Chapter 3

The Logics of Power-sharing, Consociation and Pluralist Federations*

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Power-sharing, rightly, is a standard prescription for protracted national, ethnic and communal conflicts in deeply divided territories, especially ones focused on antagonistic self-determination claims. But no sensible advocate of power-sharing assumes it is a universal panacea. Commending power-sharing has to be feasible as well as desirable. And power-sharing is not simple, obvious, or one-dimensional. To avoid confusion, a distinction needs to be made between ‘the division of power’, ‘competition for power’, and ‘power-sharing’.

In the liberal tradition, influenced by the arguments of Montesquieu and Madison and strongly present in American federalism, dividing political power is critical to preventing despotism. It commends separating executive, legislative and judicial institutions. Inhibiting a monopoly of power, especially in the executive, avoids dictatorship. The separation of civilian from military power, of nomination from appointment, of police powers to arrest and interrogate from the judicial power to prosecute, of local governments from central governments, are less recognized, but just as important parts of the same logic. To divide power is to prevent its abuse; to check power with power controls public officials.

Some think that organizing the division of power is what really matters in deeply divided territories. A well-structured division of power, they say, inhibits national, ethnic or communal majorities – or minorities – from dominating others. Proponents of integration and assimilation make this claim. For them, representative government is power-sharing as well as power-division, because it obliges power-holders to work in anticipation of the checking and balancing capacities of the others. They say that they are supporters of sharing power, but not among communities.

The competition for power, by contrast, focuses on how officials ‘win’ positions, be they executive, legislative, judicial or bureaucratic. In the liberal tradition, competition for executive and legislative power should occur through elections; liberals are more doubtful about elections to judicial and administra-

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tive positions, for which they favour competitive meritocratic appointment. The minimal definition of representative government is a political system in which officials compete for authoritative positions in free and fair elections for citizens’ votes; in which elected officials hold office for limited terms, make laws, and give orders to unelected officials within constitutional norms that ensure accountability – both through the ballot box and recourse to the courts.

The division of power, and competition for power, are intelligent principles. But, on their own, they are unlikely to calm deeply divided territories. Indeed, the combination of the division of power and the competition for power may be conducive toward the oppression of national, ethnic and religious communities. The competition for power expresses or creates majorities – and such majorities may be constructed from national, ethnic or communal cleavages. Majorities from the same community may win control over all major offices and governments – even if the powers of those offices and governments are divided and checked – and then propose discriminatory public policy and conceptions of merit. Integrationists and assimilationists too easily presume that a nation of individuals is in existence, or that one should be built. But most states are multi-ethnic and multi-confessional, and many are pluri-national. For this reason, integrationist and assimilationist politics, even when motivated by high-minded considerations, and however historically vindicated elsewhere, are recipes for conflict in deeply divided territories. To commend integration, and especially, assimilation where there are rival national self-determination claims is partisan or, alternatively, utopian. It is partisan when one community seeks to nationalize the state or region in its image on no better claim than might (numbers) makes right, it is utopian when (potentially or actually) antagonistic communities are instructed to fuse. Partisans and utopians succeeded many times in the last two centuries, too often after bloodbaths.

That is why many contemporary liberals commend power-sharing as a supplementary approach to avoiding the worst in pluri-national, multi-ethnic and multi-religious states. Power-sharing commends the sharing of power as well as the division of power and the competition for power. It commends ‘coalition’ as a considered way of doing things, but not as a substitute for the division of power and competition for power. Advocates of power-sharing might personally favour integration or assimilation, in which all citizens have a primary loyalty to the nation-state, but have learned that they cannot guarantee that outcome, at least not without risking ‘internal’ war. They might prefer a strong programmatic government pushed by a single-minded party, but think the costs too high. They might think it best if their state had ‘normal’ institutions, but know that potential conflict between national, ethnic and religious communities warrants systematically sharing power as well as dividing it and subjecting it to competition.

Proponents of power-sharing start from the recognition that political or cultural homogenization can lead to genocide, ethnic expulsion, imposed partition, and coercive assimilation. Their best argument is therefore very simple: power-

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1 Why we still call internal wars ‘civil’ is a testimony to irony.