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Consociational Theory, Northern Ireland’s Conflict, and its Agreement

2. What Critics of Consociation Can Learn from Northern Ireland

IN OUR FIRST ARTICLE, WE ARGUED THAT CAREFUL CONSIDERATION of Northern Ireland demonstrates a number of shortcomings in classical consociational theory. Consociationalists have been overly fixated on the traditional sovereign and internationally recognized state, and have given insufficient attention to the role that external parties can play in both exacerbating conflict and, particularly, in facilitating and implementing agreements. Surprisingly, they have been too closely attached to the established nation-state in particular cases, when in fact the state in question is often bi-national or pluri-national. We argued that classical consociational prescriptions gave insufficient attention to what is required to resolve self-determination, as opposed to ethnic or religious, disputes. Consociationalists have also overly focused on peaceful disputes. This has led to a concentration on the design of legislative and executive institutions, and insufficient attention to matters that are profoundly salient in transitions from war to peace, such as military and policing reform, demilitarization, human rights reform, and the treatment of prisoners and victims. But we are critical consociationalists, not anti-consociationalists, and we believe that the shortcomings we

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Two errors appeared in our paper in *Government and Opposition*, 41: 1 (2006): ‘trust’ on p. 61 should be ‘distrust’; the article cited in n. 45 appeared in the *American Journal of Political Science*, 49: 1 (January 2005), pp. 198–211.

have highlighted are not as important as those that pervade integrationist perspectives. In this second article, we highlight the flaws in anti-consociational arguments.

Some local critics of consociationalism in Northern Ireland are supporters of exclusionary forms of majority rule – be they unionists who see Northern Ireland as the appropriate unit of self-determination, or nationalists who see Ireland as the appropriate unit. This position amounts to saying no more than that some groups are simply entitled to govern others by virtue of their majority status in a given territory. This, we admit, is the bias of many, if not all, nation-states. That does not mean, however, that that bias should be accepted. International law and civic values emphasize individual rights and equal citizenship – and therefore unabashed ethnic majoritarianism is of questionable moral import. Also, most current critics of consociationalism operate from integrationist perspectives that, at least on the face of it, claim to transcend ethnic partisanship.² Integrationists normally present themselves as exponents of ‘civic patriotism’, ‘civic nationalism’, ‘civic republicanism’ or ‘cosmopolitanism’. They accuse consociationalists of exaggerating the depth and resilience of social divisions, and of downplaying the human capacity to develop new, common, or cross-cutting identities. They believe that consociational institutions may be perverse because they allegedly exacerbate conflicts through strengthening the divisions between communities. The positions of partisan ethnic elites, whom they hold responsible for division in the first place, are thereby cemented. Their claim is that consociational institutions entrench and deepen division. Therefore they are seen not simply as undesirable, but as perverse, unstable, and unworkable.

Northern Ireland has several different varieties of integrationist, and variations on their outlooks are found in most sites of national and ethnic conflict. We distinguish four:

- (1) *Civic republicans*. Irish republicans who reject the Agreement argue that unionism is a superficial identity, maintained by the presence of the British state in Ireland.³ The way forward is said

² John McGarry and Brendan O’Leary, ‘Five Fallacies: Northern Ireland and the Liabilities of Liberalism’. *Ethnic and Racial Studies*, 18: 4 (1995), pp. 837–61.

³ Exponents and critics can be found in Norman Porter (ed.), *The Republican Ideal: Current Perspectives*, Belfast, Blackstaff Press, 1998.

to lie, not in support for institutions that reinforce intra-Irish divisions, but in the withdrawal of the British state and the incorporation of all of Northern Ireland's citizens into a 32-county Irish Republic.⁴

- (2) *Civic unionists*. Some of the unionists who reject the Agreement maintain that most Catholics would be happy to be citizens of the United Kingdom, provided their individual rights and culture were protected. Rather than establish institutions that encourage Catholics to look to Dublin, and that threaten the British civil liberties of all citizens, Northern Ireland, it is argued, should be integrated with Great Britain. Strong unionist integrationists reject substantive devolution of any sort, power-sharing or not. In their view, any self-government should be minimalist in scope, like that in Wales. There are also unionists who later embraced the Agreement who have espoused civic integrationism.⁵
- (3) *Post-national transformers*. A third perspective, popular with the intellectual left, but also represented in small parties from outside the ethno-national blocs, including the Alliance, Democratic Left, the Labour Party and the Northern Ireland Women's Coalition, emphasizes the need for Northern Ireland's society to be transformed from the bottom up. 'Transformers' typically blame regional divisions on social segregation, economic inequality, and ethnocentric appeals by elites in both communities. They call for policies to promote social integration, increased public spending to tackle the 'material basis' of sectarian identities,⁶ and demand that sectarian elites on both sides be challenged by civil society: particularly trade unions, civic associations, and political parties outside the two main blocs, and

⁴ Kevin Rooney, 'Institutionalising Division', *Fortnight*, (June 1998), p. 21.

⁵ Norman Porter, *Rethinking Unionism: An Alternative Vision for Northern Ireland*, Belfast, Blackstaff, 1996; *The Elusive Quest: Reconciliation in Northern Ireland*, Belfast, Blackstaff, 2003. The latter was subjected to an exasperated review by the then leader of the UUP. See David Trimble, 'Words, Words, Words (review of Norman Porter's *The Elusive Quest*)', *Times Literary Supplement*, 5220 (18 April 2003), pp. 7–8.

⁶ Rupert Taylor, 'A Consociational Path to Peace in Northern Ireland and South Africa?', in Adrian Guelke (ed.), *New Perspectives on the Northern Ireland Conflict*, Avebury, Aldershot, 1994, pp. 161–74. Taylor approvingly cites Henry Patterson for the claim that the accommodation of the minority's national identity in the Anglo-Irish Agreement was a poor substitute for dealing with the 'material basis of Catholic grievance', p. 171, n. 13.

peace and conflict resolution groups that ‘cross-cut social divisions and challenge and erode the clash of opposing ethnonationalisms’.⁷ Among transformers we include the exponents of emancipation, i.e. emancipation from existing conflictual identities.⁸ Some emancipationists are optimistic about the prospects for transformation, with Rupert Taylor arguing recently that there is evidence of increasing integration in housing and schools and that a significant number of voluntary associations had succeeded in producing an ‘erosion of ethno-nationalism on both sides, a fading of Orange and Green, in favour of a commonality around the need for genuine structures of democracy and justice’.⁹ In Taylor’s view, transformation is a prerequisite for a lasting political settlement. He sees the Agreement as counterproductive, as it promotes consociationalism in advance of transformation.

Other supporters of social transformation, by contrast, including Paul Bew and Henry Patterson, and the members of Democratic Left and Alliance, have accepted the Agreement as having progressive potential.¹⁰

- (4) *Electoral integrationists*. This perspective, which is also sympathetically received by the second and third approaches, emphasizes engineering *political* institutions to promote integrated identities. It is associated with the distinguished American political scientist, Donald Horowitz, and his supporters in Northern Ireland,

⁷ Rupert Taylor, ‘Consociation or Social Transformation?’, in John McGarry (ed.), *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*, Oxford, Oxford University Press, 2001, p. 47.

⁸ Joseph Ruane and Jennifer Todd, *The Dynamics of Conflict in Northern Ireland: Power, Conflict and Emancipation*, Cambridge, Cambridge University Press, 1996, ch. 11.

⁹ Taylor, ‘Consociation or Social Transformation?’, p. 43. Also see Neville Douglas, ‘The Politics of Accommodation, Social Change and Conflict Resolution in Northern Ireland’, *Political Geography*, 17: 2 (1998), pp. 220 and 222.

¹⁰ For Bew and Patterson’s past anti-consociationalist views, see Paul Bew and Henry Patterson, ‘Scenarios for Progress in Northern Ireland’, in John McGarry and Brendan O’Leary (eds), *The Future of Northern Ireland*, Oxford, Oxford University Press, 1990, p. 217, and *The British State and the Ulster Crisis*, London, Verso, 1985, passim.

Rick Wilford and Robin Wilson.¹¹ Horowitz and his local endorsers argue that political institutions should be designed to encourage politicians to reach out across ethnic boundaries. They criticize the Agreement's consociational 'grand coalition' because it guarantees seats to all major parties on the executive: it provides, allegedly, for little opposition, and little incentive for its members to cooperate. It includes the rival extremists, which makes it unlikely to reach agreement; it would be better, according to this perspective, to have a 'voluntary' coalition of moderates. Parties seeking to join such a coalition would have an incentive to tone down their ethnocentric rhetoric during election campaigns, and they would be more likely to cooperate in office. Horowitz and his supporters dislike the party-list form of proportional representation (PR) and the single transferable vote preferential system of proportional representation (STV) in six-member districts. Both are said to damage the prospects for inter-ethnic cooperation because the relatively low quota required to win seats makes it too easy for hard-line parties and their candidates to be successful.¹² Their preferred electoral system is the Alternative Vote (AV), which involves preferential voting, like STV, but requires each winning candidate to win majority support in single-member districts. It is said to encourage politicians to 'vote-pool' among different ethnic groups to build such a majority.¹³

Having outlined the thinking of various integrationists as fairly as we can, we shall criticize what we regard as mistaken analyses in these

¹¹ Donald Horowitz, 'The Agreement: Clear, Consociational and Risky', in McGarry (ed.), *Northern Ireland and the Divided World*, pp. 89–108; Robin Wilson and Rick Wilford, 'Northern Ireland: A Route to Stability?', *Democratic Dialogue*, http://www.devolution.ac.uk/Wilson_&Wilford_Paper (accessed 13 May 2003); Robin Wilson, 'Belfast Agreement Power-Sharing Model Can Entrench Sectarianism', *Irish Times*, 5 March 2003.

¹² Donald Horowitz, 'The Agreement: Clear, Consociational and Risky'.

¹³ For similar arguments from the experience of Papua and New Guinea, see Benjamin Reilly, 'Preferential Voting and Political Engineering: A Comparative Study', *Journal of Commonwealth and Comparative Politics*, 35: 1 (1997), pp. 1–19; Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, New York, Cambridge University Press, 2001.

perspectives. Our effort at persuasion insists on recognizing realities, ones that we like no more than integrationists do.

CONSOCIATION AS RESPONSIBLE REALISM

The key problem with the integrationist perspectives of republicans and unionists who reject the Agreement is rather fundamental: neither of their projects has the remotest prospect of winning cross-community support, let alone of delivering justice and stability. For over a century historic Ulster, and then the Northern Ireland that was carved from it, has been divided electorally into two rival ethno-national blocs. The divisions became particularly intense during the 30 years preceding the Agreement. While nationalist and unionist parties won an average of 82 per cent of the vote during the five region-wide elections held between 1973 and 1975, they received an average of 91 per cent in the five campaigns held between 1996 and 1999. Within the nationalist bloc, moreover, the republican share of the vote has been increasing. In its first five election campaigns (1982–87) Sinn Féin won an average of 37.3 per cent of the nationalist vote. In the five campaigns between 1996 and 1999 its average increased to 41 per cent. And then, more dramatically, in the 2001 Westminster and local elections, and in the 2003 Assembly elections, it became the majority party in votes within the nationalist bloc.¹⁴ Patterns within the unionist bloc are more complex, because both major unionist parties have been equally intransigent for most of the period between 1971 and 1998. There is evidence, however, that the UUP's increased moderation in recent years has cost it electoral support to the advantage of the DUP.¹⁵ But there has been no swing voting between the two ethno-national blocs over the last three decades, and any change in their respective shares of the poll has been caused by

¹⁴ Paul Mitchell, Brendan O'Leary and Geoffrey Evans, 'Northern Ireland: Flanking Extremists Bite the Moderates and Emerge in their Clothes', *Parliamentary Affairs*, 54: 4 (2001), pp. 725–42; Paul Mitchell, Brendan O'Leary and Geoffrey Evans, 'The 2001 Elections in Northern Ireland: Moderating "Extremists" and the Squeezing of the Moderates', *Representation*, 39: 1 (2002), pp. 23–36. Interested readers will find that Figure 2 in the second article (p. 33) has a printer's error that transposes the DUP and Alliance party vote-shares.

¹⁵ *Ibid.*

different birth-, death-, emigration-, and electoral participation rates. The rising nationalist share of the vote, from 24.1 per cent in the 1973 election to the Northern Ireland Assembly, to an average of 32.5 per cent in seven region-wide elections between 1982 and 1989, and 39.8 per cent in five elections between 1996 and 1999, had nothing to do with the conversion of unionists. It is the result of Sinn Féin's participation in electoral politics since 1982, a higher electoral participation rate by Catholics, and an increase in the Catholic share of the population.¹⁶ Parties formed outside the two ethno-national blocs have shown no sign of making a political breakthrough. Indeed the self-styled 'non-ethnic', 'non-sectarian', 'middle ground' has been squeezed in recent decades. The largest of the middle-ground parties, the Alliance Party, averaged 8.4 per cent of the vote in its first five region-wide election campaigns (1973–75), but only 6 per cent in the five election campaigns between 1996 and 1999. During the three regional elections that took place between 1996 and 2003, the vote-share of parties outside the ethno-national blocs averaged around 8 per cent. These data are powerful evidence of strong polarization and deeply held identifications, realities that will not be easily transformed by any electoral system changes.

The two major communities have distinct national identities, not merely ethnic heritages. Neither unionists nor nationalists want to be subsumed within the other's nation-state, even if they are guaranteed equal citizenship. Even moderate nationalists insist on, at a bare minimum, internal power-sharing and external institutional links between Northern Ireland and Ireland. Even moderate unionists, prepared to tolerate cross-border institutions to accommodate

¹⁶ Brendan O'Leary, 'More Green, Fewer Orange', *Fortnight*, 281 and 282 (1990), pp. 12–15 and 16–17; Brendan O'Leary and Geoffrey Evans, *The Politics of Antagonism: Understanding Northern Ireland*, London and Atlantic Heights, NJ, Athlone, 1993, p. 192; Brendan O'Leary and John McGarry, 'Northern Ireland: La Fin de Siècle, the Twilight of the Second Protestant Ascendancy and Sinn Féin's Second Coming', *Parliamentary Affairs*, 50: 4 (1997), pp. 672–80; Paul Mitchell, 'Party Competition in an Ethnic Dual Party System', *Ethnic and Racial Studies*, 18: 4 (1995), pp. 773–96; Paul Mitchell, 'The Party-System and Party Competition', in Paul Mitchell and Rick Wilford (eds), *Politics in Northern Ireland*, Boulder, CO, Westview, 1999, pp. 91–116; Paul Mitchell, 'Transcending an Ethnic Party System? The Impact of Consociational Governance on Electoral Dynamics and the Party System', in Rick Wilford (ed.), *Aspects of the Belfast Agreement*, Oxford, Oxford University Press, 2001, pp. 28–48.

nationalists, insist on retaining strong political links with Great Britain, now and in the future. In this respect both communities are like national communities elsewhere, in Canada (Quebeckers), Great Britain (Scots), or Spain (Basques and Catalans), all of which insist on institutional accommodation of their own identity and reject attempts by their respective majorities to treat everyone as undifferentiated citizens. But whereas the latter cases show significant evidence of people being willing to be integrated in autonomy arrangements with dual identities (Scots and British; Catalan and Spanish; and Quebeckers and Canadians), Northern Ireland's identity matrices are different. To the extent that there are significant numbers with dual identities (Northern Irish and Irish, Ulster Scots and British) they are either opposed rather than compatible, or insufficiently strong (Northern Irish) to weaken the polarized identities (Irish or British).

While partisan nationalist and unionist versions of integrationism are unfair and unrealistic, social transformationists and emancipationists are merely unrealistic over any feasible medium-term future. It is difficult to criticize social transformation or emancipation as a long-term objective, but there is no significant evidence that it can be achieved soon, especially outside the context of a mutually acceptable political settlement. Transformers' optimism about the feasibility of their project stems from the belief that electoral data reflect elite machinations, manipulations and perverse incentives, and are not representative of a considerable consensus that allegedly exists outside conventional politics. But, if so, they are obliged to explain why, in free and open elections, only nationalists and unionist elites win significant numbers of votes, while elites that stress cross-cutting issues, such as class or civic values, receive small levels of support. The fact is that turnout in Northern Ireland elections is both higher than in the United Kingdom as a whole, and higher than anywhere else in Great Britain. The fact is that the position of the main political parties on constitutional issues broadly reflects the public preferences reported in survey data.¹⁷

¹⁷ For data on the turnout rate in Northern Ireland, see John McGarry and Brendan O'Leary, *The Northern Ireland Conflict: Consociational Engagements*, Oxford, Oxford University Press, 2004, p. 309, n. 47. Survey data ranging from the 1960s to the 1990s, and analyses are consistent in showing ethnic polarization – although they generally under-reported extremist preferences at the ballot box. See Edward

It is not true that the political preferences of Northern Ireland's 'civil society', i.e. its large numbers of civic associations, differ from those of its political parties. The most popular civil society organizations in Northern Ireland, the Orange Order and Gaelic Athletic Association, are solidly unionist and nationalist, respectively.¹⁸ True, several smaller, peace and conflict-resolution organizations reach across the national divide and seek to promote a transcendent identity, but just as many – if not more, according to the academic who has most closely studied them – are nationalist or unionist groups that want an honourable bi-national compromise.¹⁹ Finally, contrary to the position of a leading social transformationist, there is no unambiguous indication that the two communities desire to mix socially. It may be true, as Taylor says, that 'the extent of integrated education has widened'²⁰ but it has widened to only 3–4 per cent of the school-age population. Taylor cites a survey reported by Tom Hadden that indicates 'most people in Northern Ireland want to live together rather than apart', but Hadden has argued that the 'major trend' in housing since 1971 has been for both communities to 'congregate in areas where they feel safer and less exposed'.²¹ People

Moxon-Browne, 'National Identity in Northern Ireland', in Peter Stringer and Gillian Robinson (eds), *Social Attitudes in Northern Ireland: The First Report*, Belfast, Blackstaff, 1991, pp. 23–30; Karen Trew, 'National Identity', in Paula Devine, Richard Breen and Lizanne Dowds (eds), *Social Attitudes in Northern Ireland*, Belfast, Appletree, 1996, pp. 140–52; Mary Duffy and Geoffrey Evans, 'Class, Community Polarisation and Politics', in L. O'Dowds, P. Devine and R. Breen (eds), *Social Attitudes in Northern Ireland: The 6th Report, 1996–7*, Belfast, Appletree Press, 1997, pp. 102–37. There are social bases to party competition within blocs, but they do not produce party support across blocs.

¹⁸ Shane O'Neill has observed that 'even politically active feminists in Northern Ireland seek to be recognized as one of the national communities by women from the other traditions . . . most feminists freely acknowledge the political primacy of the national struggle . . . The same point might be made about activists in the gay and lesbian communities'. Shane O'Neill, 'Mutual Recognition and the Accommodation of National Diversity: Constitutional Justice in Northern Ireland', in Alain-G. Gagnon and James Tully (eds), *Multinational Democracies*, Cambridge, Cambridge University Press, 2001, pp. 222–41.

¹⁹ Feargal Cochrane, 'Unsung Heroes? The Role of Peace and Conflict Resolution Organizations in the Northern Ireland Conflict', in McGarry (ed.) *Northern Ireland and the Divided World*, p. 153.

²⁰ Taylor, 'Consociation or Social Transformation?', p. 43.

²¹ Kevin Boyle and Tom Hadden, *Northern Ireland: The Choice*, Harmondsworth, Penguin, 1994, p. 33.

express tolerant preferences but practise suspicion: a common feature of ethnically divided societies. Taylor also cites an article from John Whyte in support of his claim that 'there are now a number of cross-community housing projects', but in this article Whyte actually claimed that 'residential segregation is increasing'.²² Even if there was evidence of a clear wish to mix socially and residentially, it is not clear that this would obviate the need for, or be incompatible with, a political settlement that accommodated both groups.

These realities explain why the British and Irish governments eventually converged on accepting versions of proposals first articulated by the SDLP: accommodating the two ethno-national blocs in power-sharing institutions with trans-state dimensions.²³ Such a settlement was not possible for much of the past 30 years. It became so only when republican and unionist political agents stepped away, however haltingly, from their respective integrationist absolutes. This political movement was matched in the academic community, where two leading unionist professors switched their position subtly from the integrationist position that any accommodation of nationalists was a boon to Protestant sectarianism to the view that a (minimalist) accommodation of Irish nationalism was necessary for peace and the erosion of extremism.²⁴

²² John Whyte, 'Dynamics of Social and Political Change in Northern Ireland', in Dermot Keogh and Michael Haltzel (eds), *Northern Ireland and the Politics of Reconciliation*, Cambridge, Cambridge University Press, 1993, p. 115.

²³ Analysts differ over whether consociation has been a consistent goal of UK governments. It is a nice irony that some anti-consociationalists think that it has been. Wilford refers to it as an 'idé fixe' of British policy since 1972 (Rick Wilford, 'Aspects of the Belfast Agreement: Introduction', in Wilford, *Aspects of the Belfast Agreement*, p. 4). Another anti-consociationalist sees a continuing emphasis on power-sharing in British policy (Paul Dixon, *Northern Ireland: The Politics of War and Peace*, Basingstoke, Palgrave, 2001, *passim*). By contrast, pro-consociationalists believe UK policy commitments in this respect were intermittent and inconsistent (see Brendan O'Leary, 'The Anglo-Irish Agreement: Statecraft or Folly?', *West European Politics*, 10: 1, 1987, pp. 5–32; Brendan O'Leary, 'The Limits to Coercive Consociationalism in Northern Ireland', *Political Studies*, 37: 4 (1989), pp. 452–68; Brendan O'Leary, 'The Conservative Stewardship of Northern Ireland 1979–97: Sound-Bottomed Contradictions or Slow Learning?', *Political Studies*, 45: 4 (1997), pp. 663–76; and John McGarry, 'Political Settlements in Northern Ireland and South Africa', *Political Studies*, 46: 5 (1998), pp. 853–70).

²⁴ Paul Bew, Henry Patterson, and Paul Teague, *Northern Ireland: Between War and Peace*, London, Lawrence and Wishart, 1997, p. 214.

The making of the Agreement, unarguably consociational in its pre-figuration and in its content, and with all of its attendant difficulties, has been associated with a highly significant reduction in political violence. Since January 2003, there has been no death from the inter-bloc conflict. In the seven years up to and including 1994, the year of the first IRA and loyalists' ceasefires, the total loss of life because of the conflict was 622 persons. In the seven subsequent years to 2001 the total loss of life because of the conflict was 140 persons. That is a fall in the death toll of nearly four-fifths, despite a major breakdown in the IRA ceasefire in 1996–97, and despite intermittent breakdowns in the loyalists' ceasefires.²⁵ No policeman or soldier has been killed in Northern Ireland as a result of political violence since 1998, which makes it, ironically, one of the world's safest places for practising such careers. This is palpable evidence of a meaningful peace process.

Consider first the republican truce. Since the Agreement has been made, despite difficulties in its implementation, and despite potentially damaging episodes and incidents (e.g. gun-running, material aid to the FARC of Colombia, an alleged republican spy-ring at Stormont Castle²⁶), the IRA ceasefire has held. Republican breakaways from the IRA, 'dissidents', have been minimal, and, aside from the horrific Omagh bomb, have not posed major security hazards. The IRA first opened its arms dumps to weapons inspectors, and then began a process of decommissioning that ended, between July and September 2005, in the destruction of its arsenal. The IRA has been the major quantitative protagonist in the conflict, responsible for 49 per cent of all deaths between 1966 and 2001.²⁷ The Real and the

²⁵ Calculated from David McKittrick, Seamus Kelters, Brian Feeney and Chris Thornton, *Lost Lives: The Stories of the Men, Women and Children Who Died as a Result of the Northern Ireland Troubles*, Edinburgh, Mainstream, 2001, p. 1496.

²⁶ The discovery of a republican spy-ring in October 2002 led directly to the British government suspending Northern Ireland's consociational institutions. They have yet to be re-started. However, as we went to press (December 2005), it seems that the spy-ring may have been organized by British intelligence! Denis Donaldson, the Sinn Féin officer allegedly responsible for the espionage, admitted on 16 December to being a paid British spy. He stated that the alleged republican spy-ring at Stormont in 2002 was 'a scam and a fiction. It never existed'. 'Tale of Espionage Marks a "Bizarre" Turn in N. Ireland', *Washington Post*, 18 December 2005. It appears that consociationalism in Northern Ireland is not only opposed by integrationists, but also by British intelligence.

²⁷ Calculated from McKittrick et al., *Lost Lives*, Table 2.

Continuity IRAs pose, to date, no comparable threat. So, in any long-run assessment, the making of the Agreement, and the causally linked IRA disarmament, saved lives and have taken the region towards stability. No proposed unionist, or emancipationist, integrationist solution with which we are familiar would have been likely to produce these results.

Consider now the loyalist truce. The major loyalist paramilitary organizations, the Ulster Volunteer Force (UVF) and the Ulster Defence Association (UDA), have been on formal ceasefire since 1994. They have been subject to greater fragmentation, especially since the formation of the Loyalist Volunteer Force. They have displayed greater evidence of undisciplined organization than the IRA.²⁸ While intra-loyalist feuds continue to claim lives, loyalists have been more restrained in their lethal encounters with the nationalist community. As loyalists were responsible for over 29 per cent of killings between 1966 and 2001,²⁹ their formal ceasefires, conditional upon the maintenance of the IRA's ceasefires, importantly consolidated the peace process. Had their parties not been included in the negotiations it would have been far more difficult for the UUP to have made a bargain with the SDLP and other Irish nationalists. And had not fixed places for small parties and PR (party list) in the 1996 Peace Forum, and PR (STV) in the first Assembly elections, given them reasonable opportunities for electoral gains it is not clear what other beneficial institutional incentives would have operated on their conduct.

The release of paramilitaries, extremists *par excellence*, from jail, as part of the Agreement, has infused the local population with veterans of conflict who have generally been a force for calm, and who have argued for change through peaceful political means in the future. Demilitarization by the British army and the construction of a new police service are also evident – despite difficulties. As we write, a start to ‘decommissioning’ by the major loyalist paramilitaries remains an outstanding question. It is, however, on the agenda. No one considers the possibility ‘unthinkable’, given the IRA's unilateral disarmament.

²⁸ Steve Bruce, ‘Terrorists and Politics: The Case of Northern Ireland's Loyalist Paramilitaries’, *Terrorism and Political Violence*, 13: 2 (2001), pp. 27–48.

²⁹ Calculated from McKittrick et al., *Lost Lives*, Table 3.

We submit that all these considerations in aggregate constitute hard evidence that the peace process has brought greater security and stability because it was attached to an inclusive consociational settlement. The key counterfactual question is whether integrationist policies and settlements would have produced a better outcome. We think not. It is true, of course, that Northern Ireland's power-sharing institutions did not have to be literally and wholly 'consociational', or 'off-the-peg', or just consociational.³⁰ Horowitz and his supporters suggest that a voluntary power-sharing coalition of moderates, and an electoral system based on AV rather than on PR-STV, would have been as or more successful in making and stabilizing a peace process. We shall consider these claims in sequence.

THE VIRTUES OF INCLUSIVE COALITIONS OVER MINIMUM-WINNING COALITIONS

Critics of 'grand coalition' describe it as 'compulsory' and their preferred option of a minimum-winning coalition as 'voluntary'.³¹ Patrick Roche describes the new Agreement's executive arrangements as an 'involuntary coalition brought together on the basis of a mechanical principle (outside the control of the Assembly)'.³² Dennis Kennedy insists that it is a 'nonvoluntary coalition'.³³ Such language is loaded, and incorrect. Participation in Northern Ireland's executive is voluntary. Any party with entitlements to nominate ministers may choose not to take its seats. No party is required to enter government. What Horowitz, Roche and Kennedy may mean by a 'voluntary' coalition is one in which some parties to the coalition should be free to exclude others (e.g. the DUP and Sinn Féin). We think it is at least as fair to describe the Northern Ireland

³⁰ Rick Wilford claims that consociationalism is 'a kind of off-the peg model' of governance for divided societies, Wilford, 'Aspects of the Belfast Agreement', p. 4. Consociationalism has consistent principles, like good tailoring, but it has its 'bespoke' as well as its 'off-the-peg' variants.

³¹ Horowitz, 'The Agreement: Clear, Consociational and Risky', p. 94.

³² Patrick Roche, 'A Stormont without Policy', *Belfast Telegraph*, 30 March 2000.

³³ Dennis Kennedy, 'Evidence is Growing that Agreement Did Not Work', *Irish Times*, 16 February 2000.

executive as inclusionary (rather than compulsory), and to code a minimum-winning coalition as exclusionary instead of voluntary. Having cleared this rhetorical thicket we can now address substance. Horowitz's first objection to a consociational package – that a grand coalition is less stable than a minimum-winning coalition of moderates – appears intuitively plausible. But Northern Ireland's experience suggests that such reasoning is faulty. Excluded radicals can destabilize power-sharing institutions. They may accuse included moderates from their bloc of treachery, which may prevent the latter from making the compromises necessary for successful power-sharing. Excluded radicals may engage in violence, creating a polarized atmosphere that pressurizes moderates and makes compromise difficult. This is what happened during Northern Ireland's only previous experiment with a power-sharing coalition of moderates: the Sunningdale experiment of 1973–74.³⁴ The coalition was attacked by radicals on both sides. It found it difficult to reach substantive internal agreement, amidst mounting violence, and collapsed after less than five months in office. Inclusion in power-sharing coalitions, we submit, can make radicals less extreme, because it provides them with opportunities to have their concerns addressed constitutionally, and gives them a stake in the system. Inclusion can strengthen the position of moderates within radical factions: a possibility Horowitz and others appear to overlook or discount.

We should not be misunderstood: it does not follow that the inclusion of radicals in government is always a good idea. Had they been part of Northern Ireland's coalition in 1974, they probably would have destroyed it. This is because radicals at that time were virulently opposed to power-sharing and committed to militancy. All we are suggesting is that it makes political sense to include leaders of radical parties prepared to participate in power-sharing institutions on the basis of democratic mandates and methods, particularly when they are having internal disputes with their hawks on the merits of constitutional politics.

³⁴ Jorg Neuheiser and Stefan Wolff (eds), *Peace at Last? The Impact of the Good Friday Agreement on Northern Ireland*, Oxford, Berghahn, 2003, pp. 1–24; Stefan Wolff, 'Context and Content: Sunningdale and Belfast Compared', in Wilford, *Aspects of the Belfast Agreement*, pp. 11–27.

This situation best describes UK policies towards Sinn Féin after 1997.³⁵ The decision of the IRA to declare a ceasefire in 1994, and Sinn Féin's subsequent decision to participate in Northern Ireland's legislature and government, was closely related to the argument of its key leaders, Gerry Adams and Martin McGuinness, that republican gains could be secured through politics. This position was strengthened, and that of hard-liners weakened, by Sinn Féin's rising electoral support, and the rewards that this has brought, including two ministries in Northern Ireland's executive. Anti-consociationalists tend to see Sinn Féin's vote rise after the Agreement as evidence of increasing extremism, and some causally link this to the 'unworkable' nature of Northern Ireland's consociational institutions.³⁶ But, it makes more sense, given Sinn Féin's clear movement from endorsing physical force republicanism to constitutional politics, to explain its electoral growth as a result of its increasing moderation.³⁷ Other factors are, of course, responsible for this growth, such as the party's articulate and capable leadership, and the growing cultural Catholic share of the population combined with the tendency of young Catholics to vote Sinn Féin. But we also submit that Sinn Féin's moderates have been strengthened by the prospect that, as long as the party sticks to its constitutional tactics, it will continue to eclipse the SDLP, become possibly the largest party in the Assembly, and become a significant political force in Ireland as a whole. The benefits of this moderation became apparent in the summer of 2005 when the IRA announced that it had decommissioned its weapons. Hardly anyone now believes that the IRA will return to war. In short, Sinn Féin's

³⁵ Patterson sees these policies as having more than a whiff of 'appeasement', though he maintains that the Blair government continued the policies of its predecessor, Henry Patterson, 'From Insulation to Appeasement: The Major and Blair Governments Reconsidered', in Wilford, *Aspects of the Belfast Agreement*, p. 181. He is, however, prepared to consider that the policy might work (*ibid.*, conclusion).

³⁶ Rick Wilford and Robin Wilson, 'A "Bare Knuckle Ride": Northern Ireland', in Robert Hazell (ed.), *The State and the Nations: The First Year of Devolution in the United Kingdom*, Thorverton, Imprint Academic, 2001, pp. 79–116.

³⁷ Paul Mitchell et al., 'Northern Ireland: Flanking Extremists Bite the Moderates and Emerge in their Clothes', *Parliamentary Affairs*, 54: 4 (2001), pp. 725–42; Paul Mitchell et al., 'The 2001 Elections in Northern Ireland: Moderating "Extremists" and the Squeezing of the Moderates', *Representation*, 39: 1 (2002), pp. 23–36.

recent behaviour, ironically, and contrary to Horowitz's own views on the party, is a good example of Horowitz's best-known underlying thesis: if they have to, parties will moderate in order to win office.³⁸

The Agreement shows that consociational institutions can be designed to mitigate the problems associated with having rival parties in government: executive portfolios are allocated, as we have shown, according to the d'Hondt rule. Any party that wins a significant share of seats in the Assembly and is willing to abide by the new rules has a reasonable chance of access to the executive. No programme of government has to be negotiated in advance between the parties entitled to government. The design creates strong incentives for parties to take up their entitlements to ministries, because if they do not then the portfolios go either to their ethno-national rivals or to their rivals in their own bloc. The d'Hondt allocation procedure means that no vote of confidence is required by the Assembly either for individual ministers or for the executive committee as a whole. These incentives have produced positive results. The anti-Agreement DUP took its seats on the executive between 1999 and 2002. It fought the 2001 Westminster general election and the 2003 Assembly election, not on a pledge to scrap the Agreement, but to renegotiate it.³⁹ The d'Hondt process reduced the transaction costs of bargaining over portfolios. Distinctive coalitions can form around different issues within the executive, permitting flexibility, but inhibiting chaos – given the requirement that the budget be agreed by cross-community consent. The executive successfully agreed a budget and a programme of government through inter-ministerial bargaining during 2000–01: the DUP ministers agreed it though they then supported their colleagues in voting against it in the Assembly! These creative incentives to keep parties in the executive despite strong disagreements meant that the Assembly differed positively from the Sunningdale power-sharing experiment of 1973–74 that sought to maintain traditional UK notions of collective cabinet responsibility.

³⁸ Donald Horowitz, 'Making Moderation Pay: The Comparative Politics of Ethnic Conflict Management', in J. P. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies*, Lexington, MA, Heath, 1989, pp. 451–75.

³⁹ It did, however, engage in ritualized protest, rotating its ministerial positions among its Assembly ministers. This led its critics to accuse it of accumulating and distributing pension rights among its members while depriving its constituents of effective ministers.

While Northern Ireland has experienced serious crises over executive formation and maintenance, this has not resulted from the d'Hondt process per se. The formation crisis that lasted from June 1998 until December 1999 arose from UUP First Minister David Trimble's refusal to cooperate in the running of the d'Hondt procedure, because the IRA would not decommission its weapons. Constitutionally, he had no warrant to exercise this veto. No party was entitled to veto another party's membership of the executive, though the Assembly as a whole, through cross-community consent, could deem a party unfit for office. Trimble was facilitated in exercising his veto by the UK and Irish governments, sympathetic to his exposed position. He was also aided by a provision in the Agreement that implied that there would be at least six other ministers apart from the premiers, but that there could be 'up to 10', with the precise number to be decided through cross-community consent.⁴⁰ This gave Trimble the opportunity to delay executive formation for 18 months. In future, this problem is unlikely to recur. Candidates for the first minister (FM) and deputy first minister (DFM) will hardly agree to be nominated without a firm agreement on the number of executive ministers and a firm date for cabinet formation.⁴¹

The crises over executive maintenance have stemmed largely from machinations over the institution of the dual premiership, elected by concurrent majorities of nationalist and unionist members of the Assembly. So far these positions have been held by three moderates: David Trimble of the UUP, and by Seamus Mallon and Mark Durkan of the SDLP. Mallon, the (first) DFM, used the threat of resignation from his post in 1999 before the executive was even formed.⁴² The unilateral suspension of the Agreement's institutions by the Westminster parliament in 2000, 2001 and 2002 arose from threatened resignations by First Minister Trimble. The UK felt politically bound

⁴⁰ *The Agreement*, Government of the United Kingdom (n.d. 1998, Strand One, paras 14 (explicitly) and 3 (implicitly)).

⁴¹ The number of portfolios is now fixed at 10 in the Northern Ireland Act. In future the parties could decide, during a review of the Agreement, to require candidates for FM and DFM to state the number of executive portfolios that will be available – and then require the formation of the executive to follow immediately after the election.

⁴² See Statement by the Deputy First Minister (Designate), Northern Ireland Assembly (1999; 325, 15 July).

to act because the posts of FM and DFM are tightly interdependent: the resignation or death of one triggers the other's formal departure from office and requires fresh elections within six weeks. The UK government consistently calculated with each threat – or manifestation – of a resignation by Trimble that he might not be able to secure his re-election, either before or after Assembly elections.⁴³ This prompted the UK government to use and abuse the 2000 Northern Ireland Act (the 'Suspension Act'), itself a breach of the Agreement. The impasse that has existed since the Assembly elections of November 2003 can also be traced to the dual premiership. The DUP, which won a majority of unionist seats in the Assembly, now has a veto on the election of a joint FM/DFM team. It is ironic that the dual premiership, elected by cross-community procedures, and thus a moderating 'integrative' institution of the sort recommended by Horowitz, has been the lightning rod for deep tensions between blocs, as much as it has been a mechanism for joint coordination and creation of calm by moderate leaders.

The problems attached to the operation of the dual premiership can be dealt with if changes are made. One way would be for the UK government to repeal the 2000 Northern Ireland Act, a breach of the formal treaty incorporating the Agreement. The effect of a no-suspension provision would mean that a resigning FM or DFM would have to face the electorate, which may cause serious reflection. Another change would be to alter the method by which the FM and DFM are appointed. We commend their nomination simply by the d'Hondt procedure. Alternatively, we propose that in the event that a FM/DFM team could not be appointed by concurrent majorities, the default position should be that both are appointed by the same d'Hondt allocation process as the rest of the executive. There would have to be a proviso that both the FM or DFM could not come from either the nationalist or unionist bloc, although there would be no need, in our view, to specify that one should be nationalist and the other unionist. The two positions could also be made independent,

⁴³ This pessimism was borne out in November 2001. Trimble and Durkan fell short of election by two unionist votes, despite securing the support of over 70 per cent of the Assembly. They were rescued only because members of the Alliance Party and Women's coalition re-designated from 'others' to 'unionists', permitting them to win a second vote, but allowing critics of the Agreement a good laugh at the nature of the 'designation' rules (see below for further discussion).

so that the death or resignation of one did not affect the position of the other. In this scenario, the outgoing FM or DFM would be replaced by d'Hondt, with the proviso that s/he could not be from the same bloc as the sitting FM or DFM.⁴⁴

Inclusivity and the Issue of Opposition

Another criticism of Northern Ireland's inclusive executive design is that the new Assembly has a rather small part of its membership free to serve as an opposition for standard adversarial parliamentary debating in the classic Westminster model: 'by making the mistake common in ethnic conflicts of failing to distinguish inclusion in the "political community" from inclusion in government, the arrangements left the Assembly bereft of any effective opposition to challenge executive dominance'.⁴⁵

This is a standard complaint of critics of consociation. In the Northern Ireland case, the charge must be tempered by the fact that the backbenchers from other parties in government are likely to hold the relevant minister of a different party to account in the Assembly. Ironically, the same critics who criticized Northern Ireland's consociation for having no opposition also lamented the high level of adversarial debate in the Assembly between the

⁴⁴ Our reasoning is set out at greater length in McGarry and O'Leary, *The Northern Ireland Conflict*, pp. 48–54, and John McGarry and Brendan O'Leary, 'Stabilising Northern Ireland's Agreement', *Political Quarterly*, 75: 3 (2004), pp. 213–25. We think, on balance, our proposals are better for the stability of the Agreement than those apparently agreed to by the DUP and Sinn Féin in November–December 2004 (*Proposals by the British and Irish Governments for a Comprehensive Agreement*, available online at http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/08_12_04_british_irish_proposals.pdf). Had their changes been implemented, the FM/DFM and executive would have been elected, as now, under the concurrent majority and d'Hondt rules, respectively. Before the government could take office, however, the entire slate of ministers would have required the Assembly's approval under the concurrent majority rule. The effect would have been to extend the high threshold of support required to elect the FM/DFM to the entire slate of ministers, increasing the possibility of an impasse in executive composition. By extending the scope of the concurrent majority rule, the changes would also have increased the privileges that nationalists and unionists enjoy in the Assembly at the expense of 'others'.

⁴⁵ Wilson and Wilford, 'Northern Ireland: A Route to Stability?', p. 8.

members of the governing parties. Mechanisms for rigorous accountability exist. Ministers face an Assembly Committee in their jurisdiction headed by a representative of another party.⁴⁶ This inhibits full-scale party fiefdoms in any functional sector – which cannot be said for the Westminster system. In addition, it is clear that the d'Hondt mechanism ensures that not every party is in the executive, so there are automatically some opposition backbenchers and it is up to parties to choose to be in government or in opposition (or to play both sides of the track, as the DUP has done) and be rewarded or punished by voters accordingly. Nothing about consociation, properly understood, precludes parliamentary opposition.⁴⁷

Shortcomings of the Alternative Vote

The Northern Ireland case suggest obvious problems with the Alternative Vote preferred by some integrationist engineers. First, the outcomes it would deliver would be majoritarian at the constituency level, and disproportional – and they would be disproportional both within blocs and across blocs. It would, additionally, have much more indirectly 'inclusive' effects than STV. In some constituencies there would be unambiguous unionist and nationalist majorities⁴⁸ and thus AV would lead to the under-representation of minority voters within these constituencies. Second, while candidates would often seek support amongst voters for lower-order preferences under AV, it would not be obvious that their best strategy would be to seek lower-order preferences across the ethno-national divide. That is because

⁴⁶ The 1998 Northern Ireland Act prevents the committees from being chaired or deputy-chaired by ministers or junior ministers, The committees are required, where feasible, to be organized in such a way that the chair and deputy chair be from parties other than that of the relevant minister.

⁴⁷ Brendan O'Leary, 'Debating Consociational Politics: Normative and Explanatory Arguments', in S. Noel (ed.), *From Power-Sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies*, Montreal and Kingston, McGill-Queen's University Press, 2005, pp. 3–43. Brendan O'Leary, Bernard Grofman and Jorgen Elklit, 'Divisor Methods for Sequential Portfolio Allocation in Multi-Party Executive Bodies: Evidence from Northern Ireland and Denmark', *American Journal of Political Science*, 49: 1 (January 2005), pp. 198–211.

⁴⁸ Paul Mitchell et al., 'Northern Ireland: Flanking Extremists'.

the imperative of staying in the count would dictate building as big an initial first- and second-preference vote tally as possible.⁴⁹ Third, AV would never be endorsed by hard-line parties entering a constitutional settlement if they believed it would be likely to undermine their electoral support. Since the Agreement was made possible by the inclusion in negotiations of radical parties associated with paramilitary organizations, i.e. Sinn Féin, the Ulster Democratic Party (UDP) and Progressive Unionist Party (PUP), it would have been perverse for their leaders to agree to an electoral system that minimized their future prospects.

STV in fact worked to induce moderation within Northern Ireland's political parties. To begin with, it had already helped to moderate the policy stance of Sinn Féin. After its first phase of electoral participation in elections in Northern Ireland in the 1980s and in the Irish Republic in the latter half of the 1980s, the party discovered it was in a ghetto. Its candidates in some local government constituencies piled up large numbers of first-preference ballot papers and then sat unelected as a range of other parties' candidates passed them to achieve quotas on the basis of lower-order preferences.⁵⁰ They received very few lower-order preferences from SDLP voters. However, once the party moderated its position, promoted the IRA's ceasefire(s), and became the champion of a peace process and a negotiated settlement, it found that its first-preference vote, its transfers from SDLP voters, and its seats won were all increased.

The constitutional design argument that can be extracted from this story is this: once there has been party fragmentation within ethno-national blocs, then STV can assist accommodating postures and initiatives by parties and candidates, both intra-bloc and inter-bloc.⁵¹ Our objection to Horowitz's position is that proportionality

⁴⁹ It may be that AV's presumptively Horowitzian moderating effects materialize better in multi-ethnic political systems with no actual or potentially dominant group in given districts, but this situation does not obtain in Northern Ireland.

⁵⁰ STV has been used in local government elections and European parliamentary elections in Northern Ireland since 1973 and 1979 respectively. Interestingly, the hard-line unionist Ian Paisley has been most successful in the three-member district used to elect Northern Ireland MEPs; in the more proportional five- or six-member local government constituencies the DUP has not fared as well until recently.

⁵¹ The corollary is that STV's positive effects apply to already-polarized and pluralized party systems in ethno-nationally divided societies. If there has been no prior

norms better match both parties' respective bargaining strengths and their conceptions of justice. Once party pluralism has emerged, some form of proportionality is more likely to be legitimate among existing parties than a shift to strongly majoritarian systems, such as AV, or to systems with ad hoc distributive requirements that will always be – correctly – represented as (negative or affirmative) gerrymanders.⁵² Horowitz's integrationist prescriptions are perhaps most pertinent at the formation of a competitive party system, but thereafter are inapplicable. Once party formation and party pluralism within blocs have occurred, there will be few agents with the incentives to implement Horowitz's preferred institutions; and if a third party or outside power does so it would be a severe provocation to the less moderate parties, and would therefore likely re-ignite ethno-national tensions. Exclusion, after all, is a cause of conflict.⁵³

Consociational Democracy Need Not Privilege Particular Identity Groups

An important criticism of consociation is that it entrenches divisions rather than transcends them: 'the fundamental problem with

history of ethnicized party polarization within a state, or of pluralization of parties within ethno-national blocs, the merits of its implementation may reasonably be doubted. This consideration identifies the key problem with Horowitz's electoral integrationist prescriptions: they apply best to forestalling or inhibiting ethnic conflict. They are not effective remedies for cases of developed, protracted and intense ethnic and ethno-national conflict.

⁵² Horowitz writes approvingly of the electoral system used for presidential elections in Nigeria in 1979 and 1983. Under its rules, the winning candidate needed the largest number of votes *and* at least 25 per cent of the vote in at least two-thirds of the 19 states of the federation, Donald Horowitz, *A Democratic South Africa: Constitutional Engineering in a Divided Society*, Berkeley, University of California Press, 1991, p. 184. Another problem with distributional requirements, which Horowitz recognizes, is that no candidate may pass the threshold. Since 1989, the rules for electing the Nigerian president have been made even tougher: the winning candidate now requires a majority overall and no less than one-third of the vote in at least two-thirds of the states in the federation. Kenya and Indonesia also have distributional requirements in presidential elections.

⁵³ This argument in defence of STV and against AV is qualified: STV may not be appropriate for every consociation. But we submit it can help promote accommodative moves and consolidate power-sharing deals in ways that AV in single-member districts cannot.

consociationalism is that it rests on precisely the division it is supposed to solve. It assumes that identities are primordial and exclusive rather than malleable and relational'.⁵⁴ These critics are wrong to suggest that consociationalists are necessarily primordialists: there is a major difference between thinking that some identities are durable and maintaining that they are immutably primordial. It is also wrong to suggest that consociationalists are blind to the relational character of collective identities. But the fears behind the rhetorical exaggeration exhibited by Wilson and Wilford are not groundless.

Many consociations have privileged particular identities over others: they are 'corporate' rather than 'liberal' in form.⁵⁵ Some have had corporate electoral rolls: obliging citizens to vote only within their own ethnic community for their own ethnic parties. To vote for the community councils in newly independent Cyprus, citizens had to opt for separate Greek Cypriot or Turkish Cypriot rolls. Lebanon's electoral law has specified that successful candidates from certain constituencies must come from particular communities. And several consociations specify that particular office holders must be from one ethnic community or another. Corporate consociations create institutional obstacles to the dissolution of the protected identities, which is not to say that they would necessarily wither in the absence of such institutions.

But let us be clear about the Agreement. It does not, contrary to the assertion of a recent article in *Foreign Affairs*, 'set aside seats for Catholics and Protestants', or for unionists and nationalists for that matter.⁵⁶ Citizens vote on a common roll; vote for any candidates or parties they prefer; can vote across blocs, and can express first- or lower-order voting preferences outside their blocs. So the election of Assembly members (MLAs) does not privilege particular identities. Ministers become ministers by an allocation algorithm that is 'difference-blind': it operates according to strength of representation won by parties in the Assembly, not their national identity.⁵⁷

⁵⁴ Wilson and Wilford, 'Northern Ireland: A Route to Stability?', p. 6.

⁵⁵ O'Leary, *Consociation*.

⁵⁶ Adeed Dawisha and Karen Dawisha, 'How to Build a Democratic Iraq', *Foreign Affairs*, 82: 3 (2003), p. 45.

⁵⁷ This fact has not stopped one critic of the Agreement's rules from asserting that d'Hondt does privilege certain identities. Peter Emerson, the director of the de Borda Institute, advocates the replacement of the d'Hondt rule for electing the executive

However, parts of the Agreement do privilege unionism and nationalism over other forms of identity. MLAs are required to designate themselves as ‘unionists’, ‘nationalists’ or ‘others’. The election of the FM and DFM requires concurrent nationalist and unionist majorities as well as a majority of MLAs. The passage of important laws requires either such a concurrent majority, or a weighted majority: the support of 60 per cent in the Assembly, including at least 40 per cent of both registered nationalists and unionists. While Northern Ireland’s voters have shown no signs of adopting new (non-unionist and non-nationalist) identities for over a century, it is therefore true that such rules arguably create disincentives for them to change their behaviour. There is an incentive for voters to choose nationalists or unionists, as members from these groups will, *ceteris paribus*, count more than ‘others’ or be more pivotal. The rules have the effect of pre-determining, in advance of election results, that nationalists and unionists are to be better protected than ‘others’. The ‘others’, if they were to become a majority, would be pivotal in the passage of all normal legislation, but nationalists and unionists would have more pivotality in any key decision requiring cross-community support.

Corporate mechanisms, however, are not intrinsic to consociational design. Most modern consociationalists, in fact, would eschew these devices and prefer liberal rules that protect equally whatever groups emerge in free elections. They prefer ‘self-determination to pre-determination’.⁵⁸ We believe that parties to consociational pacts may make entrenchment deals, i.e. settlements that institutionally

and its replacement with PR-STV, so that ‘all assembly members could participate on an equal basis without using any sectarian labels’. The fact that d’Hondt treats all members equally and does not require them to use any labels, sectarian or otherwise, seems to have been overlooked. See P. Emerson, ‘Reforming the Belfast Agreement: Just What’s at Stake?’, *Belfast Telegraph*, 23 September 2003. Another, unionist integrationist critic of the Agreement goes further, incorrectly asserting that the Agreement privileges particular *parties*. Apparently the ‘terms of the Agreement require members of Sinn Féin to be in the executive . . . [it] provides members of Sinn Féin with the right to be in the government’. Cedric Wilson, ‘Rejection of the Belfast Agreement is Entirely Compatible with the Unionist Commitment to “Equal Citizenship”’, *Belfast Telegraph*, 28 October 2003.

⁵⁸ Arend Lijphart, ‘Self-Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems’, in Will Kymlicka (ed.), *The Rights of Minority Cultures*, Oxford, Oxford University Press, 1995, pp. 275–87.

represent (and privilege) certain identities, and that they may do so both for self-interested reasons and because they have genuine existential anxieties about the security of the communities they represent. These reasons explain why the SDLP and the UUP converged on creating a dual premiership, and why they adopted a concurrent majority rule for electing the premiers and as one of the cross-community consent rules, both of which require the formal designation of MLAs as unionists or nationalists.⁵⁹ These devices were inspired by the rules used in negotiations – themselves inspired by the South African negotiations – and arguably by the institutional self-interest of the largest moderate parties in each bloc.

Since we are liberal consociationalists, we think it would be desirable to see changes in the Agreement's rules and institutions that removed as many corporate principles as possible, though we believe such changes should occur within the rules governing the Agreement. As we have argued, the d'Hondt formula should be used for the nomination of the FM and DFM. This would mean that the first and second largest parties would nominate the FM and the DFM – so they could come from any party, not just a unionist or nationalist party. We would, however, commend one important qualification: parties rather than MLAs should designate themselves as nationalist or unionist if they so wished. The rule governing the nomination of the premiers should then be that the two premiers could not both be unionist or nationalist.

We would also recommend simplifying and changing the current rules used for the passage of 'key' measures to a simple weighted majority of at least 60 per cent of MLAs. This threshold would presently be sufficient for protecting both unionists and nationalists, but without privileging their votes over those of 'others'. Nationalists now consistently have over 40 per cent of the popular vote in recent elections, and the Catholic share of the population, which normally votes nationalist, is increasing. In most Assembly elections, these electoral and demographic facts will translate into nationalists winning over 40 per cent of the seats (or 44 out of 108). In the 1998 and 2003 elections, nationalists fell just short of this mark, winning only 42 seats. But even in these circumstances, which are unlikely to be repeated in the future, nationalists could only be outvoted on key measures if virtually all 'others' voted with the unionist bloc. As the others stand on

⁵⁹ Brendan O'Leary, 'Patten Report has Implications for All', *Irish Independent*, 15 October 1999.

a platform of impartiality between unionism and nationalism, this is an unlikely scenario. If some others consistently voted with unionists against all nationalists, they would have difficulty retaining their seats in the next elections. Effectively, then, a 60 per cent weighted majority rule will protect nationalists, now and later. Nationalists, and nationalists and others, by contrast, fall short of 60 per cent, so they could not coerce all unionists in the foreseeable future. But, under such a rule change 'No Unionists' would be unlikely to command 40 per cent support in Northern Ireland – and the Assembly – as a whole, and therefore could not block measures that enjoyed substantial support across nationalists, unionists and others.

Having accepted the partial merits of some integrationist difficulties with the Agreement, we would, however, maintain that most of these critics fail to note that the Agreement generally is liberal rather than corporate – apart from the exceptions just considered. Its other institutional rules are *more* conducive to the emergence of new parties and identities than the majoritarian political systems typically favoured by integrationists. The Assembly uses an electoral system, the STV in multi-member constituencies, that allows parties to win seats with much smaller thresholds than is normally required under single-member plurality. Voters in Assembly elections are less likely than voters in Westminster elections to regard voting for a new party a waste of time. PR-STV provides an opportunity, though no guarantee, of both inter-communal and trans-communal transfer of lower-preference votes. In this respect it is more conducive to extra-bloc voting than plurality rule. Any party, not just nationalist and unionist parties, as we have seen, is entitled to seats in the executive if it meets the quota established by the d'Hondt system. A party is entitled to membership in government with a much smaller share of seats in the legislature than is normally required in any Westminster system, so new parties have a better chance to promote their visibility, influence public policy and demonstrate to their supporters that voting for them is a meaningful exercise.⁶⁰

⁶⁰ There are arguments for making the executive even more inclusive by extending its size. A larger executive, constituted by the d'Hondt mechanism, might give a seat to the Alliance or other small parties. Alternatively, the executive could be constituted by the Sainte-Laguë mechanism, which is more advantageous for small parties than d'Hondt. See John McGarry and Brendan O'Leary, *Explaining Northern Ireland: Broken Images*, Oxford, Blackwell, 1995, pp. 373–5.

In addition, the Agreement not only stresses equality ('parity of esteem') between nationalists and unionists, it also offers protection to individuals, including those who regard themselves as neither unionist nor nationalist. Each minister is required under the Agreement to behave in a non-partisan way and 'to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination'. The Agreement looked forward to the entrenchment of the European Convention of Human Rights in Northern Ireland Law, which will make it easier for individual citizens to bring cases against authorities. It has also established a new Northern Ireland Human Rights Commission; it will lead to a Bill of Rights for Northern Ireland; and has led to a new statutory Equality Commission. The UK government, under the Agreement, and the 1998 Northern Ireland Act, imposes a statutory obligation on public authorities 'to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation'. Public bodies are required to draw up statutory schemes indicating how they will implement these obligations. While education was not a negotiated part of the Agreement, Northern Ireland's current education system can also be described as liberal consociational. It allows children to attend Catholic or state (in effect, Protestant) schools without requiring them to do so, and now funds each system equally. Parents may also opt to send their children to a third, funded, integrated sector. The universities in the region are also formally liberal. Lastly, it is worth recalling that the Agreement establishes a Civic Forum alongside the elected Assembly. This institution is made up of representatives of organizations outside conventional politics, and presents an opportunity for those who do not feel represented by conventional political parties to have their voices heard. It has no counterpart elsewhere in the UK, including in the newly devolved regimes in Scotland and Wales; and arguably it over-represents unelectable 'others'.

A last consideration must be borne in mind by integrationists of all types. In the old saw 'patience is a virtue'. Consociational democracy, be it liberal or corporate, is based on the accommodation of rival communities. But, *ceteris paribus*, an extended period of voluntary inter-group cooperation should reduce inter-community divisions rather than maintain or deepen them. If the Agreement is consolidated, we believe that there is a greater likelihood of

conventional socio-economic politics becoming more prevalent than identity politics. This appreciation explains why parties like Alliance or the Workers' Party, while critical of some of the Agreement's allegedly divisive features, nonetheless strongly support it.

CONCLUSION

Integrationists argue that consociationalists are unrealistic. Horowitz and his supporters claim that they are too optimistic, and that ethnic leaders in seriously divided polities are unlikely to agree on consociational institutions, and unlikely to make them work. This is particularly so as consociations are said to entail grand coalitions, i.e. inclusive executives that contain not just moderates from previously warring ethnic segments but also radicals. This is a view that is pushed in Northern Ireland, particularly given the political impasse that preceded and followed the elections of November 2003. By contrast, post-national transformers claim that consociationalists are too pessimistic. We consociationalists are said, falsely, to be primordial pessimists, to exaggerate the immutable and uni-dimensional nature of social divisions, and particularly, to downplay the capacity of humans to develop new transcendent identities. Integrationists also argue that consociations are illiberal, counterproductive and undemocratic: they entrench ethnic divisions and they provide no platform for alternative non-ethnic voices.⁶¹

This article has used the case of Northern Ireland to show what is wrong with such arguments. We have argued that integrationism, given the nature and extent of Northern Ireland's divisions, is more unrealistic than consociation. We have described the benefits to the peace process, i.e. dramatic falls in the numbers of people killed across all categories of victim, that have followed from the political inclusion of radicals. We believe that the Agreement's shortcomings,

⁶¹ For a recent polemic that criticizes consociationalism through caricature, see P. Dixon, 'Why the Good Friday Agreement is not Consociational', *Political Quarterly*, 76: 3 (July 2005), pp. 357–67. The author maintains that consociationalists are 'segregationists' who 'oppose contact' between communities, support 'separate but not necessarily equal' development, are 'hostile to democracy'; in short, they are exponents of apartheid, pp. 357–60. It is regrettable how frequently name-calling replaces serious debate over consociation.

which have contributed to political instability, can be remedied, indeed, must be remedied, *within* a consociational framework.⁶² We have shown that the 1998 Agreement's consociational arrangements are liberal and consistent with democracy, and maintained that consociation can provide a future that is free of division if not of difference. We should not be presumed, however, to think that the right institutional design is all that matters for successful conflict-resolution. Without constructive political conduct by sufficient numbers of representative politicians no power-dividing (integrationist) or power-sharing (consociational) system can ensure democratic and liberal management of ethnic or religious differences.⁶³

⁶² McGarry and O'Leary, 'Stabilising Northern Ireland's Agreement'.

⁶³ For an even more demanding site for consideration of these rival perspectives on deeply divided societies see our essays in Brendan O'Leary, John McGarry and Khaled Salih (eds), *The Future of Kurdistan in Iraq*, Philadelphia, University of Pennsylvania Press, 2004: Brendan O'Leary, 'Power-Sharing, Pluralist Federation, and Federacy', pp. 47–91; Karna Eklund, Brendan O'Leary and Paul R. Williams, 'Negotiating a Federation in Iraq', pp. 116–42; and John McGarry, 'Canadian Lessons for Iraq', pp. 92–115.