

The Belfast Agreement and the Politics of Consociationalism: A Critique

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TO DATE, as Adrian Guelke has written, ‘too little attention has been paid to the drawbacks of consociational settlements’; and, as Rudy Andeweg has acknowledged in a recent scholarly overview of consociational democracy, ‘the level of abstraction of many . . . critiques of . . . consociationalism is rather low’.¹ This article directly addresses the state of debate by contending that the Belfast Agreement (1998), as a consociational settlement, rests on and promotes an ethno-national group-based understanding of politics that is inherently illiberal—with the result that the space for a more deliberative form of democracy around a common citizenship agenda is foreclosed.

A consociational settlement

There are two core mutually reinforcing ideas behind the Belfast Agreement: one, that in the ‘nature of things’ Northern Ireland is deeply, indeed irrefutably, divided between two competing ethno-national communities; and two, that consociationalism as advocated by a number of highly regarded and influential political scientists—notably Arend Lijphart, John McGarry and Brendan O’Leary—provides the only democratic form of governance that can accommodate such ethno-national antagonism.²

The received wisdom in interpreting the Northern Ireland conflict is to see it as primarily being between two communities: Protestants and Catholics. Indeed, in *Interpreting Northern Ireland* (1990), John Whyte concluded that this view has been ‘supported by more writers

than all alternatives put together’, and certainly within academia, as Bernadette Hayes and Ian McAllister acknowledge, ethno-nationalism is seen to be ‘the most promising theoretical explanation for the Northern Ireland conflict’.³ Generally, Protestants and Catholics are seen to constitute intractable ethno-national groups with distinctive and different cultural traditions, values and needs. The categories of ‘Protestant’ and ‘Catholic’ are taken to be synonymous with Ulster Unionist and Irish Nationalist politics in which on the one hand the Ulster Unionist Party (UUP) and Democratic Unionist Party (DUP), and on the other hand the Social Democratic and Labour Party (SDLP) and Sinn Féin, constitute the main parties locked into a power struggle to maximise group interests.

In such a context it is accepted as axiomatic amongst political scientists and elite level policy-makers that to pursue a common rights-based resolution of the conflict is unrealistic. It is further maintained that democratic prospects are bleak unless institutional structures are strategically crafted in such a way as to recognise and accommodate competing ethno-national identities and interests through power-sharing that ensures group autonomy and equality—that is, through consociationalism.⁴ The argument, stated by McGarry and O’Leary, is that ‘conventional’ liberalism cannot come to terms with the importance of ethno-nationalism and as such ‘fails to grasp what is at stake’.⁵ Specifically, following Lijphart’s *Democracy in Plural Societies* (1977), consociationalism holds

that 'deeply divided' societies can become democratic through pragmatically driven elite-level bargaining for a form of executive power-sharing in which the autonomy of contending groups is constitutionally guaranteed and protected through mutual veto rights, and where there is strong respect for principles of proportionality in elections, civil service appointments and government subsidies.

In line with this, the Belfast Agreement accepts and legitimates the two ethno-national communities—unionist and nationalist—reading of the conflict and seeks to promote a form of politics that treats them as fixed, autonomous and equally valid. Notably, in terms of the workings of the Northern Ireland Assembly, the party politicians (elected via proportional representation) *must* identify and function as 'nationalist, unionist or other', and it is accepted that mutual veto power be held on matters of key concern.⁶ Key decisions—such as the election of the First Minister and Deputy First Minister, standing orders and budget allocations—require cross-community support either by parallel consent or by a weighted majority.⁷ Moreover, ministerial positions are 'allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly'.⁸ In addition, so as to advance respect and equality for communal difference, the Agreement provided for a new Equality Commission and a Bill of Rights for Northern Ireland.⁹

There can, then, be little doubt that the Belfast Agreement is a consociational settlement, that it can 'safely be identified as consociational'.¹⁰ There is also little doubt that the Agreement is widely accepted and endorsed by elite decision-makers and establishment politicians in Britain, Ireland, and around the globe. The question, however, is: Has it led to democratic advance?

'A liberal consociation?'

Lijphart maintains that: 'There is nothing in consociational democracy that people who are both consociationalists and democrats have to be apologetic about'.¹¹ And with respect to the Belfast Agreement, McGarry and O'Leary have proclaimed that the 'consociational arrangements are liberal and consistent with democracy', that it is a 'liberal consociation'.¹² But this is not self-evidently true. For, the Belfast Agreement has not appeared to mark the birth of a new era of democratic politics in Northern Ireland—sustainable peace is not in sight.¹³

The Assembly that came into effect on 3 December 1999 lasted a mere 72 days before being suspended by the British government on 11 February 2000—at an estimated cost of £33.4 million—'that is almost £500,000 per day'.¹⁴ In fact, over the last six years the Assembly has been suspended four times and at present—while it remains suspended—is costing around £9 million per annum.¹⁵ The real cause for concern, however, is not so much that the Agreement has proved hard to implement, but rather that there are processes integral to consociational politics that are inimical to liberal democracy.

There are a number of ways in which the Agreement can be shown to have worked to encourage and reward those who pursue strategic ethno-national group calculations and interests—and to have thereby reinforced and politicised ethno-national group divisions—in ways that run counter to promoting liberal politics. This can be most clearly shown with respect to the key aggregation mechanisms within the ambit of the Agreement, namely: group designation in the Assembly; Executive formation; and the electoral system.

The requirement that the 108 elected members of the Assembly must accept communal registration as 'nationalist, unionist or other'—that then underpins

group veto powers—locks individual politicians into group thinking and unequal rights. For, when it comes to decisions requiring cross-community support, the designation of ‘others’ does not carry meaningful weight. As Ian O’Flynn observes, ‘By effectively discounting the votes of the “others” on certain important issues, the agreement privileges national over individual identities’.¹⁶ The unfair nature of all this was shown when the election of the First and Deputy First Ministers in late 2001 saw the temporary redesignation of three Alliance party members of the Assembly—from ‘other’ to ‘unionist’—so as to shore up the institution. This went against the beliefs of most Alliance party members who favour a non-sectarian approach, and it also dictated that these Assembly members ‘lie’ about their self-identity.¹⁷

With respect to Executive formation, the form of power sharing encapsulated in the Agreement is one of an ‘involuntary’ coalition that has been ‘less than successful in achieving a collective character akin to any recognizable government or executive body elsewhere’.¹⁸ The Executive functions by sharing out power without collective cabinet responsibility: the ten ministerial portfolios are allocated to political parties in proportion to their representation in the Assembly following the d’Hondt electoral formula, such that the cabinet so formed is insulated from any effective opposition or censure. In a situation in which party elites assign their own spheres of ministerial control, the Executive assumes the form of ‘a series of political silos loosely connected by weekly meetings’, where questions of ministerial accountability become especially contentious.¹⁹ For example, unionist politician Robert McCartney has openly accused Sinn Féin ministers of accepting ‘responsibility to no one but their own party’.²⁰ It transpires, then, that Executive level politics is not so much about sharing power, but is more a contest for ministerial power

and influence ‘in order to assert the rights of [the] respective communities’.²¹

This state of affairs is compounded by the mandated electoral system—PR-STV (Proportional Representation with Single Transferable Vote) in six member constituencies—to elect members of the Assembly. Contrary to optimistic expectations of scholars such as Benjamin Reilly, PR-STV has not, over time, had an effective moderating influence.²² The choice of this electoral system has not worked to significantly encourage tactical voting across communal lines. In the 1998 Assembly election, survey evidence suggests that only about 9 per cent of lower preference votes were transferred across the community divide.²³ And the results of the 26 November 2003 Assembly election revealed that the single transferable vote has actually served, through strategic voting, to strengthen communal bloc voting.²⁴ Indeed, leading psephologist Sydney Elliott noted ‘it was all too evident that the political parties were familiar with vote management tricks to combat the voting power of the elector under the single transferable vote’.²⁵

In fact, the results of the 2003 election marked a dramatic shift to more polarised communal politics—witnessing the strengthening of the more hard line parties at the expense of the moderate centre. The DUP, which is opposed to the Agreement, received the largest percentage of first-preference votes (displacing the pro-Agreement UUP as the largest unionist party in the Assembly), followed by Sinn Féin (displacing the SDLP as the largest nationalist party in the Assembly). Support for the Alliance party dropped dramatically to under 4 per cent, its lowest level in thirty years, and the Northern Ireland Women’s Coalition lost their two Assembly seats. Clear evidence of increasing ethno-nationalist solidarity is that ‘the DUP and UUP accounted for 95% of unionist first preference votes, a significant advance over their combined total of 78% in 1998’.²⁶ Within the unionist

bloc the anti-Agreement members of the Assembly now outnumber pro-Agreement members by over one-third; and following the 5 May 2005 Westminster election, the party leader of the Ulster Unionists—Nobel Peace Prize laureate David Trimble—lost his Upper Bann seat and subsequently resigned from his leadership role. It seems an easy point to score against consociationalists: the rise in electoral support for the ‘hardliners’ does little to raise the prospects of reinstating Executive level power-sharing.

In these ways—group designation, Executive formation and the electoral system—the Agreement, as a consociational settlement, privileges ‘natural’ pre-given ethno-national group categories and promotes the pursuit of a group-differentiated politics that is reduced to the ‘positional logic’ of winning and losing, of promoting and maximising communal advantage.²⁷ In this regard, though, if it is accepted that ‘all democracies’ must ‘privilege freedom of political choice over the “natural” categories of social life’,²⁸ then consociationalism is fundamentally and systematically mistaken in believing it can advance liberal democracy. Consociationalism and liberal democracy pull in different directions.

Consociationalists themselves contest that consociationalism is illiberal.²⁹ O’Leary holds that the Agreement is ‘a liberal consociational agreement because it did not mandate that individuals must have group identities—citizens are free to exit from, and to adopt other, recognised group identities, but are also free to insist that they belong to none (to “others”):’³⁰ This, however, is misleadingly put: individuals do not have the autonomy of exiting from group designation *per se*—‘others’ is a group designation. In this respect the Agreement does stand in direct violation of the individual right to freedom of association.

O’Leary further claims that ‘a liberal consociation, is an association of communities based on recognition of the mutual

equality of groups *and* individuals’.³¹ This, though, is to beg the question as to what has to be granted to groups that cannot be given to individuals.³² Can separate ethno-national group rights be intellectually justified against universalistic rights? If so, how? In this regard, pursuance of the equality agenda and a Bill of Rights for Northern Ireland—as conceived by the Agreement—has to answer why groups should be given rights over and above those of the individual, and how this could be done equally.

The equality agenda is unambiguously couched in the language of ‘two communities’; as Katy Hayward and Claire Mitchell state, ‘the clauses of the Agreement connected to equality are clearly intended to adjust the relationship between Catholics and Protestants, nationalists and unionists’.³³ In terms of the Agreement, anti-discrimination legislation and public policies that advance ‘mutual respect’ (such as governing the use of symbols and emblems) as well as ‘parity of esteem’ for cultural difference (such as support for the Irish language) ties equality to group membership. The problem with all this is not only that here, as elsewhere, gains and losses assume zero-sum form amongst unionists and nationalists, but that the idea that the ‘two communities’ can be treated equally flies in the face of prior acceptance of the conflict as being intractable—for equal recognition requires one to adopt a universal standard of value against which groups can be equally judged.³⁴ In any case, it is not even established as to *why* ethno-national groups should be treated equally—after all, and the history of Northern Ireland bears this out, some might be oppressive.

The issue of a Bill of Rights for Northern Ireland confronts the same set of problems. In a paper published in *The Political Quarterly* (2001) on ‘The Protection of Human Rights under the Belfast Agreement’, O’Leary asserts that any ‘Bill of Rights should, so far as is possible,

guarantee the power-sharing logic of the Agreement'.³⁵ In particular, the Agreement stipulates that in drawing up a Bill of Rights the Northern Ireland Human Rights Commission has to 'reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem'.³⁶ Just how, though, can this be done?

If notions of 'separate but equal' could not be intellectually upheld through any appeal to reason or developed through any accepted principles of social organisation in the American South or in apartheid South Africa, why should it be any different for Northern Ireland? In fact, there is no clarity as to the way forward; for as Michael Meehan acknowledges, 'international rights instruments relating to minorities offer no concrete guidance on how to develop this . . . and formulate rights relative to the Irish context'.³⁷ When it comes down to it, McGarry and O'Leary's argument that 'Authentic collective equality requires that both groups' (national) identities be accepted as equally valid and legitimate'³⁸ is one that is theoretically—and therefore practically—impossible to establish.

Consociation and deliberation

The consociational position does, however, have recourse to a further line of defence. For, scholars such as John Dryzek and Jürg Steiner have argued that, in general, consociationalism is open to deliberative politics, whereby citizens are 'amenable to reflecting upon and changing their preferences and views'.³⁹ However, the nature of the Belfast Agreement suggests otherwise. As consociational settlements are driven by bargaining based on fixed ethno-national group interests, cost-benefit calculations trump deliberative politics time and again. This can most clearly be shown with respect to the crafting of the Agreement and the manner in which it faces the future.

In his book *Liberal Virtues* (1991), Stephen Macedo writes 'Public justification must . . . be *critical* in that objections have been sought out and reasonable alternatives confronted or anticipated'.⁴⁰ Does this hold for the Belfast Agreement? In essence, the Agreement was grounded in prior decisions of the British and Irish governments, supported by United States diplomacy, and brokered through ethno-national elite-level group-interested bargaining between party leaderships in which the ethno-national 'nature' of the conflict was taken as a given background condition. True, the Agreement was supported through the 22 May 1998 public referendum in which the 'Yes' campaign engaged people outside formal institutional politics.⁴¹ The referendum was passed with a 71.1 per cent 'Yes' vote in Northern Ireland and a 94.4 per cent vote in the Irish Republic, but there was a clear sense in which the Agreement was 'sold' through spin-doctoring and obstructionism. As Paul Dixon has argued, 'little attempt' was 'made by Northern Irish politicians and the two governments to *persuade* rather than *manipulate*'.⁴² And in this latter regard, Dixon points to the use of such tactics as creating 'constructive ambiguity' and 'necessary fictions'.

The point here is that the Agreement was bargained at elite level, *tête-à-tête*, not defended in wide-ranging deliberation in the civic public sphere—people were not motivated to think through the issues or discuss them with others. Hence, here again, the Agreement represents a form of politics that runs counter to virtuous practice whereby, following Cicero, one might expect elite interests to 'care for the whole body' politic.⁴³

Nowhere, though, has deliberative politics been more foreclosed than with regard to the unresolved overarching constitutional question: Will Northern Ireland remain part of the United Kingdom or become part of a new Ireland? To a large extent the Agreement is seen by unionists as safeguarding the union and

by nationalists as signalling a united Ireland—a state of affairs that results in the present remaining inherently conflictual as it feeds uncertainty and anxiety about the future. The Agreement makes provision for a poll for the people of Northern Ireland to determine by simple majoritarianism whether Britain or the Irish Republic holds ultimate sovereignty over Northern Ireland.⁴⁴ By proposing, however, ‘to settle the dispute over democratic sovereignty by means of the principle of majority decision’, the Agreement postpones the question and reverts ‘to the problematic principle which provoked the original crisis in Northern Ireland’.⁴⁵

The standpoint of the Agreement rests on the grounds that there are irreconcilable claims at stake here, but the counterpoint is that this has not been incontrovertibly established. Rather than adhere to the majority principle, it can be maintained that a common citizenship agenda be sought through democratic deliberation, that democratic deliberation ‘is best suited to those decisions which are important, or otherwise intractable, or both’.⁴⁶ Besides, why should the constitutional question be so starkly posed as a single-choice option divorced from wider transformative trends?—especially when increasing global interconnectedness (economically, culturally and politically) has resulted in a declining significance of national sovereignty and state borders, and led Britain and Ireland to become two of the world’s most globalised countries.⁴⁷ As Seyla Benhabib argues, ‘territoriality is fast becoming an anachronistic delimitation of material functions and cultural identities’.⁴⁸ There has been a dispersal of power to sub-national, transnational and global levels such that beneath and beyond the level of formal institutionalised politics attached to the state, issues of governance and civil society have assumed new import.

Indeed, in Northern Ireland, more and more the importance and capacity of central government involvement is being

put into question, with governance becoming multilevel and multiform.⁴⁹ Under the sway of Third Way social policies and special European Union programmes (supported through the Peace Fund), governance has increasingly become tied to the active participation of voluntary and community organisations, and ideas of ‘joined-up’ government and partnership structures have proliferated—notably involving Belfast City Council and district partnerships that pursue social inclusion projects.⁵⁰ Today, the Northern Ireland Council for Voluntary Action has over 5,000 organisations on their database (with total assets exceeding £750 million) and it is estimated that ‘three out of every five adults in Northern Ireland have an association with some form of voluntary or community organization’.⁵¹ And yet, here, the potential for civil society to advance democracy—through, for example, promoting social integration or encouraging active civic involvement—has again not been well served by the Belfast Agreement. If anything, the post-Agreement period has witnessed the depoliticisation of civil society—as the fate of the Civic Forum well illustrates.

The Belfast Agreement incorporated a 60-member Civic Forum, with significant voluntary and community sector membership, to ‘act as a consultative mechanism on social, economic and cultural issues’,⁵² but rather than—as hoped—promote deliberative politics,⁵³ it has lacked influence. This is true in a number of important respects: the composition of the Civic Forum is beholden to powers held by the First and Deputy First Ministers; it has struggled over how to position itself ‘between the legislative Assembly and society in general’;⁵⁴ it is guided by a chair that sees the Civic Forum as being ‘*in* politics but not *of* politics’;⁵⁵ and it has been sidelined by suspicious and hostile power-brokers (especially ‘hardliners’) in the Assembly and civil service.⁵⁶ In sum, the Civic Forum is widely seen to have

failed, having come to constitute a space which civil society does 'not control'.⁵⁷

Altogether then, consociationalism proves hostile to deliberative politics: the constitutional question has been postponed and civil society has been depoliticised. In such ways, the Agreement turns its back on, rather than faces, the future. If, following Benjamin Barber's argument in *Strong Democracy* (1984), politics 'is the art of inventing a common destiny for women and men in conflict',⁵⁸ the Agreement has little to commend it. The Agreement has hardly encouraged the kind of virtuous citizenship propounded by such political theorists as Nicolo Machiavelli and James Harrington.⁵⁹ Consociational politics has worked to systematically close down the space for people to question conventional understandings, to collectively think through the issues, and extend political imaginings.

Conclusion

As made evident from the above critique, the Agreement, as a consociational settlement, is hardly 'the product of an imaginative consensus of the citizen's autonomous wills'⁶⁰—but why should this not be the standard by which the future of Northern Ireland be justified? Particularly when, in terms of political theory, the premises of the Agreement are not justified. To view the conflict as being in 'the nature of things' driven by irreconcilable ethno-national group interest is presumptive, inscriptive and far from progressive.⁶¹ Surely, the social world is created and constructed by the debates that we have about it—it is not simply tied to the 'nature of things'. Already, there is an increasing disengagement from, and decreasing respect for, consociational politics, with around 35 per cent of people in Northern Ireland claiming to be 'neither unionist nor nationalist'.⁶² Moreover, there are clear signs of deliberation amongst 'hard-

liners', with a 'new loyalism' concerned to 'create real alignment in politics on economic and social issues',⁶³ and a new respect within republicanism towards legalism and inclusive dialogue.⁶⁴

A turn away from consociational politics towards a deliberative approach to politics would, it can be argued, do much to 'broaden perspectives, promote toleration and understanding between groups, and generally encourage a public-spirited attitude'.⁶⁵ For crucially, as Dryzek argues, 'there are mechanisms endogenous to deliberation which promote the expression of interests in public interest terms'.⁶⁶ To this end, political will would best be redirected to the pursuit of such initiatives as deliberative opinion polling, citizens' panels and juries, public issue forums, and multi-option electronic referendums.⁶⁷

Most substantively, it follows that the Belfast Agreement be succeeded by some form of National Issues Convention or 'Deliberation Day'. As proposed by Bruce Ackerman and James Fishkin in the context of American presidential elections, a 'Deliberation Day' would constitute a civic holiday on which people meet in a series of small and large group sessions to engage in deliberative debate on matters of pressing concern.⁶⁸ In the Northern Ireland context, such an initiative could be held, with the support of philanthropic foundations prepared to engage in creative philanthropy,⁶⁹ to enable citizens to forge a common destiny and to creatively consider the political design for a constitutional convention, at which—as with the creation of the American Republic in Philadelphia in 1787—elected delegates would meet face to face to determine the future form of government.⁷⁰ After almost forty years of conflict it is perhaps about time to encourage all citizens to freely deliberate, to generalise outside the frame of maximising ethno-national group bargaining, and to ask the question: 'What is good for the political future of us all?'

Notes

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