

### 3. Approaches to the Conflict in Northern Ireland

“The collapse of the [Northern Ireland] Assembly is now often attributed to the bitter opposition of reactionary Orangemen, assumed to be led by Ian Paisley, who were prepared to stop at nothing rather than permit power to be shared with Roman Catholics.”<sup>1</sup>

(Tom Wilson)

#### 3.1 Introduction

The so called “Irish Question” has a peculiar characteristic that have make it more intractable, this is the uneven proportion of Catholics and Protestants. The distribution of Catholics and Protestants differs depending on which side of in the island we are standing. Whereas Catholics in Northern Ireland represent a minority, in the Republic of Ireland they represent 90 % of the population. In contrast, Protestants in Northern Ireland shave the slim majority, but Catholics represent almost 50 % of the whole population.

In general, Northern Irish Protestants barely retain dominance in the North, and have always strived to keep their majority as part of the political status quo. By the same token, the Northern Irish Catholics have also strived to keep their rights before the Protestant majority. Thus we have a conflict-prone region where a Protestant majority wishes to hold a dominant position at expense of a Catholic minority that struggles to be recognized and respected.

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<sup>1</sup> Tom Wilson, *Ulster* (Oxford, OX: Basil Blackwell Ltd., 1989), 178.

### 3.2 Government by Elite Cartel or *Consociational Democracy* (1973, 1998)

Consociationalism is a constitutional approach that tries to accommodate antagonist political factions. Arend Lijphart in his seminal article “Consociational Democracy” uses the term consociationalism to describe a “deviant case of fragmented but stable democracies.”<sup>2</sup> By fragmented, Lijphart means divided societies formed by conflicting national groups which seek to live peacefully by generating a governmental structure that satisfies the demands and conditions of such groups. Thus he defines consociational democracy as “a government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy.”<sup>3</sup>

In order to typify this kind of democracy Lijphart puts forward four conditions to be fulfilled in a normative sense:

1. a grand coalition of all (ethnic) groups;
2. mutual veto in decision-making;
3. ethnic proportionality in the allocation of certain opportunities and offices;
4. and ethnic autonomy, often expressed in federalism.<sup>4</sup>

Through years of turmoil and discrimination between factions in conflict zones the need for conflict resolution methods and alternative ways of peaceful coexistence has brought to the forefront policies of accommodation like consociationalism. Lijphart’s model puts forward a model of governance based on the figure of *power-sharing*.<sup>5</sup>

This model deals with a representative government which can provide spaces not only of expression, but also of equal opportunities to the groups in question. This idea suggests that

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<sup>2</sup> Arend Lijphart, “Consociational Democracy,” *World Politics* 21, no. 2. (January 1969): 211.

<sup>3</sup> Ibid. 216.

<sup>4</sup> Arend Lijphart, *Democracy in Plural Societies* (New Heaven: Yale University Press, 1977), 25-44, quoted in Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, California: University of California Press, 2000), 571-572.

<sup>5</sup> European Center for Minorities Issues, “Conflict theory: Classical Approaches,” [http://www.ecmi.de/cps/about\\_approaches.html](http://www.ecmi.de/cps/about_approaches.html)

ethnic groups do not limit their claims to autonomy. They also seek power; that is, they compete for some degree of control over the state's power. By acting as political contenders, minorities look for access in the civil service and government positions as a means to alleviate its equal-rights demands. Thus, minority groups seek to share power with the dominant majority.<sup>6</sup>

The idea of consociationalism has been applied to Northern Ireland. A first attempt was made in 1973 with the Sunningdale Agreement, and in 1998 with signing of The Good Friday Agreement that remains until today. However, this idea has failed in its application since it has not accomplished the requirements to change a segmented society into a consociational democracy. Despite the efforts to bring a settlement, the sectarian divide has prevented the realization of a "government by elite cartel." (Today the Northern Ireland Assembly remains suspended under direct rule from Westminster) Still, riots, demonstrations, bombings, and killings persist in the political atmosphere raising obstacles for the consociational foundations.

For example, elite competition from both the Catholic and the Protestant side has failed to stop nationalist violence. Instead, it has increased the divisions among factions, intensified negotiations, and triggered intra-group blood feuds. Consequently, these events have prevented the formation of a peaceful cross-community agreement, which is the first requisite to have consociational democracy. Lijphart suggests that the "elites are required from both sides to have the ability to accommodate the divergent interests and demands of the groups. This requires that they have the ability to transcend cleavages and to join in a common effort with the elites of rival subcultures (national groups)."<sup>7</sup> However, cross-cutting the cleavages has been a difficult process.

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<sup>6</sup> Ibid.

<sup>7</sup> Lijphart, "Consociational Democracy," 216.

Part of the failure of this model is due to the constant disagreement between moderate reformers, extremists, paramilitaries, and their respective political parties. For example, in 1998 the Ulster Freedom Fighters (UFF), one of the paramilitary wings of the Ulster Democratic Party (UDP) boycotted the peace talks after a series of killings. As a result the UDP was expelled from the multi-party peace negotiations temporarily.<sup>8</sup> In this context, Donald L. Horowitz argues that in most divided societies the political parties are organized among “ethnic lines,” fact that increases the obstacles of negotiation and institutionalize hostilities.

Indeed, in Northern Ireland the political parties are organized not precisely along ethnic lines but along nationalist-religious lines. The Sinn Féin and the Social Democratic and Labor Party from the nationalist-republican side; the Ulster Unionist Party and the Ulster Democratic Party from the Protestant-Unionist side; and currently the Alliance Party and the Northern Ireland Women’s Coalition which have played a conciliatory role with more moderate agendas. They all have been the key political contenders in the peace negotiations.

Table 3.1 Political Parties in Northern Ireland

Catholic/Nationalist	Center/Moderates	Protestant/Pro-British-Union
Sinn Fein (SF)  Social Democratic and Labor Party (SDLP)	Alliance Party (AP)  Northern Ireland Women’s Coalition (NIWC)	Ulster Democratic Party (UDP)  Ulster Unionist Party (UUP)

<sup>8</sup> Gary McMichael, *Ulster Voice* (Boulder, Colorado: Roberts Rinehart Publishers, 1999), 174.

Another critique made of consociational arrangements is based on the political culture and social structures from which they are drawn. Lijphart created a model from fragmented liberal societies where linguistic and religious differences were free from intermittent communal violence and civil wars. Therefore, the classic examples of consociationalism Switzerland, Austria, Belgium and the Netherlands differ in structure from “severely divided societies.”<sup>9</sup> In the case of Ulster the lack of consensus has not been achieved due to the constant civil unrest caused by the bipolar and segmented composition of their society.

Furthermore, consociationalism is based on the assumption that there already exist divisions. This means that negotiations are to be done with the political factions in dispute. In this respect Giovanni Sartori has stressed that “If you reward divisions and divisiveness...you increase and eventually heighten divisions and divisiveness.”<sup>10</sup> Therefore some skepticism has been raised: “Critics claim that a sense of Northern Irishness will not be developed whilst British unionist and Irish nationalist identities are encouraged.”<sup>11</sup>

In a similar perspective John Mc Garry states that the “...least favorable situation, in consociational arrangements, is where two subcultures exist in a clear majority/minority dichotomy (the case of Northern Ireland). In contrast, ...the successful political accommodation is where there are three or more subcultures that are clearly minorities, that is, a multiple balance of power within the country.”<sup>12</sup> A defiant majority resisting to cede the rule and the existence of a minority demanding power is the scenario that persists in Northern Ireland.

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<sup>9</sup> Donald Horowitz, *Ethnic Groups in Conflict*. (Berkeley, CA: University of California Press, 2000), 571-573.

<sup>10</sup> Giovanni Sartori, *Comparative Constitutional Engineering* (Basingstoke: Macmillan, 1997), 72.

<sup>11</sup> Jonathan Tonge, “Politics in Northern Ireland,” in *Developments in British Politics 7*, Patrick Dunleavy and others, eds. (New York, NY: Palgrave Macmillan, 2003), 188.

<sup>12</sup> John McGarry, “The Anglo-Irish Agreement and the prospects for Power Sharing in Northern Ireland,” *Political Quarterly* 59, no. 2 (August/June 1988): 245-246.

Consequently the problem of the applicability of consociationalism to Northern Ireland has to do with the deep rooted sectarian divide. Although it has been argued that:

[t]he leaders of the rival subcultures may engage in competitive behavior...but they also make deliberate efforts to counter act the immobilizing and unstabilizing effects of cultural fragmentation. As a result as such cooperation at an elite level...a country can...achieve a degree of political stability quite out of proportion to its social homogeneity.<sup>13</sup>

However, the history of sectarian violence has passed from generation to generation, and consequently it has made the process of *forgetting* almost impossible for peaceful reconciliations. The fights and intra-group competitions among elites in ethnic conflicts are violent and subversive and tend to reproduce with new nuances.

The will among elites to reach peaceful agreements over governance and democratization has been a slow process in Northern Ireland albeit not unrealizable. In this respect, political consensus has become a twofold variable. The lack of consensus is not only part of the segmented society but a consequence of clashing interests from the leaders of the political parties and nationalist institutions. Agreements ought to be not only made at the upper political levels but they should start from the “bottom” as well. If this is the case we might expect a long-term peace process in Northern Ireland.

### **3.3 Model of Ethnic Democracy (1921-1972)**

Sammy Smootha develops a model to explain the political control of the dominant national groups, i.e. the main ethnic core of states, over minorities in “stable democracies.” Smootha defines *ethnic democracy* as the “democratic political system that combines the extension and political rights to permanent residents who wish to be citizens with the bestowal of

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<sup>13</sup> Arend Lijphart, “Consociational Democracy,” *World Politics*, 21, no. 2 (January 1969): 212.

a favored status on the majority group.”<sup>14</sup> By “ethnic” Smootha means that this kind of democracy takes the “ethnic nation” as the cornerstone of the state but not citizenry.<sup>15</sup>

Therefore, the fact of preserving the ethnic nation for the benefit of the dominant ethnic group represents a behavior moved by a sense of ethnic nationalism. As described in the typology of nationalism, the act of preserving the ethnic identity can be a form of nationalism as well. Such identity is usually defined in exclusive terms, mainly on the basis of common descent and on the sharing of “assumed” cultural markers such as race, religion, language, blood ties, territory or others that produces a sense of unity.

In order to preserve the group’s superiority, Smootha argues that unlike civic liberal democracies that treat minorities equally, ethnic democracy grants individual and collective rights to the minority, but also guarantees *preferred status* to the majority.<sup>16</sup> Accordingly, the dominance of one ethnic group within a given state is institutionalized by the enhancing of differences in the social and political life of the groups; mainly through discriminatory practices.

This is to say:

The founding rule of this regime is an inherent contradiction between two principles –civil and political rights for all and structural subordination of the minority to the majority [...] while liberal democracy conforms the idea of “equal and not separate,” multicultural democracy concur with the vision of “equal but not so separate,” and consociational democracy corresponds to the concept “separate but equal,” ethnic democracy fits the pattern of “separate but not so equal.”<sup>17</sup>

From the creation of the Northern Ireland Parliament or “Stormont” by the Government of Ireland Act in 1920 to the end of home rule and the institution of direct rule from Westminster

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<sup>14</sup> Sammy Smootha, “The Model of Ethnic Democracy,” *ECMI Working Paper #13*, (October 2001): 24, <http://www.ecmi.de>

<sup>15</sup> *Ibid.*, 26.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

in 1972, Northern Ireland lived as an ethnic democracy. Through *devolution*<sup>18</sup> the powers of electoral arrangement and responsibility for law, order and internal security formerly vested in the United Kingdom Parliament were transferred to the new legislative body in Northern Ireland. The division of responsibility between the two parliaments<sup>19</sup> set an important precedent to the enforcement of *discrimination* toward the Catholic minority with institutional support from the state.

Today, it is said that the Good Friday Agreement has created a “pluralist parliament for a pluralist people;” however before 1972 Northern Ireland had a “protestant parliament for a protestant people.”<sup>20</sup> One of the main reasons of the ethnic democracy triumph 1921-1972, has to do with the structural design of Northern Ireland which made of it an independent constituency from the Irish Free State. The Government of Ireland Act had granted political autonomy to the “Province” but it did not consider internal problems nor did it foresee the dangers of devolution:

The Act did not put in place adequate checks on the Northern Ireland administration, short abolition. There was no machinery for detailed parliamentary or executive scrutiny of Northern Ireland affairs; unlike Scotland and Wales there was no Secretary of State answerable to Westminster and no Northern Ireland Committee was established. Northern Ireland was formally the responsibility of the Home Office but was relegated to the general department.<sup>21</sup>

Protestant dominance was assured mainly through the control of parliament and then by the special powers bestowed on the ruling majority. From 1921 to 1969 the Ulster Unionist Party

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<sup>18</sup> Devolution refers to the transfer and subsequent sharing of powers between institutions of government within a limited framework set out of legislation. Stephen Young, “Devolution in the United Kingdom,” *Law Library Resource Xchange, LLC.*, <http://www.llrx.com/features/devolution.htm>

<sup>19</sup> Michael Cunningham, *British Government Policy in Northern Ireland* (Manchester, UK: Manchester University Press, 2001), 2.

<sup>20</sup> Tonge, “Politics in Northern Ireland,” 183.

<sup>21</sup> Cunningham, *British Government Policy*, 1.

had clear majorities over all other parties including the Nationalist/Republican Party winning between 32 and 40 out of 52 seats in the House of Commons.<sup>22</sup>

However, initiatives were always based on a preferential basis. According to Smooha, in ethnic democracies the organization of the state is based on its structural incompatibility between the main ethnic group and the minority (ies). This is due to the structural subordination of the minority to the majority. This means that ethnic democracy abides democratic principles which provide equality between all citizens and members of the society, nevertheless the ethnic principle in which the ethnic state is organized, establishes explicit ethnic inequality, preference and dominance.<sup>23</sup>

On a local level, the inequality of the Catholic minority was reflected by the “unfair voting process, rigged electoral boundaries, biased housing allocation, and unequal educational founding.”<sup>24</sup> Furthermore, the use of force and *policing* were fundamental aspects in assuring control and stability through the monopolization of the state power. Through the Royal Ulster Constabulary (RUC), today the Northern Ireland Police Service (NIPS), the Unionist government assured a coerced stability chiefly oriented to enforce nationalist demonstrations and disloyal attitudes.

For the Catholics/nationalists, the police service under Stormont was very biased. The strong Protestant-British preferences were evident even in the semantics of the title of the police, *Royal Ulster Constabulary* (formerly the *Ulster Constabulary*, the prefix *Royal* was granted by

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<sup>22</sup> Derek Birrel and Alan Murie, *Policy and Government in Northern Ireland* (St Philips, Bristol: Gill and Macmillan Ltd.,1980), 90.

<sup>23</sup> Smooha, “Model of Ethnic Democracy,” 25.

<sup>24</sup> Mari Fitzduff, *Beyond Violence* (Shibuya-Ku, Tokyo: United Nations University Press, 2002), 158.

King George V over a recommendation of the Northern Ireland Parliament).<sup>25</sup> To Catholics this was more an act of discrimination and a reflect of who was on charge:

...the Royal Ulster Constabulary [was seen] the most visible line of defense of a state that they have difficulty accepting as legitimate. They also tend to regard it as an “ethnic police force,” as its overwhelmingly Protestant membership comes from Protestant centers of population, and polices Catholic areas with which it has little affinity.<sup>26</sup>

From the previous statement we can conclude that the idea of ethnic democracy makes uses of the state’s legitimacy to achieve group dominance. According to Smooha, in an ethnic democracy “the state belongs to the majority and severs it more than the minority.”<sup>27</sup> Thus in ethnic democracies the state can become the classic Weberian state; a state that claims the monopoly of the legitimate use of force as part of its compulsory jurisdiction.<sup>28</sup> From 1921 to 1972 it is clear that not only the Catholic minority, but those Protestants against Unionist’s polices lived under siege and subject to the legitimate but discriminatory power of the Unionist-Protestant state.

It is not surprising that the Orange Order supported the rule of the Protestant majority. From the creation of Northern Ireland, the Orange Order was linked to the Protestant establishment in many ways; one of them was the participation of many of its members in the RUC forces and vice versa. This can be better illustrated in the following quote:

In 1922, three weeks after the formations of the force [the RUC] the Minister for Home Affair, Dawson Bates received a letter on behalf of a number of RUC officer seeking permission to attend meetings of the Orange Order.

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<sup>25</sup> Graham Ellison and Jim Smyth, *The Crowned Harp* (London: Pluto Press, 2000), 19.

<sup>26</sup> Robert MacGinty, “Policing and the Northern Ireland Peace Process,” in *Politics and Performance in Contemporary Northern Ireland*, ed. John P. Harrington and Elizabeth J. Mithchell (Amherst: University of Massachusetts Press, 1999), 104.

<sup>27</sup> Smooha, “Model of Ethnic Democracy,” 25.

<sup>28</sup> Max Weber, *The Theory of Social and Economic Organization* (New York, NY: Oxford University Press, 1947), 156.

Bates passed the letter to James Craig [the first Northern Ireland Prime Minister] who sanctioned the formation of an Orange Lodge specifically for the RUC in January 1923. This lodge was to be called Sir Robert Peel Memorial Loyal Orange Lodge and soon boasted a membership of 300, almost one-quarter of the force composition of 1,100 at that time. Members of the Unionist government also regularly attended this lodge.<sup>29</sup>

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<sup>29</sup> Ellison and Jim, *Crowned Harp*, 22.