then began to extend their argumentative repertoire to be inclusive of those who oppose them. They were careful not to vilify them, this particular campaign did not seek to alienate the opposition – but to retain their place with them as part of their journey. Freedoms in need of protection were also constructed in terms of freedom of religion for those members who were willing to conduct same-sex marriages. This extension of protection for those who could facilitate the solemnisation of these ceremonies extended the site of impact for those who may be impacted by marriage inequality in Northern Ireland. This did not just impact same-sex couples but spoke from the perspective of those who may have wanted to solemnise their marriage but could not legally do so. Subsequent letter writing campaigns in 2014 would retain these core arguments of equal treatment, equal recognition, freedom for / from religion, and the notion that civil partnerships were separate but equal is unequal. We then begin to see evidence of interdiscursivity as the campaign begins to consider all of these argumentation

strategies alongside the power of majority support, ‘The majority of people in Northern Ireland support this motion’ (DHA: May, 2014). After this stage, it can be observed that the continued upholding of marriage inequality was no longer solely about implications for the lives of same-sex couples, but this rendered greater implications beyond the community itself and towards the will of the public, the power of public opinion. This represented an entirely new orientation for their persuasive repertoire which previously intertwined with discourses of ‘talking to the opposition, not shouting at them’. Again, we can see more transactional discourses (calls to action), ‘We would like to see that (majority) reflected at the Assembly and urge you to vote in favour’. This discourse was prospective, which urged direction in terms of the political action the campaign demands to see. It also demonstrated exercises of power and democratic agency, implying ‘If you won’t vote for us and ours, we won’t vote for you or yours’.

8.8 DHA: 2015 the populist reorientation of pro-equality retort

The final motion in November 2015 possessed an element that the campaign had previously described as a definitive goal – they secured a majority via the Northern Ireland Assembly. Nothing could happen of this majority because it would later be vetoed by the petition of concern – a protection mechanism used to protect from disproportionate decisions made to benefit one particular community over another. This meant the Northern Ireland Assembly was at this time not a viable option, the Equal Marriage NI campaign would then begin to assist three sets of couples in High Court who were a) contesting the ban as a breach of their human rights and b) for the legal recognition of overseas same-sex marriages. This connection between rights and same-sex marriage was one of the early campaign’s most fundamental arguments - ‘Marriage is a Human Right for all’ and ‘Civil Marriage is a Human Right’.

When the campaign began to publicly organise, their arguments were focused on rights, freedom and equality elements which would be atypical of the types of frames that would be present in political debates about marriage equality.

The campaign was also careful not to over claim a right to same-sex marriage which legally does not exist. The ECHR only accommodates for the right of a man and woman to marry and find a family. We can see that such phrasing is a discursive choice which deliberately constrains their rights argument. As it does not put forward an argument that there exists a right for gay marriage but does keep intact that being excluded from doing so is discrimination. The use of civil marriage has a dual purpose – it not only puts same sex couples as the victims of marital discrimination, but it also differentiates what the campaign is and is not set up to achieve. This clearly defines the campaign goal and aim as striving for civil marriage which lends to the protection for religious freedom argument. However, these are arguments external to a court of law.

Once the campaign returns to the discursive stage of the court, rights become the focal point of the movements discourse. Much of the legal argumentation is organised around the legal impediments inherent in the Marriage Northern Ireland Order 1993 which disqualifies marriage between those of the same-sex and renders them only classifiable as civil partnerships, even if the couple wed in a different country. It must be noted that again, this is not a claim for an undisputable right for same-sex marriage but an argument which claims that such a right should exist. This frames the absence of a such a right because of their sexual orientation. This time however, the conventions of discourse shift to that of legal rhetoric. It is at this stage that we see an interdiscursive notion of rights within the movement as high court media and self-reports

that this case was not solely about legitimising a right to marry (which otherwise does not exist) – it was also about their right to family life and the ability to have their families recognised as legitimate. This again diffuses the site of impact for those impeded by marriage inequality in saying that this is not just about same sex couples themselves but their families, their children.

8.9 The public perspective: the Love Equality Northern Ireland campaign [April 2016 – December 2020]. Reclaiming the power of visibility; empowering the voices of same-sex couples through counter-storytelling

In the last section, reference was made to how these legislator-led motions to some extent monopolised the control and access to public narratives on the issue of marriage equality reform in Northern Ireland. Van Dijk's ideological conceptions of discourse, access, power and control help us translate how Love Equality NI reclaimed the public sphere and transformed how members of the Northern Ireland public and beyond could begin to understand the campaign's struggle for reform for marriage equality through the power of counter-storytelling. I highlight key instances of discourse transformation which linguistically break down the specific changes in narrative styling and construction.

Using nomination, perspectivisation and argumentation elements of Reisigl and Wodak's Discourse Historical (2001) model, I track the campaign's transition from a passive rights / equality dominant narrative toward a more normative / expressive language in the 2016 relaunch of the Love Equality NI coalition and the 2017 collapse of the Northern Ireland Assembly. I document how changes in the perspectivisation of the campaign voice helped leaders to extend resonance in the tendering of new opportunities for change and the exploration of new fields of communicative terrain; i.e. in the field of public opinion. Ultimately, the following DHA subscribes to an appreciation of ideational power.

The notion that ideas, values and beliefs and the communication of all three all play a role in historical and political change. Based on interview reflections with previous and then current Love Equality leaders, this chapter secondly acknowledges the impact of the campaign's communicative repertoires in the mobilisation of a silent public. In doing so, I observe and illustrate a secondary but crucial change in tone from 'relentlessly positive' to a 'retaliation' discourse in which communication repertoires soon come to be organised from 'us, our rights' (ingroup) to 'we, our government' (we group inclusive). As negative nomination (naming) strategies begin being constructed into the campaign's official narrative, the leaders rely on the power of collectivised anger which soon dissipates the respectability politics tone previously present in the early campaign phases. I close this chapter with an analysis on how, now with both the support of the Northern Ireland Assembly and the public - changes in the style and register of the official narrative can then accommodate a new emergent semantic core – one of public confidence.

Wodak's and Reisigl (2017) understanding of power is historical. In relation to critical discourse studies it is based on instances on who has had power over another. In traditional conceptions of power, we observe this as power over another. In regards to discourse, we may understand this as the control or exertion of influence over the acquirement of certain actions. To critical discourse studies, power is always relational, but power is not one-dimensional. It is not always exclusive to dominant holders. In the context of the Love Equality NI campaign, the relaunch of the campaign was underpinned and greatly inspired by the marriage equality referendum in the Republic of Ireland. In the following section, I will provide an account of how the campaign was able to contest and challenge the remnants of misinformation, blatant homophobia and scaremongering oppositionists had previously entered into the plenary discussion on marriage equality. The following account is an attempt to deconstruct just how

the campaign was able to manage and innovate public conceptions of the impact of marriage inequality. Using counter-storytelling, we see an active example of how the campaign attempts to harness the ‘real’ in their attempt to shape this public discursive culture. By culture, I refer to the public knowledges about the legal provisions, public / official attitudes towards reform and its impact as well as attempts to counter act hegemonic ideologies and normative bases around current understandings of what marriage inequality means to LGBTQ+ populations affected in Northern Ireland. Before doing so, it is important to explain the context of the decision which led to the relaunch of a more community-led campaign.

Like previous North American campaigns, the Northern Ireland consortium for marriage equality grew in membership during the relaunch, with leading community and rights organisations later joined by Amnesty International Northern Ireland, the Irish Congress of Trade Unions and HEReNI. In this chapter I focus predominantly on the discourse control element which speaks to the co-ordination and contest of specific structures of discourse. In this instance, the most important structures relate to ‘global topics’ otherwise known as ‘semantic macrostructures’. Understood otherwise as topics of discourse, this refers to what can be said. Secondly, I focus on how it said. This process is understood as framing and takes into context, other processes like foregrounding. To Wodak (2008), this power is symbolic – and through discourse, control of public discourse surmounts to control of the mind of the public, how it demands marriage equality, and how it articulates why it is necessary.

8.5.1 DHA: 2016 Love Equality NI relentless positivity

On 22 May 2015, A referendum amended the Constitution of Ireland to provide that marriage is recognised irrespective of the sex of the partners. Signed into law by the President of Ireland as the Thirty-fourth Amendment of the Constitution of Ireland, the Marriage Act 2015 was

passed by the Oireachtas on 22 October 2015. Marriages of same-sex couples in Ireland began being recognised from 16 November 2015. Prior to this, members of the Love Equality NI campaign had observed and long been active in the year-long public education campaigns in the Republic of Ireland which precipitated the vote, joining multiple canvassing streams on the lead up to the vote and being active in the steadfast social media campaigns evident throughout.

“And we could see the success in not just achieving marriage equality, but they changed their world. They changed the Republic of Ireland in a way that would have been unforeseen going into the referendum. Along with repeal, it has probably been one of the most impactful referendums that has ever been held in Ireland in terms of changing society and changing culture. Changing outlook and really changing what it’s like to be or at least clarifying what it means to be Irish in the modern world. And we wanted to be part of that”. (Movement leader 1, Interview 1).

To Love Equality NI, the referendum did not only motivate public opinion and seek to influence people to act on these opinions – it changed and ultimately transformed the discursive culture within which it engaged. Interviews with movement leaders involved in the southern campaigns revealed a great deal of inspiration and transferrable learning based on the management and conduct of discourse construction on the referendum.

“But then the referendum came, and we really sought to learn everything we could for the Love Equality campaign not just to achieve marriage equality, but it also achieved such a societal shift and such international recognition”. (Movement leader 3, interview 3, 2018)

“It has never simply been about defeating the opposition. It is about bringing people with us, and to do that in a positive way so people can see the merits of the arguments, the merits of equal marriage”. (Movement leader 4, Interview 4, 2018).

The marriage equality referendum result also now meant that Northern Ireland was the only jurisdiction within the UK wherein marriage between same-sex couples was illegal.

Despite oppositionists using the devolved argument as a means to defend current provisions, some leaders expressed how the referendum process sparked a sea change in MLA's own positions towards the issue. For example,

“With the change that happened in the south, it remained untenable for us in Northern Ireland to remain unchanging when everyone else was seeing change”. (Movement leader 4, Interview 4, 2018)

Interviews imagined the referendum process and in particular the public education campaigns as an example of how to construct strong counter narratives. Those type of campaigns to movement leaders represented a reclamation of discourse control and influence.

“We knew we didn't want this to become you know whoever, Sinn Fein, Alliance or SDLP or whomever. We didn't want it to be seen as their campaign. It very much had to be the communities campaign. It needs to be more than just about marriage equality. It needs to be about recognising the rights of same-sex families, the visibility of LGBTQ people, what it's like to grow up as LGBT, what the aspirations of LGBTQ people are. That was the type of campaign we wanted to run. Not something that was just about changing the law, but it was actually about changing the world”. (Movement leader 4, Interview 4)

The referendum not only inspired the creation of the new campaign, but it transformed Love Equality NI's approach to mobilisation of the public. Discursively speaking, Wodak and Reisigl (2017) referred to power in terms of social power based on privileged access to symbolic resources like knowledge and information. It is here that one may attempt to understand social power here, in terms of discourse transformation. The campaign constructed new formations of discourse then offers opportunities to contest and synthesise new ways to understand marriage equality moving away from the previous restrictive rights/equality arguments.

8.5.2 DHA 2016 foregrounding the voices of the real, the choices of the many

The rebranding of the campaign brought forth many changes to the movements approach to protest including changes in tone (referential strategy), argumentation strategies as well as the foregrounding of new challengers to the state (perspectivisation). Using insights from Wodak and Reisigl's (2017) discourse historical model, I will now track these changes based on the reformulation of the campaign into Love Equality NI followed by the collapse of the Northern Ireland Assembly. One of the major lessons learned from the referendum was the power of counter-storytelling; this offered couples a platform to speak, an opportunity to speak their own truths, constructed using their own words.

“We as much as possible, want to try and have couples and families front up the campaign and taking part in media engagement and in those public debates and speaking up for it. We also foreground couples and proactively ask for couples to come forward to help us with the campaign, by being willing to tell their stories to the media, to politicians, to come speak at public events. We've supported the couples in doing so. It's a deliberate choice of tactic and it's also based on the experience of the campaign in the South”.
(Movement leader 5; Interview 5, 2018)

Referred to, as the strategies of perspectivisation; they refer to the strategies wherein the point of view or attitudes of other actors are represented or reflected in the position of the speaker. As expressed by movement leader 5 above, the campaign did more than just change the 'perspective voice' of the movement.

“We wanted them to tell their story, and what it was like to be them and why marriage equality mattered to them. Because we could talk organisationally, and individually but it wasn't the same as actually having real life people standing in front of you saying I want to get married and why do you think my love is less than somebody else's”.
(Movement leader 1, Interview 1, 2018)

Campaign leaders pacified (backgrounded) their own voices in order to centralise the stories, the realities of same-sex couples.

“My Giovanna doesn’t understand why we can’t get married. And actually, I love that she doesn’t understand that. And I love that it doesn’t make sense to her. And that she’s angry about it”. (Extract from 2016 March for Civil Marriage Rally)

“I just wanted to say that the love I have for my partner is as real and is as important as the love that my family and friends who are straight have for their spouses”. (Extract from 2016 Civil Marriage Rally)

The ‘I’ pronoun not only is an indicator that attributes ownership of the story to that of the same-sex partner but, the ‘I’ instead of ‘they’ personalises the message. Having those affected speak for themselves ultimately change the parameters of the arguments themselves. Hearing from couples affected by marriage inequality appeals to the raw power of emotion in single issue campaigns such as this.

“In campaigns like this, you can’t deny the power of emotions. You know, well they love each other. You speak to people’s emotions. This is not about an agenda. This is not a political thing. It’s about people. It’s about people sharing a union”. (Movement leader 6, Interview 6, 2019).

As clear examples of self-narration, the newly foregrounded campaign challengers relate to their audience (members of the public) on an emotional basis, not tied up in legalistic / moralistic foundations. As detailed in chapter three, the emotional appeal can help bolster arguments which impose or certainly delegitimise certain perceptions of reality, to conform to the speaker’s vision of future reality (Reyes, 2011, p. 788). In the context of this conversation on marriage equality, the visibility and platform for these voices to be heard provide a certain authenticity of voice – one that is grounded in experience (Freedom to Marry, 2019). Wolfson (2019) refers to this as paying attention to not only the framing of the message (of which is key to all campaigns) but the way in which it is delivered. Stories from real people, which speak of real journeys and real commitments are effective means of persuasion. Ultimately concepts of love and equality, they are universal or what Van Dijk (2008) refers to as global topics which

do not require prior knowledge or understanding. They are universal concepts which everyone and anyone can relate to.

“It then became all about real people telling their own stories. Stories which were personalised by queer people themselves, not the campaigners”. (Movement leader 3, Interview 3; 2019)

In addition to harnessing the power of the real, the campaign sought to make these stories relatable to those unaffected by current arrangements in Northern Ireland. This is another change in perspectivisation. Public discourse then became to be organised around thinking of our ‘brothers / sisters’, family, friends or co-workers. Movement leaders referred to these people as ‘real others’. Normative and value dominant discourses naturally carry an emotional charge affecting the tone and styling of language be it negative or positive. One of the lessons learned also from the referendum was ‘relentless positivity’.

“...relentless positivity which is very hard to achieve when you’re facing such strong opposition from senior politicians, but it was a very important and remains a very important aspect of the campaign. That this isn’t about stopping something negative, it’s about promoting something positive”. (Movement leader 5, Interview 5, 2018)

The choice to overshadow previous human rights schemes / equality arrangements is a deliberate change in argumentation. We hear less about the legal discrimination of same-sex couples and more towards the discrimination of this couple because of their love for one another. For movement leaders, there existed a real temptation to ‘get angry’ but other leaders expressed ‘restraint’ as key to keeping dialogues open and blatant attacks as unnecessary. We see then a degree of tone conditioning wherein the old combative style of public discussions on LGBTQ+ rights, is for the moment put on hold. Platforming real stories allowed the campaign’s new ‘call to arms’ discourse to travel beyond community lines, pulling in other members of society who may not have been informed of the implications of not having marriage equality.

Platforming real couples impacted by the current legal provisions in Northern Ireland brought forward new ways to evidence their arguments which were previously constrained to engagement via letter writing / email communications. Campaigners continued to innovate other means of evidence of public support by holding mass rallies and showing through the media and their own social media channels the vast physicality of the campaign's supporters.

8.5.3 DHA 2017 – The collapse of the Northern Ireland Assembly – political responsibility

After acquiring the majority vote in the Assembly, and after leading the cases at High Court – the campaign then directed its focus towards a more community owned, public facing campaign one that simulated the transformative culture like that found in the referendum in the Republic of Ireland. Not long afterwards, the campaign accumulated cross party support and hoped to translate this new found consensus into a private member's bill. On the eve of initiating the process, the Northern Ireland Assembly collapsed, and political parties endured on-off negotiation talks to re-enter into power sharing arrangements. After a three-year gap, they returned to the Northern Ireland Assembly in January 2020. In the meantime, following the collapse of the Northern Ireland Assembly, movement leaders also took this opportunity to ensure other equality issues were considered just as important for issues considered red line.

“The failures in the assembly aren't just about marriage equality. And achieving marriage equality but ending up in exactly the same position around gender recognition reform or LGBTQ+ young people in schools or education reform or the rights of same-sex couples to access fertility services. Those problems, if we were in the same position where those could just be petition of concerned, well yes marriage is great, marriage matters but there are things that are costing people their lives. And they are as important. We didn't want to see a return to the assembly that people thought was all singing, all dancing because marriage equality was achieved as part of that but where we couldn't achieve in any of those other issues”. (Movement leader 2, Interview 2, 2018)

In the following section, I refer to the campaign's swift change in nomination strategies of place as well as a predominantly negative predication of the Northern Ireland Assembly.

“...we have said to all the parties that the petition of concern reform should happen in advance of the executive returning, the assembly returning and so people can have confidence that a new return to assembly is fit to legislate on these issues and if it isn't people are right to question whether or not it is a revert to the status quo, of a dysfunctional government and assembly that can't legislate in line with peoples wishes”. (Movement leader 3, Interview 3)

Movement leaders previously engaged the opinions of legislators despite knowing that the Northern Ireland Assembly route was rife with obstacles. Even with the cross-party majority, they had a consensus in public opinion nomination strategies. Imagining the institutional route as a place for transformative change but as the campaign grew conscious to the reluctance on certain parts of the Northern Ireland Assembly – so too did their willingness to trust the Northern Ireland Assembly to do what it had promised. Changes here are linked to the imagined site of hope, this new image of the uncooperative Assembly and one that actively acted against the will of the general public, one that refused to respect the interests and values of its constituents. With legislators, potentially closing talks, the possibility of re-entering power sharing arrangements was met with suspicion by the campaign.

“...any new Executive [should be] willing to be a government for all the people”.
[DHA Extract 2017: LENI Live Press Conference]

A negative predication of the position of the Northern Ireland Assembly now begins to emerge around the issues of marriage equality. In saying that it needs to be a government for all the people suggests, the way in which it currently conducts its business is in breach of the representation of constituents of Northern Ireland. These discursive strategies went beyond mere support for single issues like same-sex marriage but rather visibility and representation

for greater LGBT / choice equality at Assembly level. Campaign communications at this point then became organised around distrust and discord with the assembly.

“The equality campaigners are due to tell party leaders that unless there is an agreement to pass equal marriage legislation, ‘the will of the people – and the will of the Assembly – will continue to be frustrated’, which they say will undermine public confidence in the institutions of government”. [DHA Extract 2017: LENI Statement during Assembly Crisis Collapse Negotiations; p26]

As mentioned above, the opportunity to re-enter into power sharing governance meant more than just reforming marriage equality for campaigners. If the decision to re-enter was taken (which at the time it was not) consortium leaders wanted reassurance that their main obstacle (the petition of concern) would in some way be reformed or at least amended. Despite its existence to quell majoritarian decisions by either bloc party (Sinn Fein, DUP) – the petition of concern was articulated as a powerful threat against the will of the people. If legislators decided to enter without major reforms to this protection mechanism, this would ultimately harm public will / public involvement in swaying the decisions of legislators. This threatened democracy.

Arguing that ‘the will of the people must be respected’ reconfigures argumentation strategy to one that protects the autonomy of the people and the worth of public opinion which at this stage was significantly high at 68%. The discrimination has now moved from legal discrimination to discrimination against same-sex love to the wilful neglect of the democratic will of the people which at the time predominantly wanted marriage equality. Contrary to oppositional arguments, the campaign employs majoritarian arguments to portray that equality is something that the broader public want, not just the LGBTQ+ community. Discourse is then reoriented towards a civic responsibility to represent and adhere to the needs of the constituents.

The assembly must be a legislature which is prepared to ‘serve all of the people of Northern Ireland’ – not just those constituents that represent their own norm and value interests.

8.6 Conclusion

By this stage, the pro-equality movement had experienced multi-level adversity as well as opportunity by 2020. So far, constraints have been located within the assembly boundary, the legal boundary and the social boundary. While a political majority was won at the assembly level, the thematic analysis of the plenary debates on marriage equality sourced strong undercurrents of essentialist, traditional normative legacies. Oppositional argumentation drew predominantly on normative expectations and standards as enshrined within the statutes of the law and national/international legal argumentation. According to Pierson (2004), the rules and norms of polity procedure (like that found in law-making) are regulatory features which structure and impose courses of political action on the political behaviour and decision-making practices of political challengers. To some extent, this does explain the localisation of pro-equality plenary-related communications to legalistic, human-rights informed argumentation.

Similar contextual constraints were found in the judiciary’s interpretation of the absence of legislative provisions for same-sex marriage. From the perspective of the legal boundary, arguments within the various judgements held that a) a right to same-sex marriage does not legally exist, b) that discrimination if found, is justified. The legal judgements returned from members of the judiciary across the United Kingdom drew heavily on the social and cultural expectations understood in history. Sloan (2017) considers that Ministerial or objections from the legislature derive from an idealism of the heteronormative traditional family model which maintains that marriage between opposite sex persons is the ‘right’ and ‘good’ example of marriage.

Prior to 2004 and at the time of proposal, the potential introduction of civil partnerships grew a tension between supporters around the need to have their relationship recognised under the law and the acceptance of a secondary, lesser alternative (Cranmer and Thompson, 2018). Eekelaar (2020) typology included societal justifications for state response in this matter. In this typology, state-societal justifications refer to the ‘legal and social evaluation of actions in relation to the ways in which society is organized’ (Eekelaar, 2020: 5). This includes the ways in which society has been historically organised.

When the courts absolved their responsibility of social policy making (or rather correction of the law), the Equal Marriage Northern Ireland campaign had reorganised as the late Love Equality NI campaign, which as seen above harnessed well-documented evidence of a wide breadth of public support. Discursive institutionalists position their analyses around the genesis and legitimation of ideas through confined logics of communication, according to the context-dependant ways of speaking, thinking and acting. Strategies of discourse are not constructed at random but rather, are juxtaposed around critical sites of contention (Steinmo, 2008). This can be observed in the pro-equality communications to turn homophobic hate to relentless positivity. It can be observed through the pro-equality response to ‘real-life’ scenarios of risk with real life narratives from those couples affected by the absence of legislative provisions.

However, the unwillingness of Assembly members to return to power sharing much less to consider the issue of marriage equality led to an image of the Assembly as unfit for purpose. The Northern Ireland assembly was now labelled as an undemocratic place, one that wilfully neglected popular opinion and made decisions via personal conscience. This produced an understanding that the fight for marriage equality could not be won alone by Northern Ireland campaigners through democratic means, via their own serving MLAs.

This is important to the overall findings because there is an evident change to the campaign's conceived pathway to marriage equality. Initially, this image configured within the campaign's imagination as a fight that would be won 'at home', then 'at court' and later through Westminster intervention. Having presented the findings, the next chapter will, offer the concluding remarks of this study reinvigorating interdisciplinary debates around multi-level research that operates on source inclusive methodologies.

Chapter Nine; Conclusions

9.1 Introduction

This study contributed to a significant empirical data gap on the knowledge and academic study of the dynamics and complications of the marriage equality campaigns in Northern Ireland. At the time of submission, the proposal for this doctoral research was working off partial assumptions and data that was slowly unfolding. From its inception, the question of what is likely to happen in relation to marriage equality in Northern Ireland had always been a background concern. How would this battle for equality end? Further, where exactly would the fight be won? As a critical researcher born locally in Northern Ireland, I knew this campaign did not face an easy task. These questions would only matter if the study was outcome-focussed. As the campaign was unfolding during data collection phases, these outcomes – whether same-sex marriage was going to be legalised or rather, which authority could facilitate its legalisation were yet to happen, let alone be determined.

If and where the campaign would win marriage equality were not the primary questions for consideration in this study. What was important to this doctoral research, was uncovering how the campaign selected and navigated a multitude of pathways to reform. For operational purposes, I referred to these pathways as, ‘the plenary boundary’, the ‘legal boundary’ and the ‘public boundary’. Each pathway represented a different phase of the marriage equality movement. To clarify, the plenary boundary referred to the lobbying and engagement of plenary votes on several motions to legislate for marriage equality in Northern Ireland. The legal boundary referred to the judicial review efforts (backed by the Love Equality NI campaign) to overturn the ban on same-sex marriage in Northern Ireland as well as petitioning for the legal recognition of same-sex marriage solemnised overseas.

Finally, the public boundary refers to the grassroots civic campaign around building a public conversation on the issue. In the very early drafts of this doctoral research proposal, the definitive aim was to lead an exploratory study on changes in discourse in relation to the specific campaign on marriage equality in Northern Ireland. This aim grew increasingly complex as my knowledge expanded around the theoretical literature on political opportunities and the theory of historical institutionalism. The overarching question guiding the research grew from what were the opportunities for political and social reform to how, and in what ways did the procedural conduct of the Northern Ireland Assembly impose certain courses of action for the Northern Ireland leaders of the marriage equality campaign.

Unlike other former studies of marriage equality movements, this study had two operational units of analysis. The first element refers to political action, or more specifically to the direction of this political action. This objective set out to document and uncover the campaign's multitude of pathways to reform for the Northern Ireland in marriage equality campaigns. The second element refers to that of culture and political discourse. This objective set out to document the trajectory of reformative discourses which set out to reclaim and neutralise a predominantly negative policy legacy. To be specific this legacy refers to a long-standing history which has never seen *any* LGBT+ right won or outstanding be legislated by the Northern Ireland Assembly itself. Each right was overcome by way of legal contest. The simultaneous focus of political action, culture and discourse has rendered two important discoveries about the Northern Ireland political context and its impact on the legalisation of marriage equality. The first discovery was that access to political opportunities and equal civic participation was compounded by structural barriers to the progression of marriage equality through the Northern Ireland Assembly. The second discovery purports to this study's observation that the social and cultural attitudes regarding the understanding of marriage

equality and LGBT+ rights in general were in need of rehabilitation. To answer the substantive research questions of this doctoral thesis, I now conclude the general trends of the challenges and solutions for pro-equality campaign efforts, what productive dialogue looked like and how it changed across other fields of discourse. Finally, I conclude the costs as well as lessons to be learned from the campaign's initial political co-operation with members of the legislative assembly in Northern Ireland. These summary conclusions contribute to the detailing of how assembly procedures compacted the campaign's pathways for reform and also the cultural impacts of the pro-equality's communication efforts to transform a culturally and politically hostile environment.

At the beginning of the thesis, I signified the exclusivity of endogenous sources of change through institutionalism and exogenous sources of change through opportunity theory. When employed in silo, institutionalist theory offers a limited representation of movement behavioural outcomes and projections, and opportunity theory offers a limited representation of discursive change. My study proposed that through theoretical unity it is possible to counter the limited projections to create a more complete and fuller understanding of movement change dynamics and rhetorical behaviour.

9.2 Summary of findings – history matters

Excluding this chapter, this thesis consists of eight additional chapters. Chapter one concentrated on reflecting upon one key assumption central to the core tenets of this thesis and that is simply that, 'history matters' which can and will impact subsequent reformative campaigns for LGBT+ equality. I argue that the following historical considerations have impacted the marriage equality reform campaigns three-fold.

To equip this doctoral study with the necessary background knowledge, I first acknowledged that the history of state-LGBT community relations was an important consideration in the analysis of the modern realities and hardships of campaigning for a modern issue like that of same-sex marriage specifically. Secondly, these relations are impacted by a legacy of previous civic campaign support as well as open and proud representation from members of the legislature. Finally, the historical footprint of public, legal and political articulations of the lesbian/gay identity can motivate activists to rearticulate the experiences and realities for the modern lesbian and gay population in relation to the matter on marriage equality. More specifically, a history of the legal criminalisation and closeting of same-sex relationships and common culture reiterates modern campaign's preoccupation with high-visibility, relentlessly positivity and story empowered approaches. Such considerations are crucial to the rehabilitation of public understandings of why pushing open closed doors are important, why disputing the legal differentiations between certain relationships and others is necessary and why having open and engaging conversations are necessary for public buy in.

Both of the theoretical literature reviews (chapter two and three) began with the same premise. That there are institutionalised ways of speaking about and doing politics (Hardy and McGuire, 2008). This presupposes a sense of institutional determinism in relation to new opportunities for social change and transformation. In relation to this study, historical institutionalism contended that the political agency and the campaign's viable opportunities for change were constrained by the structure and procedural norms of the Northern Ireland Assembly.

The historical but continued struggle for marriage equality in Northern Ireland is exemplar of a key flaw in classical outcome focussed models of political opportunity theory. The literature dictated that opportunities for political change and transformation can occur as a result of

disruption to the structural arrangement of the governing polity. Tarrow (1998) attributed examples of this to fragmentation within political party elites, where party members grow increasingly divided on a given issue. He also attributes the giving of opportunity to increased political pluralism, where new alliances are created because of new 'players' or new parties that offset the majority numbers of dominant political parties. This is the fundamental premise that opportunities for social change and political transformation are not solely dependent on the 'giving of opportunity' but rather can be garnered through a series of opportunity building phases.

None of the above claims are false, however they barely apply to an environment so unique such as that of Northern Ireland. The governing legislature, the Northern Ireland Assembly is a devolved governing body with strict procedural norms and rules of political play to mitigate the possibility of singular community bias (as mentioned in chapter two). Operating within the Assembly is the Northern Ireland Executive which retains a co-leadership structure as agreed within the Belfast or Good Friday Agreement, to ensure a power-sharing structure as well as shared inclusive decision-making practices. This includes any instances regarding the introduction or discussion of any new legislative orders.

For an issue like that of marriage equality which had the potential to be classified as 'controversial' – all assembly votes must achieve parallel consent to pass a motion for new legislative orders. Parallel consent refers to a threshold protective mechanism which ensures that a majority of unionists and a majority of nationalists have voted in favour of the motion. This is to ensure cross-community support and to prevent undue biases towards either the unionist or nationalist community. However, there are also institutionalised rules and procedures which allow party members to officially express concern about a motion that comes

before the Assembly. This is referred to as the petition of concern. The speaker may only enact the petition of concern if it is signed by at least thirty members of the legislative assembly. To put this into perspective, the figure below is a map of the arrangement and numbers of party members organised by party one year after the fifth and final plenary vote. The dark green and red dots refer to the two dominant parties of the Northern Ireland Assembly, Sinn Fein (dark green) and the Democratic Unionist Party (DUP) (red). In the 2016 election, Sinn Fein had 28 party members, while the Democratic Unionist Party had 38 members in total (see figure 6 below).

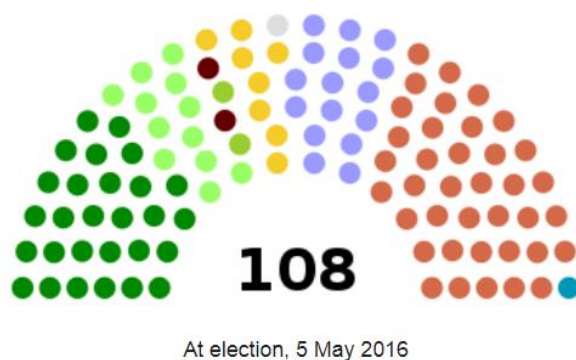


Figure 6. Composition of the Northern Ireland Executive in 2016 NI Assembly Election
(Russell, 2016; 8)

As documented by chapter eight, the Equal Marriage Northern Ireland leaders lobbied the votes and began an intensive political engagement campaign for five consecutive plenary debates on the issue of marriage equality, despite each vote being vetoed by the petition of concern from the leader of the DUP. Chapter eight also revealed that the early campaign knew this would almost certainly be the likely result of each campaign with the exception of the final plenary vote which actually did achieve a majority of 53 in favour and 52 against same-sex marriage. An explicit interview question asked participants to clarify the logics behind this to answer why the campaign would pursue this route despite knowing what might or could inevitably happen.

The campaigns early political engagement and lobbying processes is perhaps best understood through a central tenet of historical institutionalism the ‘path dependency hypothesis’ which indicates that outcomes of a process are dependent on a sequential path of decision making as well as the past history of such decision making (Hall, 2013). During interviews with members of the early campaign, participants indicated that early campaign tactics were a reflection of, ‘doing what we knew how to do’. During the early Equal Marriage NI campaign, public engagement was limited to encouraging the public to contact party members to enlist and build support for each plenary vote. The assembly pathway was therefore an exercise of limited political agency. The continued selection by the campaign to take the assembly pathway was constrained by a history of past policy decisions to lobby votes however, the cross-community safeguard mechanism ‘the petition of concern’ regulated and ensured the future subordination of any future decisions.

As the mechanism was specifically written into the Belfast Agreement, it is classified as part of the institutionalised procedures for the assembly’s law making process – it represented a structural barrier to the campaign’s progression on the matter of marriage equality. Despite facing significant hardships ahead, early campaigners still went ahead and proceeded to lobby and engage specific party members for their votes on the matter of marriage equality. The achievement of marriage equality via the assembly was hopeful at best but this study has exposed a significant lesson that future or similar single issue LGBT movements would need to consider. The first refers to the systemic inequalities in terms of accessible and equal political participation, if the petition of concern remained unreformed. The petition of concern allows any oppositional member to essentially veto a legitimate vote in favour of any motion, without detailing specific reasoning as to why this concern exists. All that is needed to pass the petition is enough party votes.

9.3 Triangulating the patterns of the oppositional and pro-equality empirical data gap

This study operated a multi-tiered analysis of the campaign's variable pathways to reform through i) the Northern Ireland Assembly, ii) through public conversation building and iii) through appeals to the High Court. As indicated in chapter six, Northern Ireland held a much different LGBT rights legacy in comparison to their English and Scottish counterparts. The LGBT advocacy groups had a long history of civic campaigns in operation within both Scotland and England. Their legacy also included previous attempts to legally petition the European Court of Human Rights to overturn the United Kingdom's previous marital provisions which did not allow same-sex couples to legally marry. For Northern Irish campaigners, each pathway presented a new opportunity but also a new and untested risk. Prior to the Northern Ireland plenary debates on marriage equality, public conversation and no less institutional discourses on the matter was non-existent.

Research analysing the themes of such discussions have also been limited with the exception of a few, partial studies (Thomson, 2015). While her study does raise important issues about the tones and internal politics of plenary voting – it did provide a systematic analytic route through the data. Her article also only covers the debates for years 2012 and 2013 which meant the full sample of five debates from 2012 to 2015 were not fully recovered. This study's original thematic analysis filled in this gap and updates Thompsons study with a few exceptions. The design of the thematic analysis procedure and protocol was designed to move beyond the description of plenary debate content. The data yield focussed on the organisation and distribution of oppositional plenary statements. This fulfilled the element of exploring the nature of oppositional argumentation. The other element set out to distinguish the evidentiary strategies of legitimising their opposition to marriage equality. Alongside meaning making practices, it was also pertinent for the thematic analysis protocol to go beyond the extraction

of surface meanings and towards the ideological rationales in their attempt to evidence and legitimise their opposition to marriage equality.

9.4 The oppositional empirical data [thematic analysis]

The findings of the thematic analysis revealed multi-layered insights around the linguistic arrangement and lexical choices of members of the legislative assembly who were in opposition of marriage equality. Political representatives who expressly opposed the legislative introduction of marriage equality followed a series of evidentiary logics which in their eyes legitimised Northern Ireland's jurisdictional inaction on the matter. It also revealed that the patterns in terms of what rhetorical arguments were recruited varied across the oppositional party formations of the Democratic Unionist Party, the Ulster Unionist Party and the Traditional Unionist Voice. The results of a discursive spatial analysis and the frequency measurement of particular oppositional arguments also unveiled a ranking order and hierarchy. Please see figure 7 overleaf.

Between the years of 2012 to 2015, eight key oppositional arguments were identified in the thematic analysis of the plenary debates concerning marriage equality. Across this time period, all three-party affiliations were most greatly concerned with the i) costs of marriage equality reforms and ii) the obligations of marriage equality reforms. Specifically, their arguments expressed concerns for the implications that marriage equality reforms could have for the intellectual freedoms of citizens.

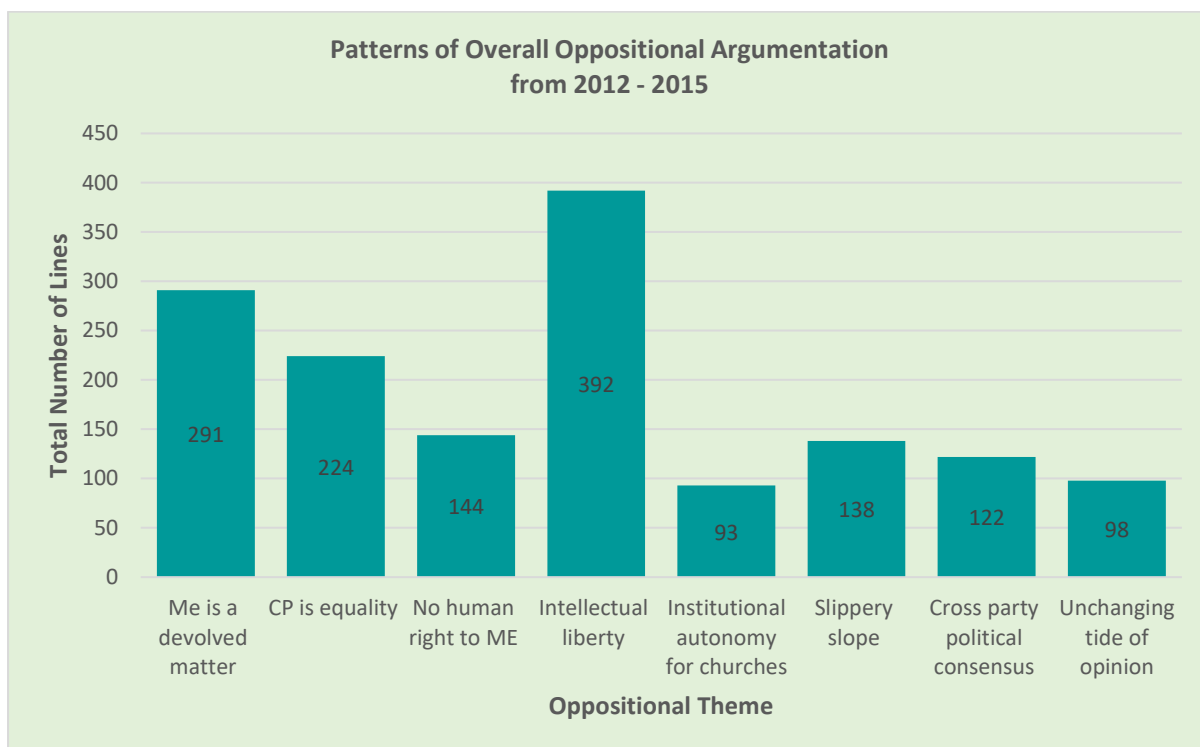


Figure 7. Patterns of Overall Oppositional Arguments from 2012-2015

This matter mainly referred to portrayal of the legal enshrinement of marriage equality as an opportunity to thought police and moreover face legal penalties for those who openly or privately expressed an opposition to the introduction of marriage equality, particularly in public or workplace settings. This line of argumentation tended to be used in conjunction with the other obligations/costs themes; civil partnership is equality (2), there is no human right to marriage equality (3), institutional autonomy for churches (5) and the slippery slope of equality reforms (6). While some of the findings were widely similar to the results of other oppositional thematic analyses (Jowett, 2014). As evidenced in the figure above - the second most quoted oppositional argument was found to be completely original – the devolved defence against marriage equality reform, unique to the political context of Northern Ireland. This was particularly a strong line of defensive argumentation for members of the Democratic Unionist Party. Please see the results of the spatial analysis below in figure 8.

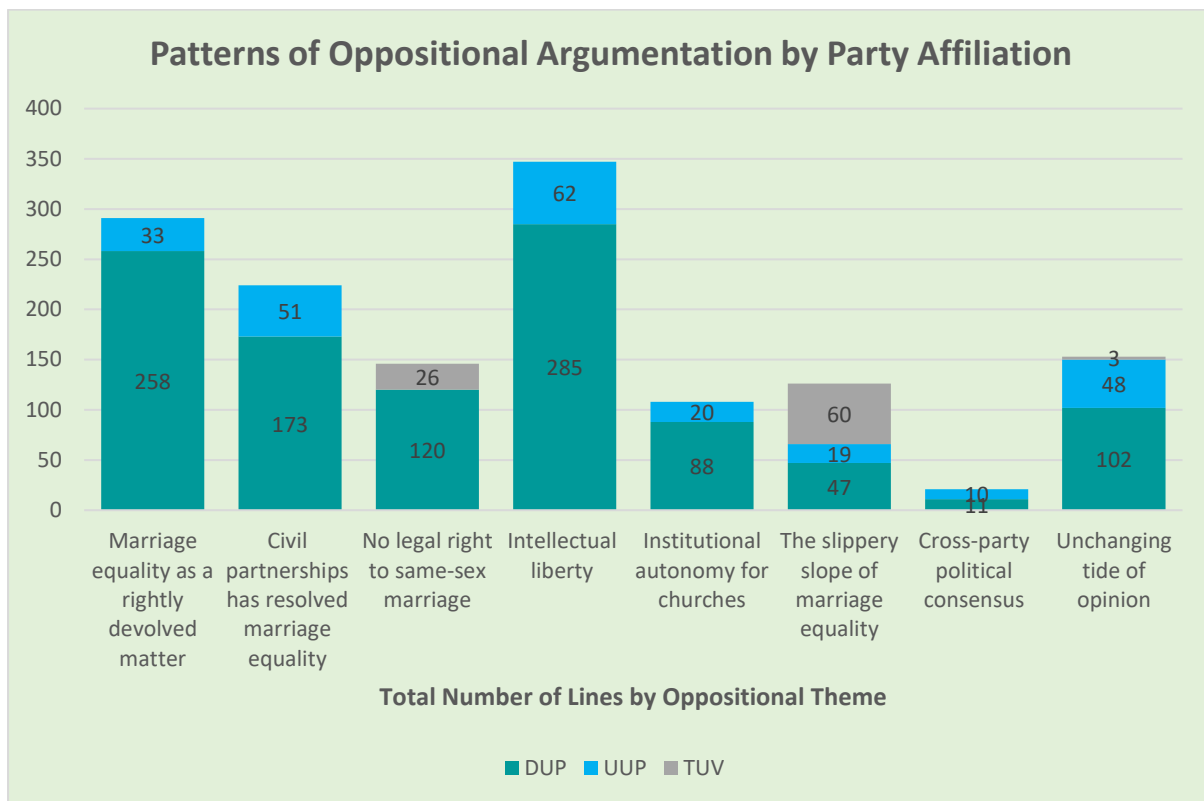


Figure 8. Patterns of Oppositional Arguments by Party Affiliation

The devolved defence against marriage equality reforms accommodates more than the protection of Northern Ireland’s law-making procedural behaviour but also, to the protection of current legal provisions closely linked to, ‘civil partnership is equality’. This extends beyond the obligatory requirements of a potential change in law, but rather there is no need to change the law. The law already accommodates the legal wants and needs for marriage equality reform. At its premise, due to devolved powers and existing legal arrangements – the Northern Ireland Assembly is not legally obligated by the European Union to act on or introduce provisions to facilitate two same-sex persons from marrying one another. The above table highlights the uniqueness of the institutional opposition in Northern Ireland, with a third of oppositional argumentation attributed to the rules and protocols for legislative decision making through the Assembly. The original thematic analysis produced by this study found that reasons for the opposition to an introduction to marriage equality went beyond reasons of personal conscience objections. For the second largest oppositional party, the Ulster Unionist Party – the possibility

of an instance of legislative change threatened the procedural protocols and protections enshrined within Northern Ireland's devolved governance.

At the time, Northern Ireland's sole oppositional stance towards marriage equality represented a mark of devolved legislative independence particularly, where neighbouring jurisdictions were beginning to legalise on the matter. For some members of the Ulster Unionist Party, maintaining Northern Ireland's position in not allowing legal marriages between persons of the same-sex was a firm stance in the protection of NI's devolved legislative powers and the ability to decide on its own legal matters without other national governmental interference. Closely linked to the right to regulate their own legislative powers is their definitive declaration of no accommodation for a human right claim to same-sex marriage under the European Court of Human Rights (ECHR) articles. Opposing assembly members, actively used the authoritative voice of the European Union where possible to evidence that Northern Ireland's position in not allowing the legal marriage between persons of the same sex were not in violation of ECHR human rights articles or associated. In other words, there was no legally specified human right to same-sex marriage in either national or international legislative provisions.

These two themes proscribe to the equal treatment, human rights orientations on the issue of marriage equality (Gerber et al, 2017; Suwitra et al, 2019). The Democratic Unionist Party were most concerned with projected fears around threats to their intellectual liberty, were dependant on the devolved argument qualifiers as well as maintaining that, in their eyes civil partnership did represent equality. They were least concerned with cross party political consensus. The Ulster Unionist Party were most concerned with threats to their intellectual liberty, secondly strongly defend their evaluation that civil partnership already solved the equality deficit in regard to equal marriage. They too were least concerned with cross party-

political consensus. The Traditional Unionist Voice felt most concerned with articulating the costs of marriage equality reforms and expressed caution for the slippery slope this law could lead to. Alongside the Democratic Unionist Party, they too evidenced that by law, there was no legal right to same-sex marriage specifically. They were least concerned with the unchanging tide of opinion across the political Assembly. The following section will now discuss the conclusions in relation to the discourse-historical and interview findings.

9.5 The pro-equality empirical discourse-historical + interview data

In the traditional research method sciences, discourse analysis encompasses a methodological approach for the study of written or spoken discourse in relation to its wider background context. As the conclusions of the pro-equality empirical data will reveal - the political, legal and social context provide a complex but interlinked account for legal equality reform in Northern Ireland. As customary in the critical study of linguistics, the decision to use these methods are derived from investigations aiming to decontextualise situational uses of discourse in ordinary, real-life settings. However, the true, critical analysis of issue-specific discourse like that of marriage equality demands a scrutiny beyond surface interpretations of meaning-making or understanding its core functionality. The concerns of this thesis reiterate wider questions regarding the complex interdependency between the advancement of new opportunities for legal reform and the historical conventions of political discourse/law-making procedure, particularly in a unique devolved environment like Northern Ireland. See figure below.

OPPORTUNITIES FOR CHANGE

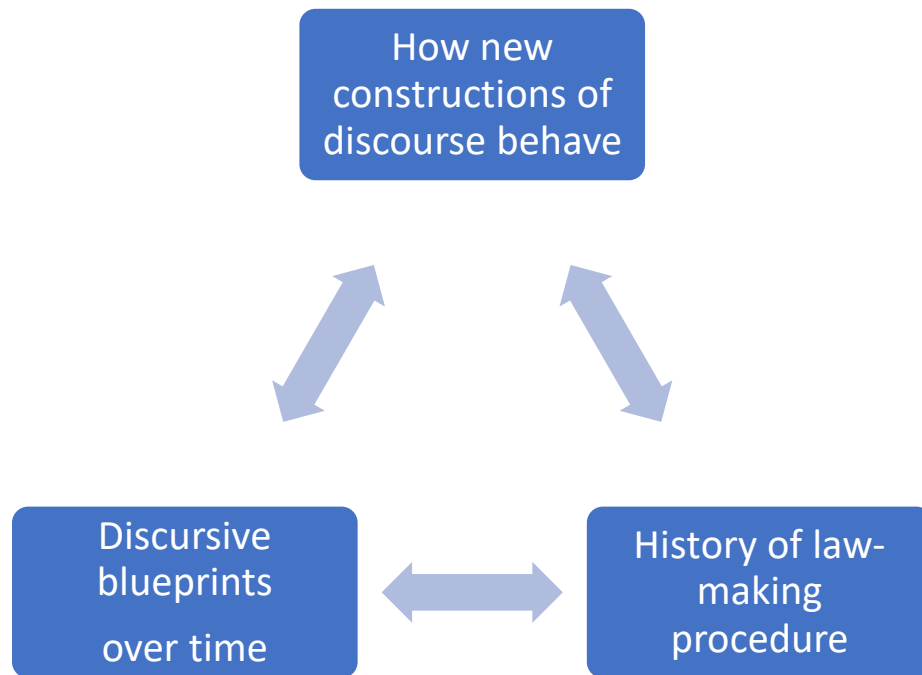


Figure 9. Operationalising the link between legal reform procedure and discourse opportunities.

Based on a modified version of Fairclough and Wodak's (1997) core principles of critical discourse analysis, this thesis identified the following outcomes in its selection of the discourse historical method. The first relates to the constitutive nature of discourse and its role in defining how society thinks and behaves. Through the Discourse-Historical (DHA) analysis of pro-equality communication data, this thesis found that the second, renewed 'Love Equality NI' campaign had a pertinent role in redefining how members of both our governing legislature, members of the public and indeed how our judiciary should respond to the matter of what they believed was incidental of marriage inequality. As the complexities of the DHA will reveal, the inability of same-sex couples to legally marry employed varied degrees of injustice frames that were charged with undoing other, historical discourses on marriage equality.

The full range of discourses surveyed under this project, no matter what position, whether the speaker was in support of, in opposition to or simply indifferent on the matter – all discourses were ideological in purpose. In Northern Ireland, power relations were not only demonstrative of those who were best in position for facilitating legal reform i.e. lobbying and engaging members of the legislature to vote in support of marriage equality. Power relations according to this case study are and were discursive. The campaign’s communicative constructions were designed to empowers social action from the middle ground masses who were largely unconnected to the issue at hand. For the campaign, discourse was social action – and a formidable force at that.



Figure 10. Key thematic findings from campaigner interviews

As indicated in the history of the campaign timeline, the movement was operating across a multitude of ‘reform pathways’ simultaneously; through the Northern Ireland Assembly, through the High Courts of Belfast and through a public education campaign. As will soon be apparent, the campaign operationalised communications across a range of contexts each accommodating various sets of discourses, distinct in purpose.

Equally, in order to reflect the dynamic nature of the campaign's communicative reach, the dataset also had to incur poly-discursive sources of data. The diverse dataset under scrutiny by this thesis involved a range of different speakers all who varied in positioning on the subject matter itself (i.e. in support of marriage equality) and their positioning in society (i.e. a member of the legislative assembly).

The pinnacle concern regarding speaker variation align with Van Dijk's insistence of the social and relational properties of power. In this study, speaker variation is associated with discursive dominance. In which persons define the parameters of social and political conversation around marriage equality. In who legitimises and defines what the primary social and political interests are around this issue. Drawing on Van Dijk's conception of social-based power, this study adheres to the conception that power is distributive – it is not top-down as traditionally understood through wider sociological theory. There are various stakeholders for this distributive power and the campaign for marriage equality is a telling example of how a relatively infant movement can blossom to the much-needed civic campaign by changing the tones, grander narratives of mainstream communication on the subject as well as changing the speaker's perspective.

2012	2013	2014
T1; Recognition of same-sex marriage	T1; Recognition of same-sex marriage	T15; Marriage inequality as discrimination
T3; Marriage is a human right, not a heterosexual privilege	T9; Leaving NI behind	T16; Equal recognition for my relationship
T4; Separate but equal is not equal	T1a; Recognition of their love and commitment	T12; The freedom to refuse
T5; Equality before the law.	T10; EM as a civil rights matter	T17; unnecessary public legal action
T6; Politics of Fear	T11; Importance of public representatives proudly voting	T9; Leaving NI Behind
T7; Homophobia of MLAs	T12; Protection of religious freewill and freedom (anti)	T18; Public majority support
T8; Denial of rights and religious freedoms for gay Christians	T13; Consistency of rule of law in UK	T4; Equality is not civil partnerships
	T14; Differential definitions of the right to marry	T13; Equal treatment across the UK
	T15; Marriage inequality as harmful to attracting economic investm	T19; Responsibility to the people
		T20; Abuse of petition of concern
		T21; Rogue voters on party policy voting
2015	2017	2018
T17a; Court as the last resort	T11; Out and proud support	T42; Weaponising petition of concern
T22; Devaluing of overseas same-sex marriage	T33; Dignity and respect of LGBT people	T12a; Protection of Protestant and Catholic Freedoms
	T34; Marriage Equality as a Guarantor for Government for all the p	T43; Reform of petition of concern as a precursor to return to NI Assembly
	T34a; Respecting the will of the people	T44; Marriage equality is a matter for politicians
2016		
T23; Time to deliver same rights	T35; Government must serve the people	T44a; Not for Secretary of State to impose
T24; Our love is just like your love.	T36; Government commitment to marriage equality legislation	T45; Secretary of State as Arbitrator of Marriage Equality
T25; Second class status	T37; Marriage equality at home	T46; Continuing use of petition of concern
T26; Equal value of same relationships and families	T37; Same as above.	T47; Petition of Concern as a veto on equality
T27; Demand for change.	T15; ME as discrimination	T48; Stormont failure
T28; Differential treatment of same/different sex couples	T34a; Politicians must reflect the will of the people	T49; Reform of petition of concern as part of settlement deal
T29; Couples as the heart of the campaign	T34b; Failed to follow the will of the people	T50; Free vote in Westminster
T30; Equal marriage affects real people.	T38; Legislators as protectors of marriage rights	T51; Lottery of free vote; lottery of rights
T3; Right to marry	T39; Theresa May's responsibility	T13b; Borderless right to marry
T31; Ceasing of abusive tones in MLA engagement	T40; Will of the Assembly will be frustrated	T52; The choice to legislate
T32; Continue to push on a closed door	T13; Consistency of rule of law across UK	T53; Cross party, cross parliamentary support
T18; Public majority support	T34a; Respecting the will of the people	T54; Good to talk about marriage equality
T13; Consistency of rule of law across UK	T41; Marriage equality as a political football	T55; Changing society for the better
T5; Equality before the law	T3; Right to marry	T15; Protection of religious freedom (anti)
T3b; Civil marriage is a human right		T56; Fear of Change
		T57; Smokescreen of public support
		T3; Right to marry the person they love
		T39; Responsibility of Theresa May
		T16; CP New form of discrimination
		T58; Aging family/friends
		T59; Differential treatment as degrading

Figure 11. Yearly breakdown of DHA macro-themes in pro-equality communications.

As seen in figure 11, the Discourse-Historical analysis found that the ‘macrotopics’ of pro-equality communications embodied several variations amongst evolving fields of context and through various phases of the campaign. In summary, when campaigners were focussed on lobbying and engaging members of the Northern Ireland assembly – topics of discourse were restricted to legalistic diagnoses and remedies for corrective action against marriage inequality. In example, the early ‘Equal Marriage NI’ campaign invoked rights based discourses when trying to build up awareness in a relatively infant movement, at least in Northern Ireland. Further the same line of argumentation was used to forward the argument of NI’s heterosexist bias towards different sex marriage, reiterating that continued marriage inequality was constitutive of discrimination.

It must be reiterated that Northern Ireland as a political context was vastly significant as it remained the only jurisdiction in the United Kingdom where same sex couples could not legally marry. The notion of borderless rights came to occupy a large proportion of pro-equality communications particularly where the campaign moved to its legal petition phases. The accommodation for equally valuing overseas same-sex marriage became greater than simply a rights issue but broader economic arguments around the threat of sacrificing international investment and trade into the local economy. Similar arguments were reflected in the High Court cases on marriage equality, which portrayed previous legal arrangements as protecting the traditional, and common-law definition of marriage between persons of the same sex.

For a year by year breakdown of campaign communications, please see figure 12 below.

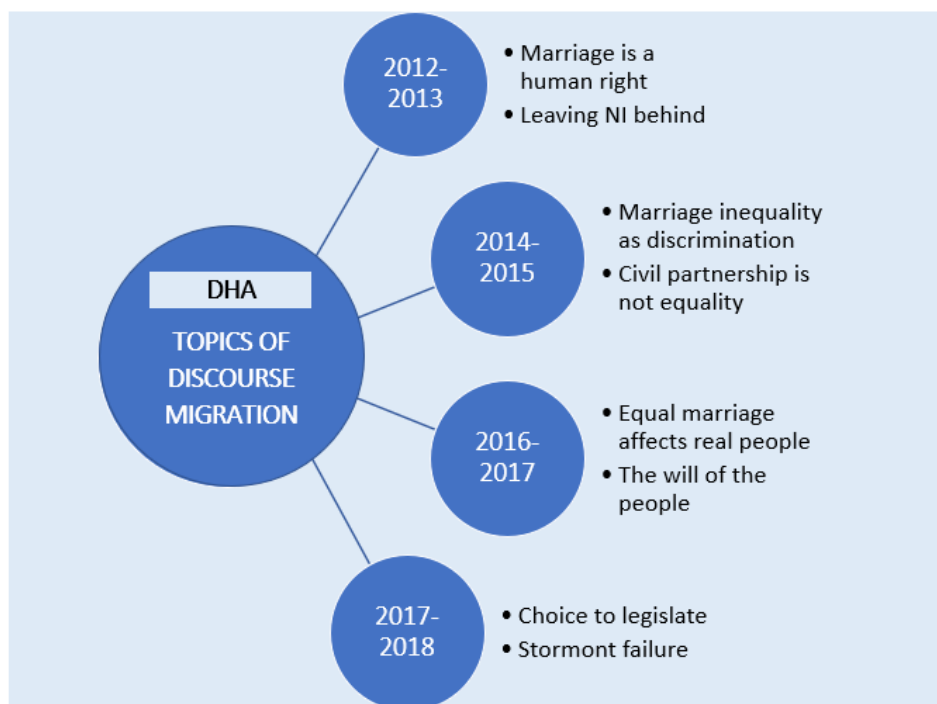


Figure 12: DHA: central topics of discourse by year

A key finding of the Discourse Historical analysis was attributed first to the ‘gatekeeping of equality’ through the petition of concern. As per the institutionalist literature, the Assembly sought to gatekeep marriage equality through the traditional law-making procedures and processes, under the pre-tense of cross-community safeguards. In 2016, the campaign renewed to undertake a more grassroots civic based movement which reached beyond the LGBT community itself. Around this time, the campaign prioritised new voices and new modes of storytelling beyond the traditional letter writing formula typical of such issues. The notion of real people with real voices and venues where people could hear and see these impacts became a valuable part of the campaign’s public engagement strategy. Therefore, marriage inequality as an issue did not only affect the lesbian and gay community but actually, the choice to refuse to legislate on the matter violated the will of the people.

The influx of populist arguments and tone arrangements became more resonant as the 2016 civic campaign, Love Equality NI emerged. Strategic changes which came with the campaign renewal manifested in the authoritative repositioning within the campaign, determining that one of the previous constraints of the earlier campaign was not one of political structure or decision making but of normative leadership through the community voice.

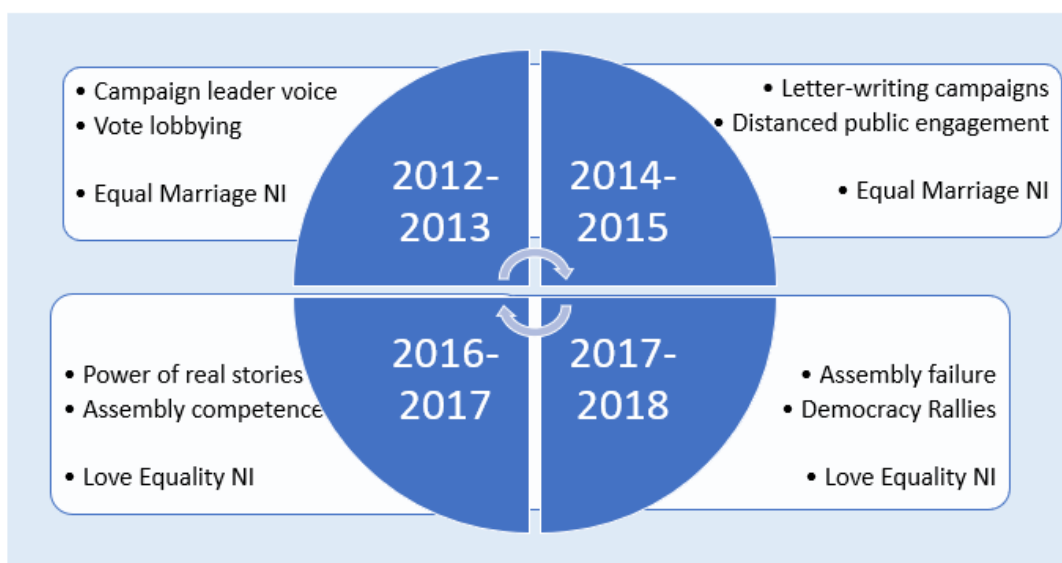


Figure 13. Yearly breakdown of key movement strategies

As evident in figure 13 above, when the Northern Ireland Assembly collapsed and after it had turned down the opportunity to legislate for marriage equality five times – arguments then became more engaged around the efficacy of the Assembly. Amidst crisis talks for a returning assembly, campaign communications became critical of the way in which Northern Ireland as a jurisdiction should process future claims for equality reforms. For most interviewees, the possibility of a returning Assembly held an opportunity to reform not only the matter of marriage equality but the broader spectrum of equality breaches such as abortion provision reform and broader LGBT+ education policies for example. This became part of a central line of argument for the bettering of society in Northern Ireland, as a whole.

Within this concluding chapter, I now turn to elaborate the theoretical and knowledge contributions this study presents. I follow this with a reflective discussion of the relative limitations of this research before the detailing of tentative possibilities for future analysis. Concluding remarks in this chapter, draw upon how the findings unique to this research contribute to existing academic knowledge on LGBTQ+ campaigning, political change analysis and power studies within the history of institutional / discursive behaviour.

9.5.1 FINDING 1: Structural Constraint in Political Representation and Voice

By definition, constraint refers to, ‘the use or threat of force to impede the thoughts or actions of others’ (Webster, 2021). In some instances, force refers to power through physical coercion while this study’s findings pertain to the less visible, institutionalised procedural biases within wider devolved decision-making practices. The continued maintenance of marriage inequality was not as simple as failing to accrue enough votes in support of the issue. As this study found, a slightly greater portion did eventually vote in majority support of legislating on the matter of marriage equality.

Marriage equality would come to endure a long-fought battle, due to the level of systemic preferential politics that imbued a devolved governing system, that is the Northern Ireland Assembly. In line with Luke’s tri-dimensional understanding of power, this refers to the conservation of policy preferences through the sustained regulation of proposals for legislative reform and the active deterrence of constitutionally settled votes on the matter. For state challengers the task of defending and contesting LGBT+ rights provision (or in this case lack thereof), would prove to necessitate much more than simply speaking out on the matter, or getting the right people on side. If one were to consider the history of seats held by oppositional parties, it is not difficult to see the immediate and inevitable obstacles any new proposals for

LGBT reform would run into. For just under two decades, the largest Assembly party represents the interests of the Unionist community in Northern Ireland since its inception. In addition to a former party leader, heading a ‘Save Ulster from Sodomy’ campaign – the Democratic Unionist Party (DUP) also have a long legacy of anti-LGBT policy stances wherein they have i) spoke out against the decriminalisation of homosexuality, ii) maintained a heightened age of consent for sexual relations between two men or two women, iii) enforced an adoption ban between same-sex parent applicants and until 2020 banned populations of gay or bisexual men from donating blood. Aligned with Lukes’ definitional power conceptions, each of these represent an instance of visible decision making power.

Should an individual seriously consider the reconciliation of a lack of LGBT rights legacy, it is important to consider the bigger picture where hidden but not so subtle instances of power-play prevent the fair and equal participation of LGBT rights defence and progression. The elements of structural constraint most important here refer to the prominence of oppositional party seats and the procedural requisites for reforming laws in a devolved cross-community state.

Five years after the inception of the Northern Ireland Assembly, the Democratic Unionist Party quickly outnumbered other margin parties as the party holding the most member seats and held that position for another fourteen years thereafter. Amassing the greatest number of seats per party did not necessarily deter members of the LGBTQ+ community from making their grievances known, however it did ensure that the interests of the most dominant party, the DUP could override any new proposal for reform. The political system of Northern Ireland operates on a dual power sharing devolved arrangement.

Originally intended to prevent community biases in the submission of new proposals for legislative reform, the DUP presented a petition of concern on five occasions, even where the final vote vetoed a legitimate majority vote in favour of legislating for marriage equality. Interestingly, the successful submission of the petition of concern safeguard only required 30 signatures in agreement from either the Unionist or the Nationalist identifying parties. Officially, the logics behind this legislative safeguard were to stop the nationalist community from making decisions that could present harm to members of the catholic community or vice versa. As the DUP accounted for over half of the Unionist seats in the Assembly, party leaders repeatedly held the power to single-handedly veto each and every new motion for marriage equality.

LGBTQ+ community activist's intent on reforming LGBTQ+ rights provision not only had to accrue enough votes in favour of said issue, but they also had to contend with the reality that there was an over-representation of anti-LGBTQ+ sentiment and stances on equality policies. The drawn-out progression of marriage equality was further compacted by the lack of open and public political representation in favour of LGBT+ equality policy and reformative measures. As revealed through the thematic analysis and reflexive interviews with campaign leaders, prior to marriage equality the only political positions known on LGBTQ+ equality policies emanated largely from those party members staunchly in opposition to equality reforms.

The original thematic analysis produced by this study unexpectedly found that some of the more marginal parties had yet to develop a public position on the matter, much less feature it on their party manifesto. Prior to the debates, what was known unequivocally about party member positioning on the matter pertained only to those who were in direct opposition to

marriage equality (all of the Unionist parties) and those who submitted the motion to debate the matter (Green Party Northern Ireland and Sinn Fein). The positioning of the likes of the Social Democratic Labour Party and the more politically centred Alliance Party Northern Ireland were relatively unknown. Both parties remained neutral on the matter until at least the second debate. In addition to this, the thematic analysis also uncovered that a very unnoticeable minority of the Unionist opposition were increasingly fracturing from their party's positioning on the matter. While both instances were demonstrative of incremental, but changing political attitudes on the issue – neither was enough to overturn the state of marriage inequality in Northern Ireland.

Ideologically, the legacy of a pro-equality political advocate within Assembly members had only really begun by the time all five debates lapsed. Prior to the plenary debates on marriage equality, the Northern Ireland had not had the opportunity to openly discuss other LGBT policies for reform. The partial decriminalisation of homosexuality in Northern Ireland was overturned by the European Courts of Human Rights, the age of consent was passed by Westminster parliament while the lifting of the adoption ban as a same-sex couple was overturned by way of judicial review. In addition to a lack of pro-equality, out and proud political representation, there was equally no previous victories for LGBT+ rights legally passed and won by their own legislature. The above factors contribute to the overall picture of institutional impediments to LGBT rights reform.

The result of campaigning for the legislation of marriage equality a legitimate majority vote can be vetoed under the guise of mitigating single-community bias and the lack of a strong pro-equality policy legacy leaves LGBT+ community activists at a stalemate wherein LGBT+

rights can still build the opportunity for better representation while the political structure of how Northern Ireland decisions are made can prevent policies for LGBT reform make any further progress. Northern Ireland's lack of a positive LGBTQ+ rights policy legacy did not stop either campaign from mobilising – it did not stop the late, Love Equality NI campaign from starting the conversation. This policy silence in addition to the evident changes in the campaigns communication approach facilitate the regrowth and promotion of the campaigns new goal of relentless positivity as well as keeping conversations going.

In its infancy phases, the marriage equality movement in Northern Ireland could not win the fight through the Assembly or the High Courts of Belfast wherein both retained the structural and institutionalised ideation of heteronormative marriage (between persons of different sex). As revealed by this study's discourse-historical analysis, the reformed 'Love Equality NI campaign' changed the parameters of the social conversation on marriage equality. Members of the public were not only hearing about the overwhelming oppositional majority within the Assembly, but they were also hearing new nuances and ways of understanding equality beyond the common legal and political rhetoric around the issue. Inherited from neighbouring campaigns in the South of Ireland, changes in campaign tone and perspective allowed those society members largely unconnected to the cause of marriage equality to 'hear' these conversations on marriage equality. The interviews confirmed that prior to embarking on the 'first' battle in the assembly, a majority no vote was to be expected. However, this was a cost the campaign was willing to inherit to accrue the slow increment of wider attitudinal change within the Northern Ireland legislature.

As both the Equal Marriage NI and the Love Equality NI campaign came to the realisation that the fight for marriage equality could not be won through the Assembly route – this study documented the movements simultaneous pursuits into other reform pathways for legislative reform. This study found that the eventual abandonment of the Assembly route occurred due to the polygonal nature of institutional barriers to LGBTQ+ equality instilled in the way legislative decisions are made by devolved governments. The nature of constraints was not limited to those structural in nature. Closely connected to the lack of a positive LGBT policy legacy, the social conversation on its predecessor issue of civil partnership had little to no stimulated public conversation on the matter bar media reportage around it. Prior to the Love Equality NI campaign, LGBTQ+ community activists had yet to meaningfully engage the thoughts and beliefs of the ‘middle ground’ public. This study also found that constraints for the campaign were also cultural. Changes in public engagement tactics eventually evolved from the early letter-writing tactics to the highly visible mobilisation of other supports in rallies/ march settings.

This study documented the critical variable for motivating change as visibility and resonance to engaging this middle ground of people who were largely unconnected to the issue of marriage equality but also unconnected to the potential for change in Northern Ireland politics. While letter writing campaigns are an important element of LGBT campaigns as this is where much of the pre-liberation movement activities begun - the textual constructions did not appear to have the same level of resonance or impact as say a public speech from a real-life impacted couple. Therefore, the new campaign opted to draw upon real life stories through video and public appearances (only for those who were publicly out) for the public to hear in their own words, what the real impact of marriage inequality was. I refer to this as the activation of the ‘community voice’. In the early campaign, the community voice was strained and

interdiscursively mixed with the voice of the politician, therefore denigrating the speech of LGBTQ+ community leaders and the voices of LGBTQ+ activists. Attendance of these speeches and rallies by members of the public were also a public response to the oppositional narrative commonly quoted to ensure there was no visible or quantifiable need or want for changes in same-sex marriage provision. Activists later drew on this tactic in their public engagement stages of the campaign, wherein perspective reorientations changed the reach and impact of campaign messages.

9.5.2 FINDING 2: Perspective based constraint and mainstreaming of equality

As detailed above, constraints were found to be connected to the lack of existing policy legacies but Northern Ireland was also void of a pre-existing discursive legacy around the issue. The marriage equality movement was the first of its kind in 2012 in the region. Prior to this, even public conversations on the matter of legalising civil partnerships were few and far between. In the view of this study, the slow but concentrated accrual of public discursive interaction emanated the mass media effect in that members of the public were able to hear new ranges of debate contributions on the issue of equality in marriage. Moreover, the increasingly public and high visibility of grassroots campaign representatives eventually led to new ways to hear these conversations.

My multi-dimensional source-inclusive data presents a more complex valley of struggle for equality movement discourse over the course of both campaigns. In the early campaign, the pro-equality movement sustained moderately stable discourses around human rights and equality deficits which strictly related campaign communications to political-intensive discussion. These arrangements were in support of the legislator course of equality that were

adjacent oppositional calls for the denial of a human rights or equality problem. Further, the opposition perpetually relied on the legal evidence and voices of national and international expert others to further deny that Northern Ireland's lack of marriage equality provision were even in contravention with human rights statute. This study's longitudinal analysis demonstrates conclusively that the renewed Love Equality NI campaign rehabilitated hegemonic discourses which historically cast an overwhelmingly negative policy legacy to LGBT + rights. By integrating oppositional concerns into their mainstream communicative strategies, the new campaign not only acknowledged and subsided fears of penalties for not supporting same-sex marriage but they created an entire new lens and perspective through which the public could understand the issue.

The discourse-historical findings demonstrate that the 2016 campaign had engaged the core tenets of the discursive legacy left behind by the earlier campaign. While the previous campaign forwarded a strong human rights approach, the later movement articulated a web of concern that was more communicable beyond the community lines as more of a civil rights issue. The difference remains in the admission that this is not an individualist issue but rather a universal one. This, in turn, gave the movement further grounds to critique political opposition on the matter. During the earlier campaign, leaders learned from the previous rhetorical contests during the plenary debates and expanded not only their discursive tactics but also their engagement approach. They anticipated critiques would be heavily charged with emotion however, did emphasise that oppositional expression should be received with respect even had the audience not accepted their arguments.

Love Equality leaders developed a simple discourse of positivity and love that accused the government of impeding in human realities. The documentation of this campaigns history has demonstrated a number of key learnings of protest dynamics. The first relates to the influence of past actions/discourses on future constructions. While the renewed campaign had no external legacies of political discourse or LGBT+ policies to build upon, the renewed campaign could still build upon and learn to grow from previous limited engagement with political representatives. This study has shown that campaign discourse is complex, multi-layered and are assigned to different, wider fields of discourse each with their own operational formations i.e. (legal, political, social discourse). This second purports to this study's documented potential for campaign discourse to carry any real resonance is to carefully weigh and respond constructions to real-time public feeling on the issue. For that reason, topic areas were carefully constructed so as to be received universally by the ordinary citizen. This study has documented the core peaks and valleys of campaign communication on the matter of marriage equality and specific constructions are greater than simply in support of or in opposition on the matter.

It also found a new and relatively untested conception or measure for marriage equality by way of civic accountability. A completely novel finding of this research was the campaign's ability to reformulate campaign communications at a time wherein the Northern Ireland Assembly had collapsed in 2017. The marriage equality movement called for something greater than marriage equality itself. Campaign leaders soon took up opportunities to question the efficacy of the Northern Ireland Assembly and the way in which it institutionally processed new proposals for legal reform. Interviews revealed that the fight for marriage equality became bigger than winning reform in this area, but about reforming other outstanding inequalities in Northern Ireland like abortion rights provision. Campaign communications around this point then came to be about bettering the society of Northern Ireland for all. While the last two

sections account for the empirical findings of this study, I now briefly point to the methodological contributions with the careful theoretical combinations of historical institutionalism theory and discursive opportunity theory.

9.6 Methodological contributions; processual priority over outcome

At the start of this chapter, I began with a short section of the preliminary questions this thesis held at its core during the early stages of this research. In reminder, these questions related to my own questioning of where the battle for marriage equality would be won? More importantly, how could I reasonably quantify this when the pathways for marriage equality reform were constantly changing. In the end, these questions offered little to the findings of my study. The process of uncovering how the marriage equality movement happened in its entirety became the sole focus of my project. Adding to the existent literature on opportunity theory, I extended the level of measurement outcomes to beyond that of the most visible cycles of movement emergence and movement decline. In accounting for what happened, how the campaign phases happened - I direct future students of opportunity theory or social movement dynamics to the value of looking at 'outcomes in process' or 'unfolding outcomes'.

While not as easy to quantify, a full contextual analysis and complimenting multi-perspective methodology allows analysis to consider the full utility The 'resting opportunities' which are built and accrued slowly over time. Critical to this study's findings are that before the manifestation of any movement outcomes, big or small - there are processes of great and complex deliberation which underlie and can potentially 'swing' the tenacity of certain opportunities. The practices of building new policy legacies and interventions according to the data, dictates that movement outcome research must also focus beyond material and big wins

and losses to the incremental lines of progress, and slow-changing social-attitudinal changes. The inclusion of movement-produced data is a testament to this thesis' protection of unfiltered fidelity of the campaign's voice which within greater political battles become lost and so intertwined with the words of powerful political elites that sometimes lose the original movement concerns. My thesis has found that movement activists in Northern Ireland did create and build their own bridges to tangible opportunities for change greater than that political in nature but also for social and cultural change too.

The campaign's communications did not hide from oppositional remarks – they addressed them. This took the campaign a step further in the sense that, the campaign was no longer talking at people but talking with them helping to steadily neutralise an otherwise hostile policy environment which was largely unyielding towards LGBT rights. This study's chosen methodologies have demonstrated that the content or meaning of words alone are not sufficient to underlay processes of change. Greater social and political change happens when campaigns reach beyond their community lines and begin talking to the other middle masses. Change happens when the formulas for arranging these words change. I have shown that we can learn greatly of the processes which can help build and ultimately win greater collective goods other than legislative goals, and more towards cultural shifts.

Understanding the connections between new opportunities of political discourse and historical legacies of discourse and political action is applicable beyond the LGBT+ specific issues for social movement analysts. In line with Wodak's assumptions of legacies of political discourse – analysts may look to how these legacies live in and amongst other power fields – i.e. in the public sphere, in the political sphere, in the social sphere.

Future analysts might look to how the identities of other rights campaigns become continually negotiated and renegotiated through the entrance of new discursive actors. Others may want to consider the measurement of populist actions like accounting for the changes in agenda setting success during election campaigns. For instance, one might study how the slight contentions of public discourse can impact the reception of other rights protest by the legitimacy of certain topics over others or the redirection of political adversaries as less valid.

All future accounts for social movement study should seek to build greater markers in the consideration of the context of discourse mobilization and collective action in protest settings. Without a full contextual picture of how both culturally based and action-based dynamics – it is difficult to see how one could capture a full, authentic picture of what is really going on. Often in the background of social movement mobilisation processes, much of the background deliberations remain largely unknown to the public. With the consent of campaign leaders, the knowledge accrued by this study can contribute to greater lessons in social movement mobilisation beyond making the big, visible wins. As an outsider, who has analysed the entirety of the campaigns’ communications, as a non-participant observer who witnessed the power of speech at their campaign rallies and marches – the campaign’s movement activities particularly over the course of the Assembly lapse is also testament to how to relieve campaign fatigue during times of political crisis. It must be kept in mind that both campaigns in total ran across a period of eight years.

9.5 Future Perspectives

In conclusion, I have now accounted for the large breadth of empirical data this study has contributed to the wider knowledge of LGBTQ+ movement dynamics. I have also detailed the

level of theoretical and methodological innovation this study has developed in the construction of an inter-disciplinary, multi modal method of analysis. This study has shown that by synthesising diverse datasets which differ in form, perspective and content, the data can teach and extend our knowledge on the depth of movement dynamics and other lesser known processes like hesitance or reluctance to act on certain issues. In terms of future recommendations for later movement scholars, this study calls upon a pressing need for the better and wider attribution of movement outcomes, impacts and processes in relation to movement rhetorical behaviour and political action. Social movement studies current fixation on outcome motivated analyses omit the other cultural/discourse-based tensions in movement dynamics.

As evidenced within the data outputs of this study, a detailed and source-inclusive data pathway offers invaluable insights into movement processes much beyond the commonly analysed points of emergence and decline. Diversifying modes of data collection, equipped the literature's existing knowledge of movement mobilization and outcomes in Northern Ireland. The focused collection of activist produced data also changes who tells this story. This time it is not the politicians speaking on behalf of the LGBT community. It is not the media blanket reporting the movements of marriage equality campaign activity. It is campaign leaders and all grassroots level advocates speaking on their own behalf without the additional filter of media or institutional perspectives behind it. It is them and the platforming of their own lived personal realities around the impact of marriage inequality. There are no party-political agendas here, no voting public to impress – but simply an underinformed public to educate. The involvement of both activist produced data and the integration of activist experiences have facilitated the sharing of insights in relation to the detection of other non-political outcomes like institutional and social attitudinal changes. The data produced from this study's methods of data collection

are one of a kind due to the fact that the activities of the campaign were largely still unfolding even during the middle to late fieldwork processes. These insights represent the core rationales and ‘in the moment’ feelings and thoughts of activists – many of which struggled to see where or when the journey for marriage equality might end. Large proportions of previous research on the issue of marriage equality relate most closely to the plenary debates on the matter which predominantly favour content analysis methods for data exploration. Perhaps by integrating more diverse methodologies like that of discourse analysis, activist-focused oral history interviews and online surveys completed post-victory it is possible to develop those backstage deliberations when the full picture is within scope for activists. For many of the activists interviewed, they could only comment on what they thought was likely to happen. These are important findings nonetheless (Staggenborg and Lecomte, 2009).

Decision making practices within social movements are multi-level and adjust according to moving political contexts. These account for decisions which did not necessarily produce any large form of victories but important, incremental measures of progress nonetheless. Future studies should not immediately dismiss these slower, more long-term achievements but they should use them to identify further avenues for exploration in the development and processes of opportunity building to circumvent absences in policy legacies. The challenges ahead for social movement scholars purport to an increase in the depth of contextual analysis of protest environments supported by interdisciplinary theoretical blends. Only then can we realistically account for the relational changes between discourse and political/social culture; the influence of political challengers and political parties; and the cultural impacts of transformed public opinion and surges in transformative political participation.

Legislation

Matrimonial Causes Act (1973)

Family Law Act (1986).

Civil Partnership Act (2004)

the Marriage (Northern Ireland) Order 2003

the Marriage (Same Sex Couples) Act 2013

EU Human Rights and Conventions.

Article 8 (right to respect for privacy and family life)

Article 12 (right to marry)

Article 14 (prohibits unjustified discrimination).

Cases

Wilkinson v Kitzinger and Others [2007]

& Re X [2017] 2020] NICA 21 (neutral citation)

Scottish Petition PE1269

Joint appellate case for Close, Sickles & Flanagan-Kane, Flanagan-Kane (N.I.)

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