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# A Modest Proposal: Building a Deliberative System in Northern Ireland<sup>1</sup>

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## ABSTRACT

This paper sets out a proposal for a deliberative systems approach in the context of Northern Ireland. It proposes a citizens' council to run citizens' juries and an assembly, initially focussing on cross-cutting cleavage issues perhaps relating to deprivation. Further, it would advocate for a strengthened youth parliament to ensure intergenerational fairness. The assembly could later consider how identities could be protected under all

<sup>1</sup> Read a Response to this paper by Colin Harvey, 'Deliberating on the constitutional future', doi: <https://doi.org/10.3318/isia.2021.32b.26>

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possible future constitutional arrangements, as well as possible political, economic and constitutional compromises. Such a body could then feed into an assembly in the republic ensuring that citizen input is considered in advance of any legislative proposals that would be required in advance of a referendum on possible unity.

## INTRODUCTION

The right to self-determination is a fundamental part of the 1998 Belfast / Good Friday Agreement (hereafter ‘the Agreement’). With changing demographics, it is an inevitability that the secretary of state for Northern Ireland will at some point call a referendum on possible Irish unity. As policymakers and academics focus more on the possibility of such a referendum, the issues arrive ever more into focus. Concern about escalating division and polarisation and indeed even the possibility of securing losers’ consent without violence means that we see increasing calls for citizens’ assemblies to be part of any future process. The idea is that such assemblies could be used to help develop proposals to help structure and inform debate.<sup>2</sup>

The oft-cited precedent of the citizens’ assemblies on marriage equality (2015) and abortion (2018) in the republic<sup>3</sup> are invoked to demonstrate that salient, contentious and polarising issues on the island can be discussed in a relatively dispassionate way allowing the emergence of the people’s true values. Citizens’ assemblies have also been widely used in the UK, most prominently on climate change policy; the Scottish and Welsh governments have also convened citizens’ assemblies, as has the Scottish parliament as well as several Westminster committees. Importantly, citizens’ assemblies have also been shown to have potential in Northern Ireland albeit convened by civil society and academic partnerships so far rather than by any parliamentary or government sponsored initiatives.<sup>4</sup>

<sup>2</sup> Alan Renwick *et al.*, *Interim Report of the Working Group on Unification Referendums on the Island of Ireland*, London Constitution Unit, UCL (October 2020). Available at: [https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/wgurii\\_interim\\_report\\_nov\\_2020.pdf](https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/wgurii_interim_report_nov_2020.pdf) (5 March 2021).

<sup>3</sup> David M. Farrell and Jane Suiter, *Reimagining democracy: lessons in deliberative democracy from the Irish front line* (New York, 2019).

<sup>4</sup> John Garry *et al.*, ‘Public attitudes to different possible models of a United Ireland: evidence from a citizens’ assembly in Northern Ireland’, *Irish Political Studies* 3 (35) (2020), 422–50.

As a result, there have been numerous calls for citizens' assemblies. The details vary, for example Sinn Féin's 2020 election manifesto calls for an all-island citizens' assembly.<sup>5</sup> The British and Irish government's 2020 *New Decade, New Approach* document proposed that one citizens' assembly be held per year.<sup>6</sup> One year on and this commitment hasn't been fulfilled. The SDLP proposed local, regional and national level dialogues to engage with communities on future constitutional arrangements. The moderate Alliance Party has urged the commitments in the joint government *New Decade, New Approach* to be taken up and to proceed as a virtual assembly in the midst of the pandemic.<sup>7</sup> This would have a particular age cohort orientation,<sup>8</sup> with a focus on younger and older voters. Other commentators question whether a new forum is required and point to the Civic Forum, an element of the Agreement that fell into abeyance following the 2002 Stormont collapse. Notably, such proposals have not emanated from any of the unionist parties and indeed part of the reason for the collapse of the Civic Forum was the DUP's belief that it did not contain sufficient numbers of anti-Agreement opinion.

While there are a wide variety of citizens' assemblies, forums and juries, many of those most prevalent in Britain and Ireland comprise randomly selected citizens who gather over a period of several weekends to learn about and discuss specific policy questions in depth, with active facilitation, before making recommendations. In this way, they can come to informed choices on emotive and salient public policy issues, they can reduce polarisation and improve the wider information environment. These deliberative bodies combine the principles of deliberation (careful and open discussion to weigh evidence about an issue), representativeness (achieved through random sampling from the wider population from which a representative selection is made), and impact (with a link to public decision making).<sup>9</sup> Interestingly, in recent research it seems that such assemblies are of particular interest to

<sup>5</sup> Sinn Féin, *Giving Workers and Families a Break: A Manifesto for Change*. Sinn Féin General Election Manifesto 2020, 12, available at: [https://www.sinnfein.ie/files/2020/Giving\\_Workers\\_and\\_Families\\_a\\_Break\\_-\\_A\\_Manifesto\\_for\\_Change.pdf](https://www.sinnfein.ie/files/2020/Giving_Workers_and_Families_a_Break_-_A_Manifesto_for_Change.pdf).

<sup>6</sup> Julian Smith and Simon Coveney, *New Decade, New Approach* (UK Government Publications, 2020), 23, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf).

<sup>7</sup> Alliance Party of Northern Ireland, 'Virtual citizens' assembly should be convened, says Muir', 29 January 2021, available at: [https://www.allianceparty.org/virtual\\_citizens\\_assembly\\_should\\_be\\_convened\\_says\\_muir](https://www.allianceparty.org/virtual_citizens_assembly_should_be_convened_says_muir).

<sup>8</sup> Social Democratic and Labour Party, 'New Ireland Commission', available at: [https://www.sdlp.ie/new\\_ireland\\_commission](https://www.sdlp.ie/new_ireland_commission).

<sup>9</sup> OECD, *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave* (OECD, 2020).

so-called ‘enraged democrats’—largely anti-system, anti-politics males.<sup>10</sup> Hence, there is much optimism about their potential impact in a divided society beset by threats of violence, such as Northern Ireland.

However, we must remain cautious—citizens’ assemblies or other deliberative methods are no panacea. There are risks as well as opportunities; these are heightened in divided society and heightened further when the political issue at stake is one of identity. In order to achieve the broad principles of both inclusion and moderation we must ensure we attend to the likelihood of a unionist party veto. In a recent public consultation, nationalists and neutral participants favoured the use of citizens’ deliberation while almost no unionists did so.<sup>11</sup> This raises the question of how to facilitate a discussion between citizens about the future, if one part of society refuses to take part.

This article first examines the potential benefits of coupling deliberation with referendums in general, before considering the challenges that arise in a divided society. I then consider the principles of inclusion and of moderation as prerequisites of informed deliberation and set out the potential difficulties of such an approach, before elaborating the details of a proposed solution in terms of a focus on the wider deliberative system, building institutions that can incubate deliberative principles in the polity, separating identities and cross-cutting cleavage issues. The proposal then is to invite a multi-stage, multi-level approach: first institute a Northern Irish deliberative institution with a focus on cross-cutting cleavages and youth before considering whether it is possible to examine how identities can be protected in any future constitutional arrangement, then to deliver the output of this report to an assembly in the republic. An all-island convention should only be considered in the event of a referendum outcome that demands it.

## THE ROLE OF DELIBERATION IN MITIGATING WEAKNESSES IN REFERENDUMS

We know that referendums are not necessarily conducive to democratic deliberation; that they risk agenda manipulation, produce majoritarian solutions risking marginalising minorities, that the discourse around a referendum

<sup>10</sup> Jean-Benoit Pilet *et al.*, ‘Public support for citizens’ assemblies selected through sortition: survey and experimental evidence from 15 countries’, 2020, doi: 10.31235/osf.io/dmv7x.

<sup>11</sup> Renwick *et al.*, *Interim Report of the Working Group on Unification Referendums on the Island of Ireland.*

vote can produce symbolic battles, increasing polarisation, while providing few opportunities for reflection prior to decision making.<sup>12</sup> As a result, the discourse around a referendum may arouse tensions and incite incivility. Further, the most problematic of referendums may be plebiscites where the identity of the people themselves is in question.<sup>13</sup>

The informational environment is also problematic; referendum campaigns make serious cognitive demands on citizens, exacerbated when salient. Even attentive citizens tend to rely on heuristics when making judgments. We understand that democratic systems require this division of cognitive load yet there are few institutional supports for what Mark Warren and John Gastil called ‘good trust decisions by citizens’.<sup>14</sup> Further, discourse is mediated through the news values of journalistic and media organisations, which are often inimical to collective deliberation.<sup>15</sup>

Referendum campaigns also suffer from problems and may produce a misalignment of values and votes among some cohorts of voters as voting in line with values in a referendum may be more challenging than picking, what is called in the literature, the ‘correct vote’ (one that aligns values with vote at an individual level) party or candidate at an election.<sup>16</sup> After all, in a high-stakes referendum campaign, a voter requires substantial knowledge of the impact of the proposal, particularly if the status quo is to be rejected, a knowledge of the alternatives and an understanding of the issues in ideological or identarian terms.<sup>17</sup>

The ‘deliberative systems’ turn in democratic theory<sup>18</sup> may provide some answers. This may be achieved through creating new, parallel institutions to inject more deliberation into the system,<sup>19</sup> both through separate deliberative institutions and a focus on social practices underpinning deliberation

<sup>12</sup> John Gastil and Robert Richards, ‘Making direct democracy deliberative through random assemblies’, 2013’, 253, available at: <https://journals.sagepub.com/doi/abs/10.1177/0032329213483109>.

<sup>13</sup> Eilish Rooney *et al.*, *Deliberating constitutional futures*, 2020, available at: <https://pure.ulster.ac.uk/en/publications/deliberating-constitutional-futures>.

<sup>14</sup> Mark E. Warren and John Gastil, ‘Can deliberative minipublics address the cognitive challenges of democratic citizenship?’, *The Journal of Politics* 2 (77) (April 2015), 562–74: 562.

<sup>15</sup> Richard Jenkins and Matthew Mendelsohn, ‘The news media and referendums’, in Matthew Mendelsohn and Andrew Parkin, *Referendum democracy* (Springer, 2001), 211–30.

<sup>16</sup> Thomas Milic, ‘Correct voting in direct legislation’, *Swiss Political Science Review* 4 (18) (2012), 399–427.

<sup>17</sup> Milic, ‘Correct voting in direct legislation’.

<sup>18</sup> John S. Dryzek, ‘Rhetoric in democracy: a systemic appreciation’, *Political Theory* 3 (38) (2010), 319–39; John Parkinson and Jane Mansbridge, *Deliberative systems: deliberative democracy at the large scale* (Cambridge, 2012).

<sup>19</sup> John Gastil, Robert C. Richards and Katherine Knobloch, ‘Vicarious deliberation: how the Oregon citizens’ initiative review influenced deliberation in mass elections’, *International Journal of Communication* 8 (2014), 62–89; John Uhr, ‘Testing deliberative democracy: the 1999 Australian Republic referendum’, *Government and Opposition* 2 (35) (2000), 189–210.

within society.<sup>20</sup> These deliberative processes and systems have particular strengths when tied to collective decision making mechanisms such as referendums, strengthening the connection and legitimacy between the relatively small numbers within the deliberative institution and the wider maxi-public looking on.<sup>21</sup> This is the hope underpinning the various calls for deliberative processes to precede a referendum in Northern Ireland. However, we should also recall that a direct connection to a referendum increases the salience of the deliberation and in a divided society this can be problematic, an issue to which we shall return below.

It is useful initially to outline the various mechanisms through which the benefits of deliberation can be harnessed within the information provision stage of a referendum<sup>22</sup> and within the wider deliberative system.<sup>23</sup> First, deliberative spaces may act as ‘trusted information proxies’ with ‘recommending force enabling citizens to make better judgements’.<sup>24</sup> They can do so by first acting as a source or repository of rigorous, balanced and informed informational materials as well as acting as a proxy for citizens’ voices that are more likely to approximate the general public than political elites and therefore more likely to be trusted by ordinary voters.

Second, deliberative processes can play a ‘discursive role’,<sup>25</sup> allowing the focus of arguments within the referendum campaign to move to arguments that have been deliberatively scrutinised.<sup>26</sup> In this way, they can impact the elite agenda connecting claims with narratives in everyday language with a greater potential to generate extensive media coverage.<sup>27</sup> Thus, deliberative systems could help narrow the gap between the demand of good judgment and citizens’ time and cognitive capacity.<sup>28</sup>

<sup>20</sup> André Bächtiger and John Parkinson, *Mapping and measuring deliberation: towards a new deliberative quality* (Oxford, 2019); Simone Chambers, ‘Rhetoric and the public sphere: has deliberative democracy abandoned mass democracy?’, *Political Theory* 3 (37) (2009), 323–50.

<sup>21</sup> John Parkinson, *Deliberating in the real world: problems of legitimacy in deliberative democracy* (Oxford, 2006).

<sup>22</sup> Gastil and Richards, ‘Making direct democracy deliberative through random assemblies’.

<sup>23</sup> Parkinson and Mansbridge, *Deliberative systems*.

<sup>24</sup> Michael Morrell, ‘Listening and deliberation’, in André Bächtiger *et al.* (eds), *The Oxford handbook of deliberative democracy* (Oxford, 2018), doi: 10.1093/oxfordhb/9780198747369.013.55; Lala Muradova, ‘Seeing the other side? Perspective-taking and reflective political judgements in interpersonal deliberation’, *Political Studies* (May 2020), doi:10.1177/0032321720916605.

<sup>25</sup> Nicole Curato and Marit Böker, ‘Linking mini-publics to the deliberative system: a research agenda’, *Policy Sciences* 2 (49) (June 2016), 173–90, doi:10.1007/s11077-015-9238-5.

<sup>26</sup> Simon Niemeyer and Julia Jennstål, ‘Scaling up deliberative effects: applying lessons of mini-publics’, in Bächtiger *et al.* (eds), *The Oxford handbook of deliberative democracy* (Oxford, 2018), 330.

<sup>27</sup> John Parkinson, ‘The roles of referendums in deliberative systems’, *Representation* 4 (56) (2020), 485–500; Jane Suiter, David M. Farrell and Clodagh Harris, ‘The Irish Constitutional Convention: a case of “high legitimacy”?’ in Jane Suiter and M. Reuchamps (eds), *Constitutional deliberative democracy in Europe*, (Colchester, 2016), 33–52.

<sup>28</sup> Warren and Gastil, ‘Can deliberative minipublics address the cognitive challenges of democratic citizenship?’

Third, the introduction of a deliberative phase would extend the time period during which the issues would become a focus of debate and deliberation in the wider public sphere and also create a cohort of citizens who can make deliberately derived public contributions on either side of the debate.<sup>29</sup> Thus, direct and deliberative democracy can provide reciprocal assistance<sup>30</sup> when connected to both the informal public sphere and formal decision making.<sup>31</sup>

In sum, deliberation can allow information to flow within the information environment, leading to the potential to act as a trusted proxy. Perhaps more importantly, in what is likely to be a very salient referendum campaign, increasing the deliberative spaces could generate a greater discursive role for citizens, particularly if generated over a period of time. Further, the knowledge generation potential is likely to be of benefit in two close yet distinct polities on the island of Ireland, where a mutual lack of knowledge is likely.

#### *Advantages of deliberative scrutiny*

The perceived advantages of such deliberative scrutiny are multifaceted, including helping to counter elite manipulation; facilitating perspective taking and empathy building,<sup>32</sup> and increasing reflection;<sup>33</sup> delivering systematic improvements in democratic outcomes such as alignment between values and votes, i.e. correct voting,<sup>34</sup> and reducing polarisation.<sup>35</sup>

To examine each of these perceived advantages briefly, there is evidence that pre-deliberative preferences are often strongly influenced by symbolic concerns,<sup>36</sup> often underpinned by emotive appeals propagated across the public sphere by elites, mass media and across social media. These appeals, largely relating to symbolic politics, distort participants' preferences. In two cases in Australia, deliberation allowed participants to develop and consider

<sup>29</sup> Jane Suiter and Theresa Reidy, 'Does deliberation help deliver informed electorates: evidence from Irish referendum votes', *Representation* 4 (56) (October 2020), 539–57.

<sup>30</sup> Michael Saward, 'Making democratic connections: political equality, deliberation and direct democracy', *Acta Politica* 36 (4) (March 2021), 361–79.

<sup>31</sup> Parkinson, 'The roles of referendums in deliberative systems'.

<sup>32</sup> Morrell, 'Listening and deliberation'; Muradova, 'Seeing the other side?'

<sup>33</sup> Muradova, 'Seeing the other side?'; Lala Muradova Huseynova, 'Reasoning across the divide: interpersonal deliberation, emotions and reflective political reasoning' (2021), available at: <https://lirias.kuleuven.be/retrieve/612059>; Jane Suiter *et al.*, 'Scaling up deliberation: testing the potential of mini-publics to enhance the deliberative capacity of citizens', *Swiss Political Science Review* 3 (26) (2020), 253–72.

<sup>34</sup> Suiter and Reidy, 'Does deliberation help deliver informed electorates'.

<sup>35</sup> John S. Dryzek *et al.*, 'The crisis of democracy and the science of deliberation', *Science* 363 (6432) (2019), 1144–46.

<sup>36</sup> Simon Niemeyer, 'The emancipatory effect of deliberation: empirical lessons from mini-publics', *Politics & Society* 1 (39) (2011), 103–40.



positions that extended beyond the narrow range of symbolic issues ostensibly at the heart of the deliberation. Thus, there is evidence that deliberation among citizens has the potential to counter elite manipulation, fostering a deeper understanding that better allows participants to deal with issue complexity and better express their own subjectivity.<sup>37</sup> In the Northern Ireland context the possibility of ameliorating the emotional and symbolic roots of extremist ethnic politics must be a prerequisite to a referendum campaign that could do much to stir up such divisions.

There is also evidence that deliberation can deliver a greater understanding of other people's perspectives. Indeed, many theorists question if deliberation is even possible without a modicum of empathy.<sup>38</sup> In an ideal deliberative environment, participants would engage in 'deliberation within',<sup>39</sup> reflecting over their own positions as well as being empathetic about others' viewpoints. Lala Muradova argues that when citizens are facilitated to imagine the world from another's perspective, they can favour other regarding thinking. She argues that a deliberative environment has the potential to create an environment capable of evoking empathy for the other side. Empirical work is still relatively rare on the role of empathy but there is some evidence that actively imagining the feelings and thoughts of those on the other side of a debate elicits greater empathy as well as feelings of concern. In turn, this empathetic concern increases the odds of changing one's mind on an issue. Indeed, this increase in perspective-taking among citizens has been found in the case of the Citizens' Assembly in the republic,<sup>40</sup> while in Finland an experiment on the contentious issue of immigration found outgroup empathy increased during deliberation.<sup>41</sup>

Furthermore, evidence suggests that along with increases in knowledge, deliberation can result in a greater alignment between values and vote or so-called 'correct voting',<sup>42</sup> where an individual's stated value choices are in line with their vote choice. Correctness can be defined by the 'fully informed' values and beliefs of the individual voter, and the voter voting in line with

<sup>37</sup> Niemeyer, 'The emancipatory effect of deliberation'.

<sup>38</sup> Jane J. Mansbridge, *Beyond adversary democracy* (Chicago, 1983); Tali Mendelberg, 'The deliberative citizen: theory and evidence', 22, available at: <http://www.princeton.edu/~talim/mendelberg%20-%20deliberative%20citizen.pdf>; Morrell, 'Listening and deliberation'.

<sup>39</sup> Robert E. Goodin, 'Democratic deliberation within', *Philosophy & Public Affairs* 1 (29) (2000), 81–109.

<sup>40</sup> Muradova, 'Seeing the other side?'

<sup>41</sup> Kimmo Grönlund, Kaisa Herne and Maija Setälä, 'Empathy in a citizen deliberation experiment', *Scandinavian Political Studies* 4 (40) (2017), 457–80.

<sup>42</sup> Richard R. Lau, David J. Andersen and David P. Redlawsk, 'An exploration of correct voting in recent US presidential elections', *American Journal of Political Science* 2 (52) (2008), 395–411.

these rather than with any particular ideology.<sup>43</sup> In the republic, an uptick in correct voting was found following the introduction of a deliberative phase in the referendum process; further, this alignment between values and vote grew over time as deliberation became more embedded.<sup>44</sup>

In addition, forming a shared understanding of an issue aids in the narrowing of polarisation. The evidence shows that group think, which can exacerbate identity reaffirmation and polarisation, does not thrive under deliberative conditions, even in situations of enclave deliberation,<sup>45</sup> although reduction of polarisation does increase in mixed groups where both sides can hear testimony from the other.

In terms of examining the demand side there is only limited and emerging evidence. This suggests that so-called ‘enraged citizens’, and men, are more likely to be in favour of assemblies. Further, there is greatest demand in terms of day-to-day issues of concern to citizens, in particular issues such as social care. But caution is required, in that citizens will only favour an assembly they think may produce an outcome that they agree with.<sup>46</sup>

In the republic, there is an increasing tendency to hold citizens’ assemblies before referendums on contentious issues. The evidence, while still not conclusive, tends to suggest that a pre-referendum deliberative phase matters; it leads to people voting with greater levels of both objective and subjective knowledge, increasing correct voting and voting with greater empathy. Indeed, these assemblies have been held on some of the most contentious and polarising issues in the republic; abortion and marriage equality required an update of the 1937 Irish Constitution (*Bunreacht na hÉireann*) which included a range of provisions heavily influenced by Catholic social thinking and the social mores of the time.

Both votes stood in contrast to traditional Catholic teachings, with much rancour and divisiveness in all previous votes on this longstanding liberal-conservative divide.<sup>47</sup> Abortion was enormously divisive and controversial and it is also notable that the issues were rather intractable, with the abortion vote in 2018 being the sixth referendum question put before the people on

<sup>43</sup> Lau, Andersen and Redlawsk, ‘An exploration’, 586.

<sup>44</sup> Suiter and Reidy, ‘Does deliberation help deliver informed electorates’. Kimmo Grönlund, Kaisa Herne and Maija Setälä, ‘Does enclave deliberation polarise opinions?’, *Political Behavior* 4 (37) (2015), 995–1020.

<sup>45</sup> Grönlund, Herne and Setälä, ‘Does enclave deliberation polarise opinions?’.

<sup>46</sup> Pilet *et al.*, ‘Public support for citizens’ assemblies’.

<sup>47</sup> Suiter and Reidy, ‘Does deliberation help deliver informed electorates’.

this question since 1983.<sup>48</sup> These referendums are notable in that they were preceded by deliberative assemblies, the Irish Constitutional Convention and the Irish Citizens' Assembly respectively. It is clear that this deliberative phase resulted in greater knowledge among voters,<sup>49</sup> an increase in values aligning with vote, and further, that the alignment between values and vote grew as deliberation became more embedded and normalised.<sup>50</sup> However, it is also the case that the randomly selected members of the assembly may have been slightly skewed towards those more in favour of the undecided and those in favour of abortion legislation, possibly due to some people choosing to exclude themselves from the process,<sup>51</sup> and a decision not to include attitudes to the issue as a selection criteria. Interestingly, not selecting on the issue also appears to have ensured that the vote at the assembly mirrored the vote at the referendum. This is a useful lesson from a Northern Irish perspective, where it will be important to ensure representativeness along the usual demographic lines (age, gender and location) but also on identity (unionist, neutral and nationalist).

Overall, the evidence is encouraging in terms of long-term planning for a deliberative precursor to any reunification referendum. Integrating a citizens' deliberation phase into the process could enhance outcomes. However, these effects are not a guarantee, of course not. Good deliberation takes planning, there are a number of essential components and civility norms. There is also rather less experience to date of deliberation in deeply divided societies, although the evidence that is emerging is encouraging.

## DELIBERATION IN DIVIDED SOCIETIES

It is clear from the preceding discussion that the potential for deliberation in democracy is significant, albeit no panacea. There are also significant challenges in implementing the necessary institutional and cultural changes that work towards such benefits. These challenges are likely to be particularly

<sup>48</sup> Theresa Reidy, 'Abortion referendums in Ireland', in S.D. Brunn and R. Kehrein (eds), *Handbook of the changing world language map* (New York, 2020), 2311–323.

<sup>49</sup> Johan A. Elkink *et al.*, 'Understanding the 2015 marriage referendum in Ireland: context, campaign, and conservative Ireland', *Irish Political Studies* 3 (32) (2017), 361–81; Johan A. Elkink *et al.*, 'The death of conservative Ireland? The 2018 abortion referendum', *Electoral Studies* 65 (2020), 102142.

<sup>50</sup> Suiter and Reidy, 'Does deliberation help deliver informed electorates'.

<sup>51</sup> David M. Farrell *et al.*, 'When mini-publics and maxi-publics coincide: Ireland's national debate on abortion', *Representation* (6 August 2020), 1–19.

significant in a deeply divided society and crucially are not without risk. Indeed, there are those who warn that it is simply not possible in deeply segmented or polarised societies,<sup>52</sup> and that it could backfire and inflame sectarian political conflict.<sup>53</sup> For those embedded in consociationalism it is the elites who will prove more willing to compromise.<sup>54</sup> For example, Brendan O’Leary stresses that ‘deliberation takes place in languages, dialects, accents, and ethnically toned voices all of which make the job of reaching mutual deliberate decisions much more complicated’.<sup>55</sup>

A central problem for deliberative resolution around identity in Northern Ireland may result precisely from the form of consociationalism, which has allowed change under the Agreement. The central feature is of course that it is an agreement between the different blocs to share power; the result is that any contentious deliberation is carried out largely at an elite level between the leaders of different blocs. The result is that the discourse of the public is often channelled into within-bloc channels because, as John Dryzek points out, ‘segmental autonomy’ is one of Arend Lijphart’s defining features of consociationalism.<sup>56</sup> However, cleavages are frozen at least to some extent and thus deliberation risks falling foul of the rules of group polarisation.<sup>57</sup>

In order to consider whether these challenges can be overcome, we need to consider whether the circumstances of Northern Ireland fit the meta-requirements of deliberation and how the requirements of deliberative systems can be adapted to local circumstances and culture. Ian O’Flynn offers a useful normative argument where he sets out that a deliberative account of political equality necessary for deliberation requires both inclusion and moderation,<sup>58</sup> which he argues can lead to a robust and durable form of political stability. Inclusion essentially implies that any decision-making process must include,

<sup>52</sup> Dennis F. Thompson, ‘Deliberative democratic theory and empirical political science’, *Annual Review of Political Science* 11 (2008), 497–520; John S. Dryzek, ‘Deliberative democracy in divided societies: alternatives to agonism and analgesia’, *Political Theory* 2 (33) (2005), 218–42.

<sup>53</sup> John McGarry and Brendan O’Leary, ‘Must pluri-national federations fail?’, *Ethnopolitics* 1 (8) (2009), 5–25.

<sup>54</sup> Arend Lijphart, *The politics of accommodation: pluralism and democracy in the Netherlands*, Vol. 142 (California, 1975).

<sup>55</sup> Brendan O’Leary, ‘Debating consociational politics: normative and explanatory arguments’, in Sid Noel (ed.), *From power sharing to democracy: post-conflict institutions in ethnically divided societies* 3 (McGill, 2005), 3–43: 10.

<sup>56</sup> Dryzek, ‘Deliberative democracy in divided societies’.

<sup>57</sup> Cass R. Sunstein, ‘The law of group polarization’, *University of Chicago Law School, John M. Olin Law & Economics Working Paper*, no. 91 (1999).

<sup>58</sup> Ian O’Flynn, ‘Review article: Divided societies and deliberative democracy’, *British Journal of Political Science* 4 (37) (2007), 731–51.

on equal terms, all those subject to its decisions.<sup>59</sup> Moderation, for John Rawls, says if we enter such a process we must be prepared to moderate our claims in the face of the opposing views of our fellow participants.<sup>60</sup> These are very difficult conditions to meet when deliberating in a deeply divided society.

First, if we accept that deliberative inclusion requires the substantive participation of all affected citizens then we must ensure that all communities come to the room. The most debilitating obstacle is of course a unionist veto, from both the DUP and UUP and of course Jim Alister's hard-line TUV, a rather likely event. After all, in the Irish Constitutional Convention of 2012 to 2014, all political parties on the island were invited to participate. No unionist party did so, with only the nationalists and the Alliance Party taking up the invitation. Further, unionist parties did not respond to the All-Island Civic Dialogue on Brexit convened by the government in the republic, where even the UUP, which had supported Remain, refused to be part of it. In 1973, on the occasion of the first border poll, when deciding on whether to remain in the UK or to join the republic, nationalists exercised a veto and boycotted the vote. This resulted in a 99% vote in favour of remaining in the UK, with a turnout of just 59%. There is thus scope for strategic efforts from unionist parties to undermine the process of inclusion. The UCL-led Working Group that largely interacted with elites reported that many in the unionist community would be unwilling to participate in any discussion about a United Ireland.<sup>61</sup> The *Interim Report* argues that this could imply that a discussion on the specifics of legislation underpinning a referendum could not happen until after referendums have been held in both jurisdictions.

However, senior unionist leaders such as Peter Robinson have argued that preparation is necessary and that 'vision can provide the thrust to resolve our differences in this present generation',<sup>62</sup> although more recently he has expressed concern about the levels of disaffection within unionism. Further, that decision could also have implications in terms of ceding centre ground to the Alliance and ensuring all three could only compete for a maximum of 40% of the unionist vote.

<sup>59</sup> Iris Marion Young, *Inclusion and democracy* (Oxford, 2002), 52.

<sup>60</sup> John Rawls, *Political liberalism* (New York, 2005), 60; Amy Gutmann and Dennis F. Thompson, *Democracy and disagreement* (Boston, 1998), 9–56.

<sup>61</sup> Renwick *et al.*, *Interim Report of the Working Group on Unification Referendums on the Island of Ireland*, 51.

<sup>62</sup> Peter Robinson, 'Peter Robinson's Queen's University Speech: Full Text', *Belfast Newsletter*, June 2018: <https://www.belfasttelegraph.co.uk/news/northern-ireland/peter-robinsons-queens-university-speech-full-text-36992405.html>.

Second, in the Rawlsian view, if we enter into such a process with other equal citizens we ought to be ready to moderate our claims<sup>63</sup> and to listen with respect. It seems likely that many will be fundamentally unhappy that questions that go to the heart of identity could be subject to such treatment.<sup>64</sup> What could be at stake here is in essence a contest for the state with a conjoining risk that such engagement could fall foul of the rule of intended consequences, precipitating ever deepening divisions. In this instance, it seems likely that decisions would trump deliberation. At a minimum, if we are to hold a legitimate expectation of reasonableness given the binary, mutually antagonistic, identities at play, it would seem that identarian questions would need to be framed around discussion about the protection of identity and other rights for all groups under different models.

There may be grounds for optimism, given that the Agreement itself is built upon compromise with a shared commitment to principles of self-determination, democratic equality, tolerance and mutual respect (although, of course, the DUP has never signed up to its principles). If so, what is the way forward? Dryzek's answer is to deliberate on a less contested policy that is not tied to the fate of the state.<sup>65</sup> If we are to go down this route and to maintain the principle of inclusiveness then we must look to the openness of the agenda and the chosen topics must be a reflection of the preferences of the general population.<sup>66</sup>

There are a number of criteria that must be satisfied to ensure inclusion in the agenda setting phase. It would be important that this inclusive potential would not only address majority and minority communities and identities, but also find ways to include minorities within minorities.<sup>67</sup> It is worth noting that little attention is paid to minorities in Northern Ireland, with no differentiation in the census and high levels of hate crime.<sup>68</sup> Any process should also begin with salient issues within the public sphere at some remove from the core identarian issue. And indeed, in the limited

<sup>63</sup> Ian O'Flynn, 'Review article: divided societies and deliberative democracy', *British Journal of Political Science* 4 (37) (2007), 738.

<sup>64</sup> Dryzek, 'Deliberative democracy in divided societies'.

<sup>65</sup> Dryzek, 'Deliberative democracy in divided societies'.

<sup>66</sup> Didier Caluwaerts and Min Reuchamps, 'Strengthening democracy through bottom-up deliberation: an assessment of the internal legitimacy of the G1000 Project', *Acta Politica* 2 (50) (2015), 151–70.

<sup>67</sup> Anna Drake and Allison McCulloch, 'Deliberative consociationalism in deeply divided societies', *Contemporary Political Theory* 3 (10) (2011), 372–92.

<sup>68</sup> Bimpe Archer, 'Disappointment that Northern Ireland Census 2021 is 'ignoring minority religions'', *Irish News*, March 2021, available at: <http://www.irishnews.com/news/northernirelandnews/2021/03/04/news/disappointment-that-northern-ireland-census-2021-is-ignoring-minority-religions--2242939/>.

number of deliberative events that have taken place in Northern Ireland, this is precisely what we see. The deliberation, based on the deliberative poll model on education in Omagh, facilitated members of both communities to come together and some emerged with enhanced knowledge as well as change in policy attitudes.<sup>69</sup> In 2018 a number of civil society groups ran a citizens' assembly on social care policy<sup>70</sup> and agreed a set of resolutions. In 2019, a research project convened a one-day assembly to examine attitudes to the border in light of Brexit.<sup>71</sup> They found a difference between those with more fixed positions, who were less open to debate but nonetheless increased participants' knowledge. It is not possible to ascertain from the paper what portion of Protestants who participated were strongly in favour of the union to begin with and how that matched population opinion. Nonetheless, the results are very encouraging.

The way forward is likely to conceive of the public sphere in Northern Ireland as part of a deliberative system rather than envisaging a single contested deliberative assembly preceding a poll on the future of the polity. The initial topics here should be about improving the lives of all citizens, about learning to live together well in advance of any ultimate decision on which jurisdiction in which to do so. It would seem then that any deliberative institution considered should be conceived in its own right, to benefit the people of Northern Ireland. The first topics must be cross-cutting, and provide evidence to all that the process can work and can be trusted. This was the modus operandi of the first Constitutional Convention in the republic, which considered issues such as the length of the presidential term and a reduction in the voting age in its first weeks before moving on to the more polarising topic of marriage equality.

### *Building legitimacy and trust*

Once established and trusted, the assembly could, if conditions allow, turn its attention to a specific focus on the protection of identities under any future constitutional arrangement and ask questions around both possible outcomes to a future referendum. 'If a referendum on Northern Ireland's constitutional future returns a majority in favour of maintaining the Union, what in

<sup>69</sup> James Fishkin *et al.*, 'A deliberative poll on education: what provision do informed parents in Northern Ireland want?', 2007, available at: <https://cdd.stanford.edu/mm/2007/omagh-report.pdf>.

<sup>70</sup> Involve, 'Citizens' Assembly for Northern Ireland' (London, 2018), available at: <https://www.involve.org.uk/sites/default/files/field/attachemnt/Citizens%20Assembly%20for%20Northern%20Ireland%20Full%20Report.pdf>.

<sup>71</sup> Garry *et al.*, 'Public attitudes to different possible models of a United Ireland'.

your view would be the most important mechanisms or changes necessary to protect Irish identity, and the identities of minority groups, within that Union?'; 'If a referendum on Northern Ireland's constitutional future returns a majority in favour of a united Ireland, what in your view would be the most important mechanisms or changes necessary to protect British identity, and the identities of minority groups, within that new political entity?' The report could be delivered as the input to an assembly in the republic, although care must be taken that there is no sense of subordination or hierarchy and that the bodies are seen as equal. It will be vital to choreograph this carefully.

Such an approach would help build trust in the deliberative process and approach. For politicians and policymakers, deliberation can help inform judgments on a range of policy issues and can serve as anticipatory publics to guide policymakers in contentious policy areas.<sup>72</sup> Crucial, however, will be to provide clarity and transparency about its *modus operandi* as well as its end goals. Unionism could worry that such an assembly would be a Trojan horse, designed to lure its people into deliberating on the specifics of the united Ireland to which they remain opposed. It therefore must be clear to the wider public that Northern Ireland's venture down the deliberative route is initially to manage Northern Ireland's future post-Brexit, to ensure the well-being and livelihoods of Northern Irish people and to ensure that the voices of the people can be listened to.

This link with the political and representative system is vital for legitimacy. On the one hand, the deliberative institution deepens citizen participation on the decision-making process,<sup>73</sup> but citizens also require the engagement of MPs and other actors in the representative system for their political uptake. Without some 'ownership' of the assembly there is a risk that parties could be incentivised to decry the initiative as happened in the G1000 in Belgium,<sup>74</sup> potentially raising the threshold for future assemblies. Further, political parties are unlikely to have any direct impact without being supported by the institutions of representative democracy,<sup>75</sup> and this is likely to be especially strong if the representatives have no involvement in the design of the process.<sup>76</sup> In contrast, the Constitutional Convention in the republic consisted of

<sup>72</sup> Parkinson and Mansbridge, *Deliberative systems*, 97.

<sup>73</sup> Graham Smith, *Democratic innovations: designing institutions for citizen participation* (Cambridge, 2009).

<sup>74</sup> Caluwaerts and Reuchamps, 'Strengthening democracy through bottom-up deliberation'.

<sup>75</sup> Robert Goodin and John Dryzek, 'Deliberative impacts: the macro-political uptake of mini-publics', *Politics & Society* 34 (June 2006), 219–244, doi:10.1177/0032329206288152.

<sup>76</sup> Didier Caluwaerts and Min Reuchamps, 'Generating democratic legitimacy through deliberative innovations: the role of embeddedness and disruptiveness', *Representation* 1 (52) (2016), 13–27.



one-third political representatives giving an opportunity to build trust and a sense of ownership among all political parties involved.

Ideally, the deliberative institutions, as suggested in the *New Decade, New Approach* document, could be set up either under the auspices of the Stormont Executive or the Assembly Commission, the corporate body that runs the Assembly. This would allow the citizens' assembly to be set up by Motion in Stormont, in a similar manner to the establishment of the assemblies in the republic by Oireachtas Motion, albeit there initiated by the executive. However, this is most unlikely due to strategic vetoes and thus consideration must be given to drawing on the experience and expertise of an organisation such as the Special EU Programmes body (which administers the cross-community and cross-border PEACE and INTERREG programmes), and the International Fund for Ireland. In this way there may be an opportunity to bring civic voices<sup>77</sup> to the table in Northern Ireland in a way that doesn't require Northern Ireland Executive or Assembly sanction.

If it were to go ahead, one issue of concern would be lobbying or outside partisan forces requiring people to vote on partisan lines. Civil society in Northern Ireland is structured largely on partisan lines and the parties and indeed the former paramilitaries on both sides are still active in NGOs and in community groups. There are fears that undue influence or even threats could be brought to bear on any members of such an assembly. In the republic the secretariat warned interest groups that lobbying members would ensure they would not be 'in the room' to give evidence. Such an effort may not be so successful in Northern Ireland. It will be crucial to ensure the absolute secrecy of the ballot, which must be a sine qua none of all votes and it may also be important to hold some elements in a secure online environment for similar reasons.

The matter of a chair or co-chairs will be vital and such a person will be required to command respect from both sides. It is unlikely that the British convention of a convenor role, or a lead facilitator(s) who acts as a link between the citizens and the secretariat, would be sufficient in such a contested space. The model from the republic, where the chair is a respected independent figure, such as a former senior member of the judiciary or civil service, could be more appropriate. Consideration should be given to an agreed neutral and independent international figure such as a George Mitchell, although it will of course be difficult to reach agreement on this.

<sup>77</sup> Gerry Moriarty, "Civic unionism" group issues riposte to "civic nationalism", *Irish Times*, 24 February 2018; Gerry Moriarty, 'Up to 1,500 people to attend "civic nationalism" conference in Belfast', *Irish Times*, 18 January 2019.

## TOPICS AND SEQUENCING

If we accept that it will be useful to institutionalise deliberation before tackling issues of identity then we should consider the many policy questions that are likely to tap into cross-cutting cleavages, and while it is true that the most salient will dominate the outcomes, others will help shape the discourse. Some interesting evidence emerges from the application of Voter Advice Applications (VAAs) in Northern Ireland. The VAA provides policy relevant questions on parties in a pre-election period and then advises a putative voter on which party they're closest to, taking into account a wide range of policy issues including, economic, moral and social dimensions as well as questions relating to the most salient ethno-national cleavage. In a consociational, deeply divided system, we would of course expect the latter to dominate and indeed that is the case. But there is also at least some evidence of a moral liberal-conservative dimension of politics,<sup>78</sup> although drawing attention to it within a VAA does little to alter voter preferences,<sup>79</sup> and indeed unionists can become even less likely to support a different party when presented with this evidence, perhaps due to cognitive dissonance.

Voting preferences are almost perfectly aligned along the ethno-national division, with fewer than 10% of either religion giving a preference to an opposing party on the national question, and vote choices are largely independent of people's policy stances on economic or social issues.<sup>80</sup> Cleavages on economic left vs right and on moral issues appear to have dissipated as the effects of the power-sharing institutions become manifest.<sup>81</sup> Further, birth cohort has a significant impact on vote choice for both DUP and Sinn Féin,<sup>82</sup> but yet is associated with social liberalism in Northern Ireland,<sup>83</sup> a topic on which the parties had not at that time

<sup>78</sup> John Garry, Neil Matthews and Jonathan Wheatley, 'Dimensionality of policy space in consociational Northern Ireland', *Political Studies* 2 (65) (2017), 493–511.

<sup>79</sup> John Garry *et al.*, 'Does receiving advice from voter advice applications (VAAs) affect public opinion in deeply divided societies? Evidence from a field experiment in Northern Ireland', *Party Politics* 6 (25) (2019), 854–61.

<sup>80</sup> James Tilley, John Garry and Neil Matthews, 'The evolution of party policy and cleavage voting under power-sharing in Northern Ireland', *Government and Opposition* (2019), 1–19.

<sup>81</sup> Tilley, Garry and Matthews. 'The evolution of party policy and cleavage voting under power-sharing in Northern Ireland'.

<sup>82</sup> Bernadette C. Hayes and Ian McAllister, 'Gender and consociational power-sharing in Northern Ireland', *International Political Science Review* 2 (34) (2013), 123–39; James Tilley and Geoffrey Evans, 'Political generations in Northern Ireland', *European Journal of Political Research* 5 (50) (2011), 583–608.

<sup>83</sup> Jocelyn Evans and Jonathan Tonge, 'Partisan and religious drivers of moral conservatism: same-sex marriage and abortion in Northern Ireland', *Party Politics* 4 (24) (2018), 335–46.

changed their positions. Indeed Sinn Féin's decision to support abortion legislation was a major policy change in 2019.

Arguably, deliberation can help in separating these values from vote choice,<sup>84</sup> facilitating deliberation into cross-cutting value cleavages. A focus on these cross-cutting cleavages can facilitate both inclusion in that they are in the interest of both communities, and moderation, in that they are not at the heart of identity. Sequencing can allow a series of deliberative spaces and moments, building a culture of deliberation and trust in the process.

One clear area of cross-cutting cleavage is deprivation: Northern Ireland has higher levels of multiple deprivation than the rest of the UK, with one third of the population living on or below the poverty line, and far greater social deprivation than the republic, across both nationalist and unionist communities.<sup>85</sup> As a result, young Northern Irish people experience lower educational attainment, and poorer standards of childhood health, with severe repercussions on well-being.<sup>86</sup> These 'wicked problems', or difficult social problems, including poverty, crime and social division,<sup>87</sup> are often the most intractable with traditional governance structures, particularly when dominated by authoritarian mode, or needing to be seen to be doing something; or the competitive mode's need to put narrow political success/survival above the broader problem resolution. Yet in western Australia and elsewhere, deliberative governance has in some instances been found to be effective in reducing the governance gap and tackling these kinds of problems,<sup>88</sup> facilitating the adoption of a more collaborative approach.

An initial focus on a wicked problem in areas of significant common concern would allow deliberation on cross-cutting cleavages. For example, issues such as the mental health of young people, or drugs, could be independent enough of identity and cross-cutting to be workable.

<sup>84</sup> John Gastil *et al.*, 'Participatory policymaking across cultural cognitive divides: two tests of cultural biasing in public forum design and deliberation', *Public Administration* 4 (94) (2016), 970–87.

<sup>85</sup> 'Poverty and social exclusion: defining, measuring and tackling poverty', *Northern Ireland* (blog), March 2021, <https://www.poverty.ac.uk/community/northern-ireland#:~:text=Northern%20Ireland%20has%20higher%20levels,will%20have%20enough%20to%20eat>.

<sup>86</sup> Brendan Browne and Clare Dwyer, 'Navigating risk: understanding the impact of the conflict on children and young people in Northern Ireland', *Studies in Conflict & Terrorism* 9 (37) (2014), 792–805.

<sup>87</sup> Horst W.J. Rittel and Melvin M. Webber, 'Dilemmas in a general theory of planning', *Policy Sciences* 2 (4) (1973), 155–69.

<sup>88</sup> Robert Weymouth and Janette Hartz-Karp, 'Deliberative collaborative governance as a democratic reform to resolve wicked problems and improve trust', *Journal of Economic & Social Policy* 1 (17) (2015), 62.

However, it could be useful not to be top-down in specifying topics. Perhaps building on the ideas in the SDLP's New Ireland Commission, the provisions in the *New Decade, New Approach* or on the initial experimental work on *We the Citizens in the Republic*<sup>89</sup> input could be sought from communities across Northern Ireland on issues of significance to them in their daily lives. A further way to work on cross-cleavages is among the young. Despite the commonalities and cross-cutting cleavages across societies, sectarianism and division reflecting collective identities remain resistant to change.<sup>90</sup> A useful starting point could be the Young Life and Times (YLT) survey, an annual attitudinal survey of 16-year-olds in Northern Ireland that has been running since 2003, which reveals cross-cutting cleavages in terms of the liberal-conservative dimension. Clearly, when looking to the future, it is essential that young people's views are sought and facilitated to feed into policy. Further, children and young people are a strategic priority in the 2016 to 2021 Programme for Government. It would seem then to make sense to focus on these cross-cutting cleavages on deprivation and the results, particularly among young people. A strengthened youth parliament, perhaps based on the successful Scottish Children's Parliament,<sup>91</sup> could be a useful ongoing source of input. That parliament had a vital role in informing the outputs of the Scottish assembly on climate, ensuring the voices of younger generations were heard, underpinning intergenerational fairness.

This focus on cross-cutting cleavages and on younger people would seem to be an opportunity to build trust and legitimacy, cross-community ties and links. The idea would be to build a deliberative system that would later be capable of focusing on protecting the communal identities and on symbols, traditions and cultures that divide.<sup>92</sup> The focus would be to answer Jennifer Todd's call for deliberation that would recognise the need to foster the identities and values underpinning unionism rather than focus on organising or solving contentious politics, 'allowing an evolution of traditions rather than a sense of identity under siege'.<sup>93</sup> Of course, this raises other questions around

<sup>89</sup> Farrell and Suiter, *Reimagining democracy*.

<sup>90</sup> Martina McKnight and Dirk Schubotz, 'Shared future, shared values? Taking stock of the peace process in Northern Ireland: teenagers' perspectives', *Cultural Trends* 3 (26) (2017), 216–32.

<sup>91</sup> 'Scottish Children's Parliament', Children's Parliament, available at: <https://www.childrensparliament.org.uk/about-us/>.

<sup>92</sup> Martina McKnight and Madeleine Leonard, 'Bordering in transition: young people's experiences in 'post-conflict' Belfast', in *Children and Borders* (Springer, 2014), 164–79.

<sup>93</sup> Jennifer Todd, 'Unionism, identity and Irish unity: paradigms, problems and paradoxes', *Irish Studies in International Affairs: ARINS* 2 (32) (2021), 53–77, doi:10.3318/isia.2021.32b.8.

legitimacy, and executive follow-on, among others, to which I shall return in the following institutional section.

The second issue around sequencing is the importance of either synchronous or asynchronous deliberation in the republic. It is clear from the experience of Brexit that voters in both Northern Ireland and in the republic would need to be clear about the institutional and political implications of their vote. There are many other articles in this series which have eloquently pointed to issues around symbols and traditions and their importance in a new policy. There are constitutional questions around whether the republic might write a new constitution, decide on a new flag, guarantee power sharing, or even rejoin the Commonwealth, for example. There are also political implications around issues such as the future of the National Health Service, where most might consider the Northern Ireland model to be superior, or economic issues around the welfare state, where the current environment is likely more generous in the republic.

There would seem to be three possibilities around sequencing assemblies in Northern Ireland and in the republic; an all-island approach; a synchronous approach; or an asynchronous approach. However, it would seem that an all-island approach would by necessity leave unionists in a minority and thus would not satisfy requirements for inclusion. A synchronous approach would mean that the assemblies in both polities could proceed in tandem with experts and perhaps even citizens, giving evidence to one another, enabling joint learning. An asynchronous approach could involve an initial deliberative event in the republic, setting out the parameters of where the 'public' in the republic might be. However, if this were to formally feed into the Northern Irish assembly, it might again exacerbate the threat of veto and our principle inclusion. It would seem then that the most appealing mode may be an asynchronous approach where a Northern Irish deliberation on the symbolic, cultural, political and constitutional issues of importance would later feed into an assembly in the republic. Citizens who participated in the event in Northern Ireland could be asked to deliver their perspectives to those in the republic. This approach would arguably minimise the dangers of exclusion, maximise the possibility of moderation, and enable citizens in the republic to deliberate on the measures they would be willing to take in light of evidence from different publics in Northern Ireland. This would also allow the government in the republic to draft or in some way codify what the options might be in the event of a vote against the status quo in any referendum, in either polity.

## INSTITUTIONALISING DELIBERATIVE MODELS

In much of the previous discussion I focused rather generically on deliberative events and spaces. There are, however, many distinct models, all useful in different circumstances and more or less prevalent across different geographies. The model that has been the focus of much previous commentary in Northern Ireland is the citizens' assembly, the predominant model in Ireland and in the UK for all deliberative large-scale and constitutional events. These assemblies often meet for ten or more days over several months or even longer. The original is the British Columbia Citizens' Assembly on Electoral Reform,<sup>94</sup> later followed by the Irish Constitutional Convention and Citizens' Assembly,<sup>95</sup> and the French as well as the Scottish Citizens' Assembly on Climate Change.<sup>96</sup> Crucially, assemblies should incorporate public consultation in their design. This may be through open submissions, public hearings or online inputs, but the crucial element is that the public's input is considered in their deliberation.<sup>97</sup>

This model of assemblies in the UK is often augmented with small-scale citizens' juries for smaller events (a citizens' jury is similar to an assembly, but on a smaller scale). Globally, the citizens' jury/citizens' panel (most common in Canada) is the most widely used model of representative deliberative process, comprising 42% of all cases.<sup>98</sup> The jury model, developed by Ned Crosby in the Jefferson Centre in 1971 follows a rigid structure, usually made up of between 12 to 24 people, and typically runs three to six days consecutively. In terms of topic, for Crosby the agenda should be tight and clear and 'works better on value questions than technical issues'.<sup>99</sup> Both citizens' assemblies and citizens' juries share essential features, such as randomly selected participants, learning, facilitation, and the development of collective recommendations. In general, citizens' juries or citizens' assemblies are made up of randomly selected citizens stratified along demographic and sometimes attitudinal or other quotas, with the aim of representing society or a

<sup>94</sup> Mark E. Warren and Hilary Pearce, *Designing deliberative democracy: the British Columbia Citizens' Assembly* (Cambridge, 2008).

<sup>95</sup> Farrell and Suiter, *Reimagining democracy*.

<sup>96</sup> Hélène Landemore, *Open democracy: reinventing popular rule for the twenty-first century* (Princeton, 2020).

<sup>97</sup> Nicole Curato et al., *Deliberative mini-publics: core design features* (Bristol, 2021).

<sup>98</sup> OECD, *Innovative Citizen Participation and New Democratic Institutions*, 21.

<sup>99</sup> Ned Crosby, 'Citizens juries: one solution for difficult environmental questions', in Ortwin Renn, Thomas Webler and Peter Wiedemann (eds), *Fairness and competence in citizen participation: evaluating models for environmental discourse. Technology, Risk and Society* (Dordrecht, Netherlands, 1995), 157–74: 157.

microcosm of society.<sup>100</sup> The only qualification is a willingness to engage in deliberation on the issue.<sup>101</sup> In a divided society, it would seem to make sense to emphasise attitudinal convergence rather than a discursive approach that includes all attitudes and discourse on the matter,<sup>102</sup> and takes into consideration the political positions of potential participants.<sup>103</sup> For example, the 2017 Brexit citizens' assembly asked how people had voted in the referendum.

To date, these processes are largely ad hoc; however, if we consider the need for inclusion and for moderation then it seems that a form of institutionalisation of the process within Northern Ireland would be most suitable. According to the OECD, there are five reasons to institutionalise: to take hard decisions; to conduct better deliberative processes more easily and less expensively; to enhance public trust; to enrich democracy by expanding meaningful citizen participation; and to strengthen the civic capacity of citizens.<sup>104</sup> A permanent representative deliberative structure that complements the existing institutions of representative decision-making would allow new institutional arrangements facilitating representative citizen deliberation to inform public decision making on an ongoing basis. A deliberative culture and deliberative system can be built, the views and preferences of the young can be incorporated into policymaking and a norm of listening with respect built.

Perhaps the most useful model here is the Ostbelgien model in the German speaking part of Belgium—essentially, a permanent assembly that has the mandate to both set the agenda and initiate citizens' panels. In Ostbelgien, some 24 randomly selected citizens form a Citizens' Council and have an explicit mandate to represent their fellow citizens for 18 months. Half of the members are randomly selected citizens from the region, six are selected from a previous panel and six are politicians, one from each party. One third of the members change each six months. This ensures political buy-in in the initial stages (politicians are eventually replaced by citizens) and that the group does not itself become institutionalised. Both bodies aim to be representative of the region in terms of gender, age, education and residence. The initial indications are that the invitation-acceptance rate is 10%, which is a high level for this

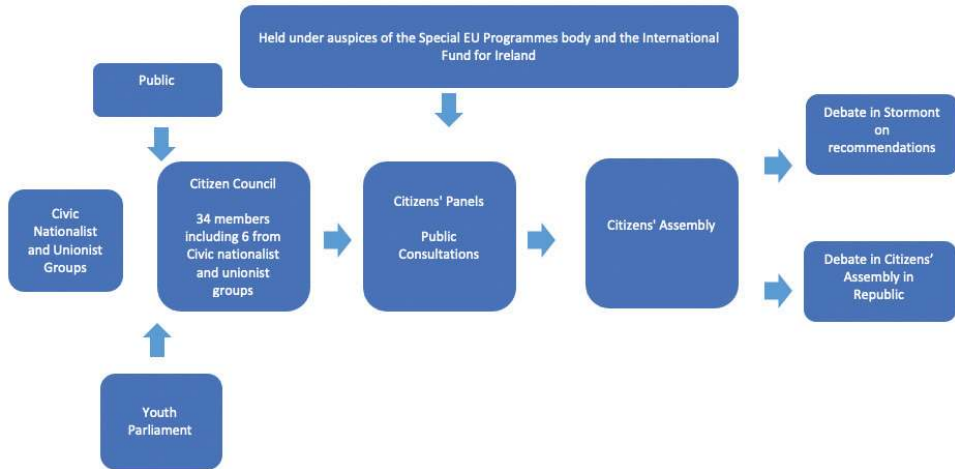
<sup>100</sup> Curato *et al.*, *Deliberative mini-publics: core design features*.

<sup>101</sup> Anna Coote and Deborah Mattinson, *Twelve good neighbours: the citizen as juror*, Discussion Paper 31 (London, 1997).

<sup>102</sup> John S. Dryzek, 'Legitimacy and economy in deliberative democracy', *Political Theory* 5 (29) (2001), 651–69.

<sup>103</sup> Emilien Paulis *et al.*, 'The POLITICIZE dataset: an inventory of deliberative mini-publics (DMPs) in Europe', *European Political Science*, 2020, 10.

<sup>104</sup> OECD, *Innovative Citizen Participation and New Democratic Institutions*, 6.



**Figure 1.** Proposed Northern Ireland Model (Adapted from the Ostbelgien Model).

type of experience.<sup>105</sup> This Council can initiate up to three panels (or juries) on topics of their choice, while citizens and the parliamentary or party groups can make proposals. Crucially, the regional parliament is legislatively bound to debate and respond to recommendations. This is perhaps the best example of an institution that extends the agenda-setting power to citizens and provides citizens with the tools to explore issues of their choice.<sup>106</sup>

In the Northern Irish context, I suggest a role for the Assembly and to include a number of these representatives within the citizens' council. This would act to assuage unionist fears of nationalist dominance or excessive influence from the republic.

## CONCLUSION

In conclusion, it seems clear that there is potential for deliberation in Northern Ireland and that a deliberative phase is a very useful addition to any referendum campaign. However, in a deeply divided society, much caution must be exercised. It is essential that any model works towards ensuring both inclusion and moderation. Inclusion is a particularly hard test, with many incentives for a strategic boycott driven by unionist parties.

<sup>105</sup> International Observatory on Participatory Democracy (IOPD), 'The Ostbelgien Model: a long-term citizens' council combined with short-term citizens' assemblies', available at: <https://oidp.net/en/practice.php?id=1237>.

<sup>106</sup> OECD, *Innovative Citizen Participation and New Democratic Institutions*, 35.



This suggests that the focus should be on first building the overall deliberative system in Northern Ireland. By offering a variety of spaces and a venue for discussion, a new model could facilitate an underpinning of its legitimacy by all communities. The focus must be a Northern Irish institution rather than an all-island assembly, which is likely to simply mean that unionists' voices will not be included.

In terms of promoting the possibility of moderation, it seems clear that avoiding the central identarian question itself is a necessity. A focus on cross-cutting cleavage issues could be essential to build trust in the process. The inclusion of the voices of the young, whether through the youth parliament or other mechanism, would be essential, as would an independent chair.

Once established and trusted, this institution could then, if desired, be deployed to consider the contentious issues of symbols, institutions and cultures that will be vital to debate and carefully consider in advance of any referendum. Following this, the citizens' assembly in the republic could deliberate on the outcome, considering the necessary changes to institutions, cultures and values that would be necessary in the republic. Building such a deliberative system and institutionalising the process would allow the most solid foundations in advance of any reunification referendum. If a referendum were passed, it would then be vital to enable dialogue and deliberation on an all-island basis to consider the future arguments. More work is required to develop the detail of this proposal; but a cautious approach is warranted.