

Foreword

The Realism of Power-Sharing

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Belfast and Beirut are twins. I am old enough to have known both cities in my childhood, before they become synonyms for urban communal violence, paramilitaries and 'sectarian' killing. The car bomb was invented, accidentally, in Belfast, and used to even more devastating effect in Beirut. The depth of ethnic and religious antagonisms on display in these cities from the 1970s startled many outside observers who usually saw them as atavistic throwbacks, resisting the progressive thrust of enlightenment. Little did they realize that they were better understood as portents for other late-twentieth century and contemporary conflicts.

The two cities, other, and more prosaic, histories were rapidly wiped from the world's memory-banks. Both had once been major centres of industry and commerce, innovators in their regions, sites of proper and proud bourgeois development. Dr Michael Kerr's fascinating study offers hope that both port cities, and the politics of which they are the capitals of Northern Ireland and Lebanon, may recover more civil reputations in the early twenty-first century. I had the privilege of witnessing the start of this research when Michael Kerr came from Belfast to the London School of Economics and Political Science just before I left that great institution for another equally great one in another land. In a small way our relationship shows what may be possible again in Northern Ireland – civil and warm inter-personal engagements despite differences in national allegiance, political formation, party membership, and the religions of our ancestors. Dr Kerr has advised Ulster Unionists; I have advised others not known to share their core beliefs. It is an honour that he has asked me to preface his careful, deeply informed comparative analysis that is rooted in fluent Belfast argot, French, Arabic, intimate familiarity with the local power players, history and political science.

I shall not use this opportunity to scoop what is to follow. Readers should make their own précis of Dr Kerr's sober grasp of what was,

and may be possible for coexistence in Lebanon and Northern Ireland – including his belief that external forces are necessary to stabilize their consociational prospects. Instead, I would like to sketch for the novice reader key elements of the intellectual tradition within which both Dr Kerr and I have worked, namely consociational thinking, and to defend it against some misconceptions as this tradition is frequently misunderstood, sometimes willfully so. I shall not provide a narrative of the antecedents of consociational practices, or their intellectual distillation, or a comprehensive guide to the debates that surround the work of the leading contemporary pioneer in this field, the Dutch political scientist Arend Lijphart, now the holder of an honorary PhD from the Queen's University of Belfast. Others, including me, have executed such enterprises elsewhere.¹ Rather, I shall portray consociational thinking as a form of pragmatic realism, one with a distinctive logic, the logic of 'political triage': deciding what institutions need political treatment first, according to how seriously defective they are. This political triage developed as a response to the inadequate institutions of the liberal democratic nation-state in the presence of two or more peoples mobilized behind rival conceptions of nationality or religious allegiance.

Consociation sounds a technical term. Indeed, it is expressed in technical and sometimes highly complex institutional forms. Consociational institutions have three essential features, and a fourth that frequently accompanies them. First, executive political power is *jointly* shared across the representatives of rival peoples. Second, rules of proportionality are used to share power, express representation, and to allocate resources. Third, each people to the partnership is an equal, entitled to self-rule in matters of profound cultural consequence, with the institutional recognition that principle entails. The fourth and more contingent feature is the existence of veto-powers, which stop one people unilaterally changing the rules of the game at the expense of others.

But consociation is also known, non-technically, as 'power-sharing', and for good reasons. Yet there is more to power-sharing than the sharing of power. Consociationalists are not, generally, emotional. They do not plead for sibling or puppy or conjugal love in politics. Consociation is not the injunction to say prayers together. Consociation has tougher mental lineages. No sensible advocate of power-sharing assumes it is a universal panacea. Commending power-sharing has to be appropriate and feasible as well as desirable. It is vital to distinguish three logics of political power: 'the division of power', 'competition for power', and 'power-sharing'. The third logic builds on the others and, contrary to what its critics say or imagine, need not displace them.

The division of power is at the heart of the liberal tradition. Strongly present in American federalism, and influenced by the arguments of Montesquieu and Madison, the belief is that dividing power is critical to

preventing despotism. This tradition seeks to formalize separate executive, legislative and judicial institutions. By inhibiting a monopoly of power, especially in the executive, dictatorship can be avoided. A legislature comprised of a dominant faction that judges in its own interest is not one from which much justice for others can be expected. The separation of civilian from military power, the separation of nomination from appointment, the separation of police powers to arrest and interrogate from the judicial power to prosecute, the separation of local governments from central governments, are less recognized, but equally critical parts of the same logic of dividing power. To divide power is to prevent its abuse; to check power with power controls public officials elected and appointed.

Some, mistakenly, think that properly organizing the division of power is what really matters in the stabilization of deeply divided territories, such as those of Lebanon and Northern Ireland. A well-structured division of power, they say, will inhibit the prospects of national, ethnic or communal majorities – or minorities – tyrannizing over others. Proponents of integration and assimilation are strongly inclined to this claim. They deny that they are against power-sharing as such. They say that they are supporters of sharing power, but just among the individual citizens (of unified democratic nation state) rather than among communities. For them, the standard systems of representative government, either based on executive presidencies and congresses, or on the parliamentary fusion of executive and legislative power, are modes of power-sharing because they oblige power-holders to account to the public and to work in anticipation of the checking and balancing capacities of the others.

The logic of the 'competition for power' is at the core of the democratic tradition. It focuses on how officials 'win' positions, be they executive, legislative, judicial or bureaucratic. In the democratic tradition executive and legislative power should be competed for through elections.² Liberals are, however, more doubtful about elections to judicial and administrative positions, where they tend to favour meritocratic appointment. The minimal definitional standard of liberal democracy, competitive government, is a political system in which officials compete for authoritative positions in free and fair elections for citizen votes; and in which those officials hold office for limited terms, and make laws, and give orders to unelected officials, within constitutional norms that ensure that the officials can be held accountable by voters for their actions – both through the ballot box and recourse to the courts. The competition for power, it is hoped, socializes politicians to offer both popular and responsible policies, and socializes voters to punish incompetent, irresponsible or corrupt politicians by ejecting them from office. The 'vote motive' will encourage politicians to build winning coalitions, and therefore soften ideological programs.

The division of power, and competition for power, are ‘undoubtedly’ – the phrase is often used in Belfast where political phrasing is rarely shy – good and intelligent principles, widely envied in the authoritarian states that still blot large parts of our world. But, consociationalists claim, that on their own, or combined, dividing power and the competition for power are most unlikely to calm deeply divided territories. Indeed, we claim that the combination of the division of power and the competition for power in certain conditions may be highly conducive toward the oppression of some national, ethnic and religious communities. The competition for power expresses or creates ‘majorities’ – and such majorities may be built on or reinforce deep national, ethnic or communal cleavages. Majorities from the same community may win complete control over all major offices and governments, even if the powers of those offices and governments are divided and checked. They can then propose public policy and conceptions of merit that are entirely group-centred. Such conduct, unless it ruthlessly disorganizes the ‘minority’ or ‘minorities’, will generate insurgents who seek their own states – or to usurp power and create a new regime. Where winning in a democratic contest signals singular national, ethnic or religious regime definition and the existential victory of one community over another or others, it may usher in or confirm a collective despotism.

Integrationists and assimilationists too easily presume that a nation of individuals is in existence, or that one should be built. Their principles for managing difference are recipes for conflict in deeply divided territories, even when motivated by high-minded considerations, and however desirable they seem in the abstract, or however vindicated they may seem elsewhere. Faced with states or regions with rival national self-determination claims (for Ireland or Britain), or rival allegiances to wider civilizations (for the West or the Arab world), advocacy of integration, and especially of assimilation, is partisan and provocative.

It is especially partisan when the triumph of one community’s claims to nationalize the state or region in its image is commended on no better claim than might (numbers) makes right. It is dangerously transformative and dystopian when antagonistic communities are instructed to fuse. Partisans and transformative racial and ethnic engineers succeeded many times in winning control of government in the last two centuries in many parts of Europe and the lands that surround the Mediterranean, generating bloodbaths.

That is why Dr Kerr rightly commends a distinctive form of power-sharing as a supplementary approach to avoiding the worst in modern politics, namely consociation. Power-sharing in democracies commends the sharing of power between communities, *as well as* the division of power and the competition for power. It commends ‘coalition’ as a considered way of doing things, but not as a substitute for the division of

power or the competition for power. Advocates of power-sharing may personally prefer an integrationist or assimilationist outcome – a British Ulster, an Irish Ireland, an Arab Lebanon, a Christian Lebanon – in which all citizens have a primary loyalty to a culturally sharply resonant nation-state. But, as realists, they know that they cannot guarantee their preferred outcome – at least not without risking ‘internal’ war – I don’t understand why we still call such wars ‘civil’ – which their side may lose, or may be unable to win. Consociational realists may prefer a strong programmatic government organized by a single-minded party with common values, but know that the costs of coherence may be too high if an insurgent opposition or a tyrannical government is the consequence. Consociationalists smile wryly and agree that it would be better if their polity had a ‘normal’ set of institutions for dividing and competing for power. But experience has taught them that deep and protracted conflicts between national, ethnic and religious communities requires that power be systematically shared, as well as divided and subject to competition.

Proponents of consociation start from the recognition that political or cultural homogenization has been associated with genocide, ethnic expulsion, imposed partition, and coercive assimilation. Their trump argument is very simple. The alternatives are worse. Power-holders and their challengers have often pursued extremist and extremist strategies. In a little known aside in *The Communist Manifesto* Karl Marx and Friedrich Engels treated the ‘mutual ruin of the contending classes’ as one possible outcome of class struggle. Over one hundred and fifty years later we are generally more worried by the prospect of the mutual ruin of contending nations, ethnic groups and communal protagonists. Rudolf Rummel’s calculations in *Death by Government* suggest that the last century was absolutely and proportionately the most lethal in human history. Consociation is intended to stop governments from being ethnic cleansers. What cannot be won on the battlefield is best resolved through a political settlement.

Power-sharers wish to share political power between communities without dissolving them into one. They follow Rousseau’s declared method in *The Social Contract* that commends taking ‘men as they are, and laws as they might be’. But, because they do not seek to create or recognize just one community they reject Rousseau’s infamous proposals: inalienable, indivisible, and absolute sovereignty of ‘the people’, his rejection of partial associations, and his support for a vigorous homogenizing civic religion.

Consociational politics begins with the full appreciation that there is more than one people with reasonable claims. I am writing this Foreword in Iraq, on 12 August 2005, as an advisor to the Kurdistan government. Three days ago I was asked to comment on a paper, written as an advisory note to the United Iraqi Alliance. The relevant advisor, a

distinguished constitutional lawyer, was trying to nudge the Shi'a dominated alliance from a strongly majoritarian conception of who constitutes the Iraqi people, and argued instead for a widely shared vision of an Iraqi nation. To a consociationalist the first part of this advisor's intention was sound, but the second ridiculous and dangerous. Consociational politics is, after all, politics without 'shared vision'; it is a politics of shared accommodation, of shared fears, but not one in which an imagined or visionary unity can or should be presented. At most, consociation is a politics with a shared vision of catastrophe.

Power-sharers seek social contracts between two or more peoples, or between two or more territorial governments. The first of these possibilities leads in properly 'consociational' directions; the second in the direction of pluralist federation – what would best suit contemporary Iraq if it is to remain a state. Both consociations and pluralist federations have much to commend them in circumstances of deep national, ethnic or religious division. The first is necessary triage where peoples are extensively inter-connected if not intermingled; the second is easier where peoples are extensively demographically, geographically and commercially separated. If Northern Ireland and the Lebanon, as a result of their wars and local residential choices, become ever more spatially segregated on wider and wider scales then a shift to pluralist federal ways of coexistence may become feasible. But, for the present, the relevant peoples are too close, especially in Belfast and Beirut, to make that formula possible. Even though both cities and their surrounding politics are segregated residentially and territorially they are not segregated at a level of aggregation that makes territorial federalism an option.

Consociational and pluralist federal possibilities can be combined in complex forms, where the complexity refers both to their institutional formats and their contexts. Northern Ireland since 1998 has had a consociational settlement that may stabilize within unfolding federal possibilities – within the previously centralized United Kingdom, across the island of Ireland, and within the confederalizing European Union. By contrast, Lebanon, is unlikely to develop formal federal forms without ceasing to be the Lebanon.

Ulster Unionists who care about theology will learn that the concept of consociation is traceable to the Protestant Johannes Althusius (1557-1638), a German jurist, a magistrate, and the author of *Politica* (1603 and 1614). He coined the formula *consociatio consociationum* for his vision of a co-operative commonwealth. The etymology is suggestive: 'con', from *cum*, Latin for 'with', and '*societas*', society. A consociation therefore is a society of societies, or, a people of peoples. The world's roots imply separate societies that nevertheless co-operate in peaceful coexistence. A political consociation, it follows, exists in a state or region within which two or more peoples peaceably coexist, with none being

institutionally superior to the others, and in which the relevant leaders co-operate politically through both self-government and shared government. Equality between the consociational partners is supposed, and elements of both autonomy (self-government for each community) and of integration (joint or shared government of all the partner communities). This conception precludes any endorsement of caste colonial or racist relations between the partner peoples. In the case of Lebanon and Northern Ireland, two formerly dominant groups, Ulster Protestants and Christian Maronites, must accept a loss of status to live with consociation. In the case of Northern Ireland's Irish nationalists and Lebanon's Shi'a full consociation marks an uplift in the status of their communities – although it falls short of their preferred reconstruction of the future.

The consociational idea has been invented and re-invented by politicians and peoples on many occasions. It did not need philosophers to create it; it only needs philosophers to justify it, to discourage its premature dissolution, and to respond to bad arguments about it. Reformers in the Habsburg Empire thought each nationality should be treated as a full cultural equal (as autonomous *Kulturgemeinschaften* cultural communities), and that each citizen, on the basis of 'the personality principle', should be able to declare to which nationality or linguistic community they belonged, and enjoy rights (including voting rights) wherever they lived. 'Nations', Karl Renner argued, should be constituted as 'associations of persons instead of as areas of domination'. Arend Lijphart's *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* defined accommodation as the 'settlement of divisive issues and conflict, where only a minimal consensus exists'. Had he thought that the secret of Dutch political stability – after a history of religious disputes – was a spirit of accommodation amongst its political elites, who co-operated to avoid violent conflict in a benign self-denying prophecy. Its political leaders developed key capacities: the ability to accommodate the divergent interests and demands of their respective collective communities; to transcend cleavages to create common interests [note 'interests', rather than 'vision' or 'identity']; to commit to maintain and improve the system; and, lastly, a prudent appreciation of the perils of fragmentation.

Lijphart went on to reason that democracies could be differentiated by the style of their political elites, which could be competitive or collaborative, and by their overall political culture, (fragmented, or divided). These dimensions generate four types of democracy:

1. Centripetal democracy, in which politicians compete within a homogeneous national culture (the received image of how liberal democracies work in the Anglo-American world);

2. Centrifugal democracy, in which politicians compete within a fragmented multi-cultural environment, threatening system-breakdown (the experience of Lebanon after 1975, and Northern Ireland between 1974 and 1998);
3. Cartel democracy, in which politicians collaborate within a homogeneous and depoliticized national culture; and
4. Consociational democracy, in which political elites co-operate within a heterogeneous political culture, and sustain a politics of accommodation (the politics that Lebanon and Northern Ireland require if they are to be democracies).

This typology is not quite right, for it suggests that consociation must be anti-competitive. But co-operation need not preclude political competition for power (elections), and forms of co-operation may encompass the division (of executive, legislative and judiciary) as well as the sharing of power. Unfortunately, Lijphart once declared that consociational democracy means government by 'elite cartel' (Lijphart 1969, *World Politics*, 216), a statement he has regretted. A cartel, in normal definitions, is anti-competitive, and the outlawing of competition (and opposition) cannot be part of any consociation that is democratic.

There can, of course, be non-democratic consociations – when political leaders co-operate and conduct themselves according to consociational but not democratic practices. Elements of pre-democratic consociational styles were present in the Ottoman Levant. Power was shared among the élites of different communities with little or no reference to their blocs, and religious institutions governed personal law. But that there can be undemocratic consociations does not mean that consociation is inherently undemocratic. There can be democratic and undemocratic consociations. A 'grand', 'total' or 'all-encompassing' coalition is not essential for consociation to work, because what matters is meaningful, cross-community, joint decision-making: 'jointness' is more critical than comprehensive inclusion. A concurrent consociational executive is one in which each significant community has over half of its voters supporting parties in the government, and acting on their behalf. Consociation does not, in other words, require the absence of opposition (or competition), as critics wrongly suggest.

A related false belief is that consociations stop free electoral competition by forcing voters to vote for national, ethnic, religious or tribal candidates. Not necessarily so. Where a political system deliberately obliges voters to vote only within their own community for their own leaders then to that degree the system is *corporately* consociational: separate electoral registers would do that. Requiring voters to choose among a restricted group of religiously or ethnically defined candidates, as in Lebanon's electoral law, has a differently constraining character –

though in this case its curious feature in some constituencies is that it obliges people to choose only from candidates from other communities. But in *liberal* consociational arrangements, as in Northern Ireland, all voters are on a common electoral register, and they are not required to vote for leaders from their own community of origin, and they are free to vote for parties which present themselves as neither nationalist nor unionist. The distinction between corporate and liberal consociational practice corresponds to that between 'pre-determined' and 'self-determined' identity. The distinction is vital because it is untrue that consociation necessarily privileges, institutionalizes and reinforces prior collective identities. It can do; it need not do so.

It is usually a distinguishing feature of consociational cabinets that they will be 'over-sized', i.e. there are either more parties in the executive and/or more legislators supporting those parties than would be needed to control the legislature with a minimum winning coalition. An example of the former is the Northern Ireland Executive (1999-2002) in which under the d'Hondt allocation rule, four parties were in the cabinet, even though only three parties would have been required to have majority control within the assembly.⁷ This, however, was a matter of choice for each of the four parties – none of them was obliged to take up its entitlements to ministries.

Let me summarize my rebuttal of some initial misconceptions. Rather than requiring a grand coalition government, a democratic consociation necessarily has an executive in which there is significant cross-community representation and support, though the levels of representation and support may range from complete, through concurrent, to weak support across the included communities. Consociations vary in the extent to which communities are included and in the degree of opposition to the governing coalition in the executive. Consociations vary in the degree to which they are liberal or corporate in their popular and assembly voting systems. Lastly, consociational arrangements may co-exist with non-ethnic and inter-ethnic parties.

Power is shared in consociations where it must be, i.e. on matters of cross-community concern. In independent sovereign consociations, as Lebanon will be when the Syrians leave fully, key policies and positions in security institutions (the armed forces, intelligence organizations, and central policing services) and in economic institutions (such as central banks) are integrated. But it is a hallmark of successful consociations that they delegate decision-making or grant autonomy (self-government) to communities on matters that are deemed appropriate. They work with their own distinct principle of 'subsidiarity', making it inappropriate to seek autonomy over what are matters of common concern, and equally inappropriate to try to make a matter of common concern what has been decreed to be within a segment's autonomous rights.

The core idea of autonomy from the perspective of minorities, according to Lipphart, is 'rule by the minority over itself in the area of the minority's exclusive concern'. But the idea applies to all communities, including majorities, that have autonomy. Autonomy is not the same as independence or sovereignty. Autonomy requires minimally constitutionalized (or statutory or normative) arrangements, which regulate the level of discretion enjoyed by the relevant authorities.

The key contrast in types of autonomy differentiates territorial and non-territorial forms. Non-territorial autonomy is distinctively consociational. It may seem a puzzling notion. Must not all powers or rights be exercised within a territory? Yes, and for this reason the idea is best understood as personal and/or group autonomy – sometimes both notions are subsumed under the notion of 'functional autonomy'. Under the provisions of group autonomy members of communities may exercise these rights wherever they reside – i.e. irrespective of the specific territory within which they live or commute. So, for example, they may publicly profess their religious beliefs and hold religious meetings in public no matter wherever they happen to be. Under personal autonomy each person may opt to be recognized, or to receive services, in accordance with their group membership. A modern example of community autonomy is the provision of separate broadcasting networks for different linguistic users throughout the entirety of a state, especially if each network is run by its own community's political institutions or civil society. Striking examples of corporate legal autonomy are the separate civil law and personal status arrangements of the ethno-religious communities of the Lebanon. Less startling but no less consociational are the now fully funded and separate primary and secondary educational systems of Northern Ireland. Equality with difference is the motto of this type of autonomy.

These principles, like all principles, are not without their difficulties. While ethnic, religious and linguistic associational life is *prima facie* unproblematic, modern states cannot dispense with common territorial jurisdiction, either within a state, or within a region. In some matters – the usual examples given are criminal or business law – a single code of behaviour and a single regime of sanctions will usually be sought and be rational in at least some domains of public and private life, if only to avoid perverse incentives. The idea of people changing their ethnic, religious or linguistic identity just to avoid criminal sanctions is not appealing. Meaningful community autonomy has one legal consequence. Authentic consociational systems necessarily generate a complex jurisprudence in which courts and other authorities have to regulate potentially conflicting territorial, corporate and personal principles.

The feasibility or coherence of the idea of proportionality is not an issue in disputes over consociation, unlike the ideas of grand coalition

and non-territorial autonomy. The idea is that each community expected to be represented (either descriptively or through choice) in political bodies in at least rough accordance with its demographic, or electoral share of the citizenry or population. The representation may be either descriptive, mirroring appropriately shares of groups, or substantive with persons expected to act for the interests of their groups. There may of course, be differences between the demographic and electoral share of communities, and this may be a source of political controversy and fear, as Dr Kerr shows in the history of the Lebanon. Proportionality can be partially applied, just to formal political institutions, or it can be applied to all common institutions in a state and civil society (excluding perhaps those in which each community has autonomy).⁴

Proportionality may be underpinned by electoral systems. Whold families of such systems ensure that legislative bodies are composed so that parties are represented in proportion to their vote-share. The most commonly used are closed and open party list systems, and hybrid or mixed systems (which generally combine winner-take-all systems at the district level with compensatory proportional allocations of top-up seats for parties). There cannot be any uncontroversial notion of proportionality, given that human beings do not come in fractions, that voters are very unlikely to divide their votes in neat easily convertible shares, and that each method for achieving proportionality is now known to 'minimize disproportionality according to the way it defines disproportionality' as Professor Michael Gallagher of Trinity College, Dublin has put it. All proportionality systems necessarily require mathematical rules to deal with the necessary 'rounding off' or 'sequencing' of votes into seats. Each rule has an explicit or tacit notion of what minimizing disproportionality involves. These rules or formulae, however, may be rank-ordered as to whether, when bias is inevitable, they favour larger parties over smaller ones.

It is no surprise that d'Hondt or STV (Droop) are the commonly used formulae since larger parties are likely to be the key co-architects of electoral institutions, including within consociations. The merits of using PR systems to achieve proportional outcomes are obvious. Provided district magnitudes are not too small and relatively evenly sized, and provided that there has not been significant gerrymandering of electoral districts, PR methods will produce outcomes that are usually seen as technically fair and consistent, even though each may have distinct quirks of their own. Using such systems on a common roll has the merit of enabling voters to decide whether they want to be represented by ethnic, trans-ethnic or non-ethnic parties, i.e. voters enjoy self-determination.

The Lebanon remains unusual in trying to achieve proportionality by organizing quotas by seats, rather than by leaving voters to exercise full

freedom. After 1943 seats in the Lebanese chamber of deputies were divided in the ratio of six Christians to five Muslims, or 54.5: 46.5, which supposedly reflected the shares of the two communities in the 1932 census. Constituencies, of differing magnitude, were mandated to produce specific numbers of Christian and Muslim deputies to achieve this effect. In fact, the census of 1932 suggested a Christian: Muslim ratio of residents of 50: 49, and of 52: 47 among registered citizens. So the fixed ratio of 6: 5 was not very proportionate. Parity, or a ratio of 9:8, would have been more just. The ratio of 6: 5 was also, by definition, inflexible – unless, of course, it could be agreed to vary the ratio in accordance with changing census returns. But, in Lebanese politics it gradually became impossible to hold a fresh census. When Muslims, presumed to be expanding demographically,⁵ demanded a fresh census, Christians riposted by demanding that the Lebanese diaspora, presumed disproportionately Christian, be included in any count. This led to a stalemate and was one of the grievances that provoked the outbreak of Lebanon's internal war.

Systems of reserved seats, or systems that rely on informal norms, are less likely to achieve proportionality smoothly than proportional electoral formulae. They may also involve pre-empting people's identities and preferences, or adopting corporate (pre-determined) rather than liberal (self-determined) principles of representation. Fixed quotas create obvious difficulties, as seen in Lebanon. Much the least controversial quota allocation is to give a community a guaranteed share of positions in the executive or legislature that is broadly proportional to its demographic or electoral weight. By contrast, the over-representation of significant minorities automatically creates serious tensions, especially if the over-represented minority already has other protections or has historically been privileged. This situation should be distinguished from one in which positive preferential or affirmative action is required to rectify historical imbalances (usually the result of historic discrimination, as for example experienced by Northern Ireland Catholics). Positive preferential or affirmative action policies may temporarily over-represent the under-represented in new cohorts of appointees, but these policies are intended to achieve overall proportionality, not to deliver net over-representation in the long-run.

Parity of representation amongst demographic unequals creates predictable objections amongst majority communities who, correctly, argue that proportionality is a different principle from parity. The post-Agreement Northern Ireland executive (1999–2002) had equal numbers of unionist and nationalist ministers, but this was a result of parties agreeing that there should be ten ministries and the subsequent result of the application of the d'Hondt formula. With the same number of ministries and a different distribution of seats among parties there is no

guarantee of parity of representation – as demonstrated by the outcome of the 2003 Assembly elections.

Liphart, at various times, has described both the over-representation of minorities and parity of representation of unequals, as 'extensions of the proportionality rule' even though he accurately regards them as methods of 'disproportional representation'. It is plain that Liphart's intentions have been to counsel against over-representation of minorities. Disproportional representation may well be conceived of as a method of minority protection, and may be demanded by minorities on various grounds, but such representation may be, and is legitimately, criticized as departing from the norm of proportionality (to each according to their numbers) and therefore from strict consociational logic. The conjunction of over-representation or parity among unequals with minority veto rights (see below) creates obvious problems for majorities. Majorities may well accept veto rights on matters of national, ethnic, cultural or religious significance for minorities, but they do not appreciate why they additionally have to endure under-representation or parity when they comprise the largest community.

The idea of proportionality also serves as a standard for the disbursement of public funds. Indeed departures from proportionality may occasion dissatisfaction, unless one community is demonstrably poorer than another. Proportional allocation of public expenditure is relatively easy to achieve technically among groups that are sharply differentiated and relatively equal in endowments, though the politics of such allocation cannot be presumed to be unproblematic.

In consociations, proportionality is used as a standard for the allocation of positions throughout the state or region, especially in its public (and sometimes in its private) sector. In 1958 in the Lebanon President Chehab proclaimed the introduction of the principle of strict parity between Christian and Muslim appointees to the civil service. This calmed communal relations though tensions remained because of Maronite 'preserves' in the security sector; later, Muslims, convinced of their increased numbers and educational uplift, started to demand the end of the quota and the proportionality principle. Examples of the use of proportionality rules or quotas to allocate administrative and judicial positions abound: Northern Ireland is now, at last, a region with rigorous and fair employment laws, including the use of affirmative action, and in some cases quotas, to achieve proportionality in public life.

Proportionality, in short, does not occasion any fundamental operational difficulties. There may be practical difficulties in some cases in implementing the principle, e.g. difficulties occasioned by shortages of appropriately qualified people in historically under-represented communities, but there is no fundamental conceptual difficulty. The same cannot be said, of course, of its political and moral evaluation.

When there is cross-community executive power-sharing each community has at least weak and perhaps vigorous protection against executive discretion and legislative agenda-setting. When there is consociational autonomy then minorities can stop other minorities or majorities from exercising dominance over them within the functions and spaces where autonomy applies. When there is proportional representation then the capacity of each group to block dominance by the others is enhanced – though not guaranteed. These three arrangements may still not be enough, however, to assure minorities (or disappearing majorities) when there are histories of antagonism. That is when ‘veto rights’ are demanded.

Formal mutual veto rights may exist within the constitution. Within the executive collective presidents or dual premiers may share agenda-setting and agenda-blocking powers. Within the legislature the consent of all the affected communities may be required before constitutional change can take place. This can take the form of requiring unanimity within the executive, a concurrent majority within the legislature, or a weighted or super-majority that ensures concurrent or weak cross-community support – as in the ‘cross-community consent provisions’ of the 1998 agreement in Northern Ireland. Similar restrictions to standard majority rule in the legislature may apply to ordinary legislation if minorities have the right to petition that such matters be deemed of national, ethnic or communal significance. Courts may be charged with protecting group autonomy in bills of rights and charters that effectively place constitutional constraints on majorities that are equivalent to entrenched veto rights; ombudsmen may be given similar quasi-judicial roles.

Veto-rights create obvious difficulties for standard democratic theory: minority ‘tyrannies’ may block change; deadlock, immobilism, or policy stagnation can flow from the deployment of vetoes by all groups; and minorities that over-use their veto rights may de-stabilise a consociational settlement. That said, these difficulties should not be exaggerated. In consociational systems formal veto rights tend to apply in the domains of the politics of identity, i.e. in ethnic, religious or national domains, and not to every policy sector. In effect, in these domains groups have parity of power, rather than proportional power.

Consociational political settlements are therefore very demanding. They demand political and intellectual patience and restraint – and these are often lacking as Dr Kerr shows in his accounts of past consociational failures in Northern Ireland and the Lebanon. The new experiments in both polities try, with difficulty, institutionally to recognize more than one people and attempt to provide constitutional architecture within which they can durably co-exist. These political settlements simultaneously have come after or during peace processes – mechanisms, confidence-building measures and institutional and policy transformations intended to halt

conflict and to terminate future violent recurrences. They therefore involve both the reform and the restructuring of security systems, and measures intended to end paramilitarism, as well as new human rights protection mechanisms. They necessarily involve the restructuring of security policies and institutions. Spoilers of all kinds have sought to destabilize the fragile new systems, which are not (yet?) stable.

Consociations have further institutional complexities. They may have arbitration mechanisms for resolving disputes between the partners – impartial courts, commissions, international judges, international commissions. Consociations may have elements of integration – citizenship equality provisions – including constitutional and institutional designs that permit the voluntary integration of communities: some hope that the Shi’a of Lebanon are becoming Lebanese Shi’a. Consociations may have mechanisms that enable the secession of the relevant unit. Northern Ireland illustrates the point.

The international and external involvement in the making, ratification and maintenance of consociational settlements is Dr Kerr’s distinctive angle in this book and I shall not pre-empt or abbreviate his discussion, merely add to it. He may have provided the initial evidence for a possible wider truth: viable consociations that address ethno-national disputes may have to be the de facto or de jure protectorates of external powers. International involvement in consociations may involve neighbouring states, regional powers, great powers, regional organizations (e.g. the OSCE or the EU), or international organizations (e.g. the UN). It is obvious that international involvement may be critical in organizing and monitoring cease-fires, in providing good offices for the making of settlements, in designing implementation arrangements, and providing default mechanisms to arbitrate disputes. Domestic incorporation of international human and minority rights standards does not necessarily challenge the sovereignty of the state or the autonomy of a region. Institutionalized cross-border co-operation and the formation of bodies with executive powers in more than one formally sovereign jurisdiction, by contrast, entail at least a pooling if not necessarily a diminution of sovereignty. High commissioners appointed by great powers, as in Bosnia and Herzegovina, are indistinguishable from the prefects of protectorates.

Dr Kerr’s analysis suggests that Northern Ireland and the Lebanon’s may indicate relatively novel configurations, precarious consociational protectorates. These may be likely to proliferate from now on, in a range of crisis zones. That is not to suggest that they completely lack precedents, e.g. the failed Cypriot Constitution of 1960. Two reasons have been suggested to explain why such consociational protectorates may be emerging: the small polity effect, and changes in the international order.

Size is a variable regularly invoked as facilitating consociation. Small size and consociations are correlated, where size is defined as small demographic size: Lebanon, Austria, the Netherlands, Belgium, Switzerland, Suriname and the Netherlands Antilles (and some would now add Luxembourg, Lichtenstein, South Tyrol) are past cases. Northern Ireland, Bosnia Herzegovina and Macedonia also fit this picture.

Lijphart has distinguished four possible effects of small size that may explain the correlation between size and consociation:

- 1 *The direct internal effect*: political elites all know one another, interact regularly, and thereby negotiate more easily without too much constituency pressure;
- 2 *The direct external effect*: small states are likely to feel externally threatened and therefore more induced towards internal accommodation;
- 3 *The indirect internal effect*: smaller states are easier to govern; and
- 4 *The indirect external effect*: the country's low international salience creates a lighter foreign policy load.

These hypothesised effects, however, do not withstand scrutiny. What matters, presumably, for successful elite interaction is psychological and political closeness rather than geographical distance or interpersonal ignorance or impersonality. 'Great hatreds, little room' was Yeats' memorable line about intra-Irish ethno-religious relations. It still applies. Lijphart and others have sometimes speculated that there may be directly negative effects from too small a population: a dearth of political talent is more likely. But, this too seems unwarranted. Political talent has existed in abundance in Lebanon and Northern Ireland. It has just not been deployed until recently in a sustained politics of accommodation. The hypothesis of the greater governability of the small is also surely not obvious. Governing Lebanon is surely more daunting than governing France.

The alleged external effects of small size seem better warranted, but even here there are plausible counter-hypotheses. The direct effect surely operates independently of size. That is because shared external threats give domestic elites significant incentives to accommodate one another's communities whatever size the state's population happens to be. The direct effect surely also requires that the threats are shared – only in that way can the fact that my internal rival is my external enemy's enemy generate the appropriate dispositions for coalition and accommodation. The formation of the Lebanese *pacte nationale* in 1943 is a case in point. It was formed largely by Maronite and Sunni elites in opposition to the (Free) French mandatory authorities' attempt to avoid decolonisation. In the 1970s Lebanese elites certainly did not share a common perspective on external threats, and today they differ over the Syrian withdrawal.

As for the indirect effect, it might as plausibly be suggested that small states experience foreign policy overload, and, conversely, that a light foreign policy load might make the domestic indulgence of political antagonism easier. Within regional consociations, as opposed to sovereign states, local elites have blocked power-sharing deals even though when they have had no serious international responsibilities, e.g. Ulster Unionists in Northern Ireland between 1974 and 1998.

A last sceptical word on the treatment of size is in order. No theorist maintains a small population size is a necessary condition of consociational success. Consociational transitional arrangements arguably worked in South Africa between 1993 and 1996, despite a population of nearly 40 million. Canada, the second largest territorial state in the world, has been seen as having had at least a semi-consociational past and possible future. The European Union, on target to encompass 400 million people, arguably has consociational and confederal practices.

There are perhaps better ways to express the intuition behind the apparent correlation between consociational protectorates, small size, and international politics. A realist would predict that the elites of great powers are more likely to be reluctant to embrace consociational style decision-making because their security imperatives allegedly call for less consensual decision-making and energetic discretionary executive power. In his essay, 'Between Two Laws' Max Weber, famously argued that Germany could not govern itself like Switzerland if it wished to be a great power (*Political Writings*, eds. P. Lassman and R. Speirs, Cambridge University Press, 1994: 75–80). This reasoning is shared by those who want to create a vigorous and energetic apparatus for the foreign and security policy-making of the European Union. But there is a related point: great and regional powers may be more willing to impose on small powers domestic arrangements they would not dream of implementing themselves. The USA and the European powers have used vigorous coercion and inducements to promote consociational settlements in Bosnia Herzegovina and Macedonia, and in the nineteenth century the European powers intervened to create autonomy and rights packages for Christian minorities within many of the provinces of the Ottoman empire – packages that they did not always or even generally apply to their own religious minorities. Likewise, the centres of sovereign unitary states may be willing to induce local elites to agree consociational settlements in small localised regions without re-engineering their core states, e.g. Great Britain and Northern Ireland, and Italy and South Tyrol. Neighbouring great or even medium-sized powers may act as protectors of their national minorities or near kin or co-believers – and this very support may make it more feasible for such groups to bid for a full consociational settlement.

There is a more idealist way of appreciating why external relations

may matter in explaining the emergence of consociational protectorates. The direct and indirect effects of international norms may matter. The received understanding of the Westphalian system is that sovereign states left one another alone in their domestic cultural zones. Sovereignty enabled them coercively to assimilate or integrate minorities within their borders – on some interpretations sovereignty even included the right to commit genocide.

This reading of the Westphalian system and its practices was, however, never entirely without challengers. The original treaty, after all, protected some religious power-sharing within the Holy Roman Empire. In the 1920s (after the collapse of the Habsburg, Ottoman and Czarist empires) the new European states recognised at Versailles signed minority rights treaties that in principle could be regulated by the League of Nations. The treaties bound these states not to abuse their minorities, and in some cases required them to maintain or develop semi-consociational practices (notably in religious, educational and linguistic autonomy). The inter-war story was hardly an overall success in achieving protection and avoiding abuses – and indeed the United Nations was partly constructed in a deliberate rejection of these experiments. But the post-decolonisation international law of self-determination, the politics of recognition of the post-communist successors, and the principles attached to the expansion of the European Union have seen a revival of efforts to lock new states into systems of minority protection – and that has provided some external shield for minorities that advance consociational demands.

Indirect effects of international norms and interventions exist. There are international proscriptions against genocide and expulsion. There are norms of some significance that reward states that are democratic – and which make control regimes potential pariahs. There are additional proscriptions against coercive assimilation. There remain strong biases against secessions and partitions. The conjunction of these norms leave international organizations and great powers, when they intervene in national, ethnic, and communal conflicts, in practice confined to promoting one of three repertoires of domestic conflict regulation (or permutations of them): (i) integration; (ii) territorial autonomy (including federacies and federations); and (iii) consociation. In some scenarios to prescribe integration — Northern Ireland, or Lebanon — is to prescribe the partisan victory of one community over another. The upshot is that the normative prohibition, if not factual exclusion, of certain options that were once available to all states, has created some incentives in favour of consociational arrangements in small political systems.

Consociations may be the most benign political forms possible after serious internal identity-based wars, and the best formats to prevent serious or recurrent wars. They are more likely to emerge than to be planned. They may, just may, be best when they facilitate transitions to

other integrative arrangements. They are difficult to love and celebrate – even if their makers often fully merit intellectual, moral and political admiration. They are usually cold bargains, even if they display admirable political imagination and compromise. But consociational thinking as this book demonstrates still has a role in staunching the wounds of war.

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Notes

- 1 My latest effort to survey these matters can be found in Brendan O'Leary, 'Debating Consociation: Normative and Explanatory Arguments', in *From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*, S.J.R. Noel (ed.) (Toronto: McGill-Queens University Press, 2005).
- 2 Archaic conservatism, by contrast, sees a role for hereditary – traditional – leadership in the executive (monarchs or chiefs), or in a senate (a house of elders). This form of thinking is, fortunately, nearly extinguished in Northern Ireland and the Lebanon. Ulster unionists are loyal to the Crown of the UK but are not literal monarchists.
- 3 For a technical discussion of d'Hondt and similar rules see Brendan O'Leary, Bernard Grofman and Jorgen Elklit, 2005. Divisor Methods for Sequential Portfolio Allocation in Multi-Party Executive Bodies: Evidence from Northern Ireland and Denmark. *American Journal of Political Science* 2005, 49 (1 (January)):198–211.
- 4 For example, the appointment of Protestants to Catholic school boards would be against the spirit of consociational accommodation if education is supposed to be a domain of community autonomy.
- 5 The presumed Muslim demographic expansion had two causes: a higher birth-rate, and Muslim over-representation amongst the Palestinian refugee population – from the 1948 war accompanying the formation of Israel, and from the 'Black September' massacre in Jordan in 1970.