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Others in Deeply Divided Societies: A Research Agenda

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This article identifies a central problem in the theory and practice of democracy in divided societies: the systematic exclusion of Others. Defining the exclusion-amid-inclusion (EAI) dilemma of consociational power-sharing, whereby in including the main groups to the conflict it works to exclude those beyond these groups, the article offers the first systematic conceptualization of this issue. The article outlines the type of individuals and groups affected by the EAI dilemma, the varying strategies they adopt to navigate power-sharing frameworks and the potential routes out of this normative and empirical puzzle. Finally, it lays out a challenge for scholars to build on this conceptualization and address the EAI dilemma in future research.

In 2016, the European Court of Human Rights ruled for the third time against the state of Bosnia and Herzegovina (BiH). At stake was whether BiH’s constitutional framework – a particularly rigid and complicated form of corporate consociationalism – violated the rights of non-constituent peoples to free and democratic elections and to freedom from discrimination. The court took issue with the electoral rules for the state presidency and the House of Peoples, both of which restrict access to BiH’s constituent peoples – Bosniaks, Bosnian Serbs, and Bosnian Croats. The court sided with Ilijaz Pilav, a Bosniak living in the Republika Srpska, who could not contest the presidential elections on the basis of his residence, as the current rules restrict candidacy to Bosniaks and Bosnian Croats who live in the Federation of Bosnia of Herzegovina and to Bosnian Serbs who live in the Republika Srpska. This decision reinforced two earlier rulings. In Finci and Sejdić vs. Bosnia and Herzegovina (2009), the court determined that the electoral rules discriminated against members of the Jewish and Roma populations, who, as non-constituent peoples, were prohibited from reaching these offices. In Zornić vs. Bosnia and Herzegovina (2014), the court sided with Azra Zornić, who, because she was unwilling to declare an ethnic affiliation, was prohibited from contesting the election. Despite these rulings, the electoral rules remain in place and politicians remain deadlock ed on how to revise them.

In addition to their legal ramifications, the ECHR rulings expose an acute problem that emerges in consociational settings, which we refer to as the exclusion-amid-inclusion (EAI) dilemma. That is, the institutional inclusion of some groups necessarily results in the exclusion of others. As Jakob Finci noted in response to the 2009 ECHR ruling, the
institutional rules are “a problem of injustice that divides Bosnian people into first and second class citizens.”

Although BiH is not the only consociation facing the EAI dilemma, the exclusion of Others continues to receive insufficient attention in power-sharing theory. Stojanović goes so far as to contend that, “the consociational approach is ipso facto uninterested in the political status of those who do not belong to any of the significant segments.” Certainly, the focus of consociationalism, in its pursuit of political stability in deeply divided settings, has an overriding concern with the dominant ethnopolitical cleavage and those groups that have the capacity to destabilize the system. Yet while the consequences of ethnic conflict can be devastating, even in the most deeply divided societies, ethnopolitical mobilization is not the only way in which citizens seek political engagement. As Horowitz notes, “nowhere, of course, is politics simply reducible to the common denominator of ethnic ties.” By overlooking the diversity of political identities that exist in divided communities, consociationalism risks implementing a very narrow conception of inclusion. Non-dominant groups – Others – may find themselves systemically side-lined from participating in and contributing to the development of a shared polity, calling into question the democratic legitimacy and stability of the new constitutional order.

This special section confronts this blind spot in power-sharing theory and calls for the development of a research agenda that investigates how Others navigate the EAI dilemma under power-sharing rules. Specifically, can a political system designed to privilege the representation and participation of some groups over others be considered fully democratic?

WHO IS AFFECTED BY THE EAI DILEMMA?

Power-sharing is premised on the belief that the only way to ensure peace, stability, and democracy is to bring the elites from divided communities into a jointly-run governing framework. Consociationalism, the leading form of power-sharing, ensures joint governance through four institutions: executive power-sharing, veto rights, proportionality rules, and group autonomy provisions. These institutions may be designed in a variety of ways, including by predetermining which groups will receive institutional recognition or by allowing voters to determine the extent of group representation. The general thrust is that no group can dominate over others. There are compelling reasons to adopt consociational rules, not least of which are its security-enhancing features. Some of the most protracted conflicts are fought between groups emphasizing identity-based inequalities as the drivers of conflict. Thus, it is mainly the representatives of parties to the conflict who stand the best chance of being elected in the post-conflict foundational elections; in the process, they are incentivized to support political stability.

While such security concerns are of overriding importance, consociationalism also promises to deliver democracy. This is only tenable if we assume that the only salient political identity citizens have is the one accommodated in the consociational structure and that the consociational structure has included all salient political identities. The implication is that consociations do not allow for the effective participation of those groups not aligned with the power-sharing executive and of those individuals not aligned with the constituent groups. While Lijphart contends, “there is nothing in consociational democracy that people who are
both consociationalists and democrats have to be apologetic about,”¹⁸ there are nonetheless reasons to suspect that if consociationalism can deliver democracy, it is only for some and not all members of society.

Focusing on the EAI dilemma prompts the question of who is an Other? The concise response is anyone who does not identify with the ethno-divide. Yet, this masks important differences in why individuals choose not to align with the dominant cleavage. Other often serves as a catch-all category, including different kinds of groups with different experiences of marginalization and different political objectives. The term thus elides significant distinctions between the different parties, groups and communities to which it is meant to apply, making it difficult to assess how the EAI dilemma is manifested for different groups and how it might be resolved.

Different consociational systems confront the EAI dilemma in different ways. To start, not all use the terminology of Others. In the case of Lebanon, while much of the corporate system is geared around the accommodation of the “troika” (Maronite Christians, Sunni Muslims, and Shia Muslims), the Taif Accords also provide reserved seats for eighteen different confessional groups in the legislature, each one of which is specifically named. Macedonia similarly reserves some roles for very small, named minorities including the Turkish, Vlach, and Roma. The Ohrid Agreement, which embodies a more liberal power-sharing logic, also contains a provision on veto rights for “communities not in the majority in the population of Macedonia,” referring implicitly to the much larger group of Albanian-speaking citizens.

When the term is used, it is often as an additional ethnic category for those – often, very small groups constituting but a fraction of the population – not party to the dominant cleavage the system is designed to accommodate. In South Tyrol, the term applies to anyone who does “not want to declare membership of one of its three official language groups” (German, Italian and Ladin), though it is typically thought to refer to ‘mixed language’ (i.e., bilingual) families or to migrant populations.⁹ Some consociations make provisions for some Others but not all. In Burundi, in addition to ensuring the corporate representation of Hutus and Tutsis, provisions for the small Twa community are guaranteed in the constitution, but not for the even smaller Ganwa community, Burundians of Arab descent, foreign-born but naturalized citizens, and Burundians of unknown ethnic origin.¹⁰

Other is also used as a residual category for all those who do not align with the dominant cleavage, either because they belong to an ethnic group not named in the consociational pact, or because they prefer to emphasize a different aspect of their identity. In Bosnia, the constitution leaves the term Other undefined, though it is assumed to cover both “national minorities and the nationally undeclared.”¹¹ Northern Ireland employs an open-ended understanding of Other, leaving it up to the parties elected to the Assembly to declare as Unionist, Nationalist or Other. The Alliance Party, the Women’s Coalition, the Green Party, and People Before Profit have all identified as Other parties, for reasons ranging from bi-nationalism, gender equality, environmentalism or socialism.

There is thus no singular usage of Other in power-sharing practice. Much of the consociational scholarship has been no more illuminating, mentioning Others only in cursory terms. Nonetheless, some scholars are now beginning to assess consociationalism’s impact on Others, but the literature is far from systematic. The most comprehensive treatment is by
Stojanović, who outlines four different dimensions: citizen versus foreigner, mono-ethnic versus bi-ethnic, ethnic versus non-ethnic, and recognized versus non-recognized. While this adds significantly to our understanding of Others, it is still worth considering further how non-ethnic political identities are formulated and expressed under power-sharing rules. There is an emerging research stream on consociationalism’s impact on gender and sexual identities, which suggests that consociationalism has the potential to entrench conservative, patriarchal and heteronormative values, thus adversely affecting the potential of women and LGBTQ minorities to participate on fair terms.

There is also a literature that considers consociationalism’s impact on civic political movements, which finds that civic parties are often seen as “marginal actors,” either because they find it difficult to gain an electoral foothold or because once they do, they find that their vote is worth less than those parties that represent the dominant cleavage. Given the limited consideration Others have received in power-sharing theory and practice, there is still much to learn about how such groups navigate and overcome the EAI dilemma.

**HOW DO OTHERS NAVIGATE THE EAI DILEMMA?**

We know that the theoretical principles of power-sharing devote little attention to identities other than those relevant to the conflict. We also know these ‘Others’ encompass a broad range of identities, eluding straightforward categorization. Yet, how does the system shape their political representation and participation? How can we chart their experiences of power-sharing? Drawing on both consociational practice and academic scholarship, we can identify three broad categories of Others.

**Ethnic Others:** The first category focuses on ethnicity and includes those whose primary political identity is ethnic but who are not included in the government structure, often because the group constitutes a very small share of the population and/or they are territorially dispersed; those whose primary political identity is ethnic and who are included in government structures, but often only in limited symbolic ways, and who are often lumped together with other groups, and; those who identify as ethnic – and whose ethnic group may already be represented in government structures – but who seek explicitly multi-ethnic forms of participation.

**Ethnic-rejecting Others:** The second category includes those who seek political participation on a socially relevant identity other than ethnicity, and for whom that identity has been the basis for their exclusion and marginalization from political life. This may often be centred on gender and sexuality, but could also include religion, language, or other core identity features not accounted for in the consociational structure.

**Issue-oriented Others:** The third category includes those rejecting all identity-driven labels and who instead pursue ideologically underpinned forms of political participation, either in the form of traditional left-right politics or through post-materialist mobilization, such as environmental activism. They make the conscious choice to disconnect their social and ethnic identities from their political identities and often seek political access in keeping with liberal, individualist notions of representative democracy.
The EAI dilemma can be observed at both political and symbolic levels, and thus has both direct and indirect impacts on the political representation of the interests of Others. First, the primary purpose of power-sharing is to move formerly warring parties towards peace and cooperation in the political arena. Consequently, the focus is primarily on the inclusion of conflicting parties in grand-coalition governments, vesting them with joint responsibility to maintain peace and democracy. At this early stage, the role of Others is often downplayed, foregoing the representation of the diversity of political opinion across society, in order to ensure political stability. For example, the allocation of ministerial portfolios to representatives elected on an ethnic ticket and the extension of veto rights to some groups but not others both serve to ethnicize bread-and-butter political issues. Beyond the practical effect, such rules also have symbolic import. That is, they can send “a very dangerous message to society that we are perpetually divided.”

Proportionality rules may also disadvantage Others. While some power-sharing systems, particularly those that include corporate rules, provide institutional recognition for Others alongside the dominant groups, these provisions tend to be of a limited, secondary status. In a direct sense, proportionality rules, such as quotas and reserved seats, deny individuals and political parties who do not identify with the protected groups the ability to take up key positions of power in the executive and legislature; it also limits their opportunity to secure public sector employment on this basis. Indirectly, these mechanisms reinforce the logic of ethnic representation, whereby Sunni citizens in Lebanon are represented by Sunni representatives, German-speaking citizens in South Tyrol are represented by German-speaking politicians, and so on. In this context the extent to which representatives will feel a duty to advance the interests of identities beyond their core constituency will be limited. Survey data from Northern Ireland, for example, finds that voters attribute responsibility for the lives of Protestants primarily to the main unionist party and that for the lives of Catholics chiefly to the main nationalist party. As it stands, consociationalism offers little incentive to the representatives of the main ethnopolitical cleavage to facilitate the representation and participation of Others.

Finally, group autonomy can also marginalize other identities in practice. Territorial autonomy, as implemented in the highly decentralized ethno-federal frameworks of Belgium and Bosnia, places direct barriers to non-ethnic political representation, putting a high cost on parties appealing to more than one dominant group. Non-territorial autonomy, in areas such as culture, education and social issues, can also frustrate the civic agenda, as debates over integrated schooling in Northern Ireland suggest. In Lebanon, personal status laws empower religious leaders on marriage and divorce and other family matters, restricting the rights of gender and sexual minorities as well as the rights of multi-faith couples. Less directly, a presumption towards cultural autonomy for ethnic groups can draw issues of individual equality into the discursive nexus of ethnic politics. This effect has been witnessed in Northern Ireland in the case of marriage equality (i.e., same-sex marriage).

Others must therefore decide how to position themselves with respect to power-sharing. Should they accept, challenge or reject the system? Examining non-sectarian movements in Lebanon, Nagle distinguishes between three available strategies: hegemonic compliance, whereby movements mirror the power-sharing logic within their own structures; constructive engagement, where they participate in order to push for power-sharing reforms;
and active resistance, where they challenge the adverse consequences of power-sharing. In most cases, those beyond the dominant groups still find ways to navigate the political terrain, advance their interests and shape the society in which they live.

Faced with a strategic choice, Others must decide whether to align with the dominant groups and seek representation from within their existing ethnic structures or whether to create their own political parties. The former risks being subsumed by dominant group interests and the threat of contestation and hostility from such groups, as Michael Potter (this issue) demonstrates is the case of women and small ethnic minorities in Kosovo and Northern Ireland. In the latter, organizing as distinct groups grants Others independence from the ethnic realm; however, it also poses the risk of isolating them from power, as many such parties are too small to galvanize a wide support base, as David Mitchell (this issue) demonstrates in the case of the Alliance Party of Northern Ireland (APNI).

If Others opt to mobilize as separate political organizations, they face the further choice of whether and how to engage politically with the power-sharing structures. Such parties have played key roles alongside ethnic parties in power-sharing executives in Northern Ireland, Bosnia and Burundi, even leading governing coalitions in some cases. In other instances, parties have chosen to remain out with the power-sharing government, a decision taken by the APNI in 2016, after it had held ministries in the Executive for six years. ‘Other’ parties have also made strategic use of reserved seats and quotas. Bosnia’s Social Democratic Party (SDP) and Naša Stranka have taken up positions in legislature and government intended for constituent peoples. Yet the SDP has seen its legitimacy as a civic party contested by ethnic opponents, most notably when its candidate took up the position of Croat president in the 2006 and 2010 elections, a victory that Croat parties claimed he owed to the votes of Bosniaks in the Federation entity. Other civic parties have encountered challenges in operating on their own terms in power-sharing systems. In Northern Ireland, in 2001, the Women’s Coalition and APNI were called upon to play the role of mediator by temporarily re-designating to unionist and nationalist for a vote intended to save the power-sharing institutions from collapse, as Mitchell describes (this issue).

Alternatively, non-dominant groups can attempt to carve out their own non-aligned space in civil society. Many civil society organizations mobilizing on a non-ethnic basis refrain from engaging in formal politics at all. Shunning the ‘big p’ political arena has been observed in the ‘protest and plenum’ movement in Bosnia, the women’s movement in Northern Ireland and Bosnia and public services protests in Lebanon. Yet, remaining removed from the political sphere carries the risk of further marginalization, serving to exacerbate, not alleviate, the EAI Dilemma.

**CAN THE EAI DILEMMA BE OVERCOME?**

Consociationalism is empirically grounded, taking account of the reality of divided societies and the nature of the conflict. The definitive feature of a deeply divided society is that ethnic identities tend to overlap and map onto politically relevant identities. Consociation seeks to nudge conflicting parties toward durable peace, anticipating that democratic representation will ensure political stability. However, it does little to de-emphasize the existing boundaries
between the segments of a deeply divided society, oftentimes offering only symbolic descriptive representation for groups not centrally involved in conflict.

For power-sharing to work, a significant part of society should identify primarily with the categories recognized as politically relevant. The central aspiration of consociationalism, however, is that identity-based conflicts will gradually move from the streets into the hallways of government before softening at the edges. As the elites of conflicting parties grow accustomed to the rules of the political game, the assumption is that they will begin to move from adversarial to cooperative law- and policy-making.

The way in which power-sharing arrangements are designed will influence the potential for institutional strategies that redress exclusion of non-dominant groups in the long run. Both corporate and liberal forms of power-sharing offer incentives for ethnic mobilization that may pacify core conflicting groups and facilitate stability, but which marginalizes Others. Not only does power-sharing present these Others with a tangible challenge for participation in political institutions that are designed not to accommodate their interests, it also allows for the potential development of political clientelism among the leaders of identity groups previously engaged in conflict at the expense of accommodating interests other than those related to their (ethnic) constituency/group. Creating opportunities and incentives for intergroup cooperation therefore sits squarely outside the political mandate guaranteed in the power-sharing arrangements. Under these conditions, the EAI dilemma becomes a major obstacle for non-dominant groups to gain entry into the political system.

Although the dynamics of representative democracy (might) result in the gradual shift in representation from identity-groups to interest-groups, consociational institutions have proven difficult to reform, as such discussions are often seen as politicized plots to consolidate existing relations of domination rather than to share power with further groups and/or ensure multi-layered decision-making. In the face of such entrenched self-interest and path dependency, how might the EAI dilemma be overcome? Here we outline two broad strategies, recognizing that there are multiple ways to do so, as the rest of this special section highlights.

First, in the design of power-sharing institutions there is a need to broaden the base of politically relevant citizens, i.e., those who can elect representatives and themselves be elected. This coaxes wider segments of society into assuming responsibility for maintaining political stability and peace after conflict. Whereas power-sharing agreements allow the parties to conflict to extract a ‘sectarian dividend’ from the new institutional arrangement, the participation of Others in consociations challenges precisely this privilege of the nominated groups. Citizens of deeply divided societies are unlikely to shift their ethno-political identities overnight, but as long as political representatives are elected to govern likes by likes, sharing that dividend across levels of government is likely to increase stability overall. One example of this in practice occurs in the Macedonian municipalities of Shuto Orizari and Kumanovo, where the Roma are in a demographic plurality. Here, Romani representatives are able to run on the lists of Macedonian and Albanian parties in national elections. Thus, at the national level they are permitted to make decisions affecting all citizens, yet when acting as local councillors, elected Romani politicians can advocate the local, culturally sensitive issues of their communities. Potter describes similar processes taking place in Northern Ireland.
Secondly, external sponsors of power-sharing agreements can focus more on ensuring effective representation of all members of society through implementation of the rule of law. Ensuring some level of access to, and input into, political decision-making for Others in peace and power-sharing agreements, as described by Laura Wise (this issue), encourages the dominant groups to cooperate not only amongst themselves but also with Others. This process, Wise argues, should occur at both the centre and at sub-state levels. This signals that peace is the outcome of domestic political processes and depends on continuous cooperation with actors across all of society. The stability of consociationalism not only depends on collaboration between the principle domestic actors but also on their anticipating the gradual watering down of the ethno-divide as violence gives way to political competition on other cleavages. Indeed, consociation is considered – in peacebuilding practice, even if not in theory – a transitory stage, with politics representing identities over time paving the way for politics representing interests. Thus, the way to minimize the effects of the EAI dilemma and better enable this transition, is to design political institutions in such a way as to incentivize all citizens to see political institutions as serving not just their identities but also their interests.

CONCLUSION

In this article, we have highlighted how Others have received insufficient attention in both the theory and practice of power-sharing. Terminologically, there exists much confusion, with ‘Other’ deployed as a catch-all to signify ethnic, social, and ideological differences. At a practical level, there is, as yet, insufficient systematic treatment of how disparate Others navigate ethnicized politics. Consociational rules, we have shown, pose both constraints and opportunities. These constraints can be formal (e.g., consociational rules that require community designation limit the political space for Others) or informal (e.g., a culture of ethnic representation tends to disproportionately focus on ethnic matters at the expense of more bread-and-butter political issues). Yet it is also worth noting that such arrangements may also provide critical opportunities for Others, who may find themselves in a balance-of-power role, particularly during coalition-building moments.

The articles by Wise, Potter, and Mitchell address the exclusion and institutional neglect of Others as well as their potential to carve out their own political space in divided societies. We hope that this article and the three that follow can help to shape the contouring of an emergent research agenda on the role of Others in divided societies. On the empirical side, future research might further explore how democratic institutional design can account for the inclusion of Others in power-sharing. On the normative side, scholars might consider the ways in which Others can be conceptualized and politically represented in ways that do not inadvertently misrepresent or essentialize these actors. In this way, we can move forward our empirical and conceptual understanding of the exclusion-amid-inclusion dilemma and how it might be resolved through the design of power-sharing institutions that deliver security and democracy for all, not just some, members of society.
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NOTES

1 “‘The Destiny of Bosnia Will Also be Our Destiny’: Jakob Finci on the Jewish Community of Bosnia.” Balkanist Magazine, 25 May 2015.
8 Arend Lijphart, Power-Sharing in South Africa (Berkeley: Institute of International Studies, University of California, 1985), 112.
10 Stojanović, “Political Marginalization.”
12 Stojanović, “Political Marginalization.”
17 Interview by Cera Murtagh with Alliance Party Member, 6 March 2018, Belfast.
21 Murtagh, “Civic Dilemmas.”


24 Nagle, “Beyond Ethnic Entrenchment.”


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