1 The foundations of statehood

John Coakley

Most states recognise a dramatic landmark event as a formative moment in their history. For the United States, it is Independence Day (4 July), commemorating the declaration of independence in 1776; for France, Bastille Day (14 July), recalling the storming of a notorious prison in Paris, a crucial event of the Revolution in 1789; for Norway, Constitution Day (17 May), marking the adoption of Norway’s first constitution in 1814, following separation from Denmark. While a number of dates could be selected in the Irish case, one has a particular resonance: Easter 1916.

In early 2016, to mark the centenary of the Easter Rising, the government organised a lavish set of public events and ceremonies, forming part of a de facto assertion of ownership of the heritage of 1916 (White and Marnane, 2016). This commemoration highlighted the birth of the state, and draws attention to the starting point of this introductory chapter, and a recurring theme in the rest of this book: to what extent has contemporary Irish politics been conditioned by history, and, more specifically, by the relationship with Great Britain? Although political histories of Ireland often start at 1922, and conventional wisdom stresses the ‘new era’ that then began, it is clear that centuries of British rule left a deep imprint. Significant elements of continuity underlay the sharp political break that took place at the time that the state was founded. Before looking at the establishment of the state itself and at subsequent developments, then, the first section of this chapter examines the legacy of the old regime (for accessible general histories, see Moody and Martin, 2011; Cronin and O’Callaghan, 2015; for the contemporary period, Bew, 2007; Jackson, 2010). The second section discusses the political background to the establishment of the independent Irish state. The third section analyses the political themes of the post-independence period, linking them with earlier developments.

The legacy of British rule

The emergence of the modern state in Ireland was shaped by intervention from the neighbouring island in medieval times. Prior to this, Gaelic Irish society, though attaining a high degree of cultural, artistic and literary development in the early medieval period, had shown few signs of following the path of early European state formation. The Norman invasions that began in 1169, and the establishment of the Lordship of Ireland that followed (with the Norman King of England exercising the functions of Lord of Ireland), marked the beginning of rudimentary statehood. Although Norman or English control was little more than nominal for several centuries, the vigorous Tudor dynasty subjugated the island in the sixteenth century, a process whose beginning was marked by the promotion in 1541 of the Lord of Ireland to the status of King. The Kingdom of Ireland continued thereafter to have its own political
institutions, though a much more profound degree of British influence followed the passing of the Act of Union in 1800, which created a new state, the United Kingdom of Great Britain and Ireland (UK).

The story of Irish resistance to these processes is well known (see English, 2007). The rebellion spearheaded by the Ulster Gaelic leaders O'Neill and O'Donnell in 1594–1603, the resistance of an alliance of Gaelic and Anglo-Norman forces to Cromwellian government in 1641–50, under the umbrella of the ‘Confederation of Kilkenny’, and the military alliance of (mainly Catholic) Irish supporters of the deposed King James II in 1689–92, each ended in defeat. After each of these episodes, the position of the Gaelic Irish population and its allies of Norman origin was worse than before, as the victors colonised increasingly large swathes of native land. Penal laws directed against Catholics completed the process of marginalising this formerly rebellious population: its leaders either conformed to the established Protestant church, fled to the continent or risked sinking into social and political obscurity in Ireland. The main legacy of this collective experience was a fusion of religious and political interests that was of huge importance when it resurfaced again in the form of Irish nationalism in the nineteenth century. A nationalist interpretation of Irish history was able to make full use of these events in constructing an image of unrelenting resistance to English rule, with the United Irish rebellion of 1798 (notwithstanding its very different character, and roots in the ideology of the French revolution) added to the list.

The primary focus in this chapter is, however, not on Irish resistance but on the relatively neglected issue of pre-1922 state building. In looking at the legacy of the old system of government to independent Ireland, we may identify three areas in which spillover effects were important. First, at the constitutional level, certain roles and offices that had evolved over the centuries provided an important stepping stone for the builders of the new state. Second, at the administrative level, the development of a large civil service bequeathed to the new state a body of trained professional staff. Third, at the political level, a set of traditions and practices had been established in the decades before 1922 that greatly reduced the learning curve for those involved in the making of independent Ireland.

The constitution of the old regime

In an era when travel was slow, difficult and dangerous, it was neither sensible nor practical for expanding dynasties to seek to govern all of their territories directly. In common with the peripheral areas of other medieval monarchies, then, Norman Ireland acquired a set of political institutions that gradually evolved into modern ones. The hub around which political life revolved, at least in theory, was the King's personal representative in Ireland, an officer to whom the term 'Lord Lieutenant' was eventually applied. The Lord Lieutenant was advised on everyday affairs of government by a 'Privy Council' made up of his chief officials, and on longer-term matters, by a 'Great Council' or parliament that met irregularly.

The evolution of the Irish Parliament followed a path similar to that of the English Parliament (see Johnston-Liik, 2002). It first met in Castledermot, Co Kildare, in 1264, and for the next four centuries, it continued to assemble from time to time in various Irish towns, with Dublin increasingly becoming dominant. By 1692, it had acquired the shape that it was to retain up to 1800, resembling closely its English counterpart. Its House of Commons consisted of 300 members (two each from 32 counties, from 117 cities, towns or boroughs, and from Trinity College, Dublin), and its House of Lords of a small but variable number: archbishops and bishops of the established (Protestant) Church of Ireland and lay members of the Irish peerage. The Act of Union of 1800 abolished this parliament, creating instead a merged
2 Society and political culture

John Coakley

No matter how cleverly designed any system of government is, it will function well only if it is broadly acceptable, or at least not too unacceptable, to the population whose affairs it regulates. For this reason, before going on to look at the formal framework of government, or the constitution, in Chapter 3, we look in this chapter at the pattern of deep-seated popular values and attitudes to which the label 'political culture' is conventionally applied: fundamental, strongly held views on the state itself, on the rules of the political process and on the kind of principles that should underlie political decision making.

This chapter begins with a discussion of the concept of 'political culture' and an examination of its importance in political life. This will show that political cultural values do not exist in isolation; they are influenced by the social backgrounds and life experiences of those who hold them. We continue, therefore, by looking at the context within which Irish political cultural values have been acquired through an examination of the evolution of certain aspects of Irish society. We go on to consider the extent to which this pattern of evolution has generated a characteristic set of values. Finally, it is clear that no cultural pattern of this kind is homogeneous; we need, therefore, to consider divisions within Irish society and Irish political culture, and the impact of the rapid pace of social evolution over recent decades.

Political culture and its importance

The importance of political culture for political stability is now taken for granted: the way in which a society is governed must not deviate too far from the expectations of the politically conscious public, unless the state relies on coercion. The political culture of a particular society need not, of course, be supportive of democratic institutions. Well-meaning attempts to impose liberal democratic constitutions in societies that do not share the kind of thinking that underlies them may well end in failure. This happened in many of the new states that appeared in central and eastern Europe after the First World War, in areas outside Europe (for instance, in the British Commonwealth), after the Second World War, in certain post-communist societies after 1989, and in a number of war-torn countries such as Afghanistan and Iraq in the early years of the twenty-first century. As these cases illustrate, political institutions of a particular type cannot easily be imposed on a society unwilling to accept them; even authoritarian government is assisted by a supportive political culture.

The nature of political culture

The widespread use of the term 'political culture' and the creation of a systematic theory arguing its central importance in the political process date from the publication in 1963 of
The Civic Culture by two American scholars, Gabriel Almond and Sidney Verba (see Almond and Verba, 1989). Their central argument was that ‘democracy is stable or consolidated when specifically democratic attitudes and practices combine and function in equilibrium with certain non-democratic ones’ (Almond, 2015: 190). The view that stable democracy requires not just supportive values but also a general public that is in large measure relatively uninformed and indifferent may be surprising, but it rests on an assumption that democracy requires a balance between individuals keen to be involved in decision making and a large population that is happy to be led by the decisions of others. Research from the 1970s onwards, however, suggested that democracy was also compatible with patterns of rapid value change and the emergence of more critical citizens (see Almond and Verba, 1980). Ultimately, the notion that political stability in democracies relies on an ‘allegiant’ political culture was displaced by the view that democracy was increasingly characterised by an ‘assertive’ citizenry – one not deferring to the ruling elites, but demanding change and reform (Dalton and Welzel, 2015). This suggests that liberal democracies are populated by people subject to two types of orientation, and that comparative survey data may be used to measure them. The first type comprises ‘allegiant orientations’, referring to people’s confidence in public institutions, their trust in others, their belief in democracy, their interest in politics and their disposition to comply with laws and other norms. The second type consists of ‘assertive orientations’, rooted in libertarian, egalitarian and expressive views, as measured by commitment to individual liberties, to equal opportunities and to the right of people to have a voice in collective decisions (Welzel and Dalton, 2015: 291–3).

A useful framework for applying this approach in an Irish context starts by identifying three levels (Powell et al., 2015: 64–8). These three levels correspond approximately to three layers of values that a person acquires through the process of political socialisation – through the influence of family, school or peers, for instance.

- The *system* level refers to the state itself as a geopolitical structure and to people’s attitudes towards it. This touches on a person’s *core* values, absorbed during childhood and early adolescence; these relate to such matters as national identity, and tend to be stable and resistant to change in later life.

- The *process* level refers to the rules of the political game – the basic constitutional principles that determine how decisions are taken – and the public’s view of these. Attitudes to these typically constitute a deep, *inner layer* of values, acquired during adolescence and early adulthood; these relate to fundamental principles of government, and may change, but not easily (this is the level on which the analysis of political culture mainly focuses).

- The *policy* level refers to the actual outcomes of the decision-making process – the pattern of public policy that is followed by the state and the extent to which it matches citizens’ expectations. This corresponds to an *outer layer* of values, acquired for the most part in adult life; these relate to day-to-day political issues and tend to be consistent over time, but are more susceptible to change than the deeper ones discussed earlier.

### Determinants of political culture

As well as describing Ireland’s political culture by reference to this framework, it is important to remember that no political cultural pattern comes about simply by accident; its roots matter. The same kinds of structural forces help to shape it as those that influence political life more generally. These fall into three broad but distinct areas that interact with and influence each other. First, the shape of a country’s path of *socio-economic development* is of
3 Politics, the constitution and the judiciary

*Michael Gallagher*

Constitutions are important in liberal democracies. They lay down the ground rules about how political power is attained and how it can be exercised, about what governments can and cannot do, and about the rights of citizens. Every country’s constitution contains both a written and an unwritten component. That is, there are aspects of a country’s political system that, perhaps through precedent and convention, have acquired the status of firm rules, even though they are not explicitly contained in the document called ‘The Constitution’. We might regard these unwritten aspects as important elements in the country’s political culture (see Chapter 2). For this reason, we cannot expect to get a full picture of the way in which a country’s politics operates just by studying its written constitution. Constitutions might not explicitly acknowledge the existence of central features of modern politics such as large and disciplined political parties. In this chapter, we shall not examine those features of the constitution that regulate, for example, relations between government and parliament, or the rules governing the election of parliament – these are covered in other chapters – but will concentrate on the evolution of the constitution. Having examined its origins, we will outline the record of amendment, discuss the role of the judiciary in interpreting and developing the constitution, and consider whether further amendment would be desirable.

Constitutionalism – that is, the idea that the rulers are bound by rules that are not easy to change, that the power of government is subject to defined limits and that certain fundamental rights of the citizens are protected absolutely, or almost absolutely – is an integral feature of contemporary liberal democracies; yet some have argued that there is an inherent tension between constitutionalism and democracy (Murphy, 1993: 3–6; Holmes, 1988: 196–8; Loughlin, 2010). Constitutionalism prevents the people, or their elected representatives, from carrying out certain policies that might have majority support, and can be criticised as ‘rule by the dead’, since the values embodied by a constitution are typically those of a previous generation. Or, given that constitutions are usually interpreted by a body of judges, constitutionalism might mean rule by a ‘black-robed junta’ (the phrase of Jeremy Waldron, quoted in Hilbink, 2008: 229). Critics of constitutionalism, such as Martin Shapiro (quoted in Holmes, 1988: 197), argue that when we examine a law we should ask not ‘is it constitutional?’ but ‘do we want it to be constitutional?’; we should not be guided by ‘certain dead gentlemen who could not possibly have envisaged our current circumstances’, but instead should rely on our collective decision about what sort of community we want to become. Defenders of the principle, in contrast, argue that there are certain rights that are so fundamental that they should be protected even against the wishes of a majority that wants them set aside. Although most liberal democracies feel that they have established a reasonable balance between constitutionalism and democracy, the tension undoubtedly exists, and has at times clearly manifested itself in Ireland.
The background: the Irish Free State constitution

Ireland’s constitution (Bunreacht na hÉireann) dates from 1937 and, despite significant innovations, marked a development of previous constitutional experience rather than a complete break with it. The 1937 constitution’s precursor, the 1922 Irish Free State constitution, was drawn up subject to the terms of the Anglo–Irish Treaty, so the British government was able to insist on modifications to the version produced by the Provisional Government, with a view to ensuring that it contained nothing that conflicted with the Treaty (for the Irish Free State constitution, see Ward, 1994: 167–238). As a result, the final document was rather different from what the Irish government would have wanted (for an overview, see Farrell, 1988a; Mohr, 2008). This British pressure manifested itself particularly in those articles that provided for a Governor-General, who represented the Crown and, in Article 17, for the terms of an oath that all members of the Oireachtas (parliament) had to take, swearing to ‘be faithful to HM King George V, his heirs and successors’ (see Chapter 1, p. 15). The Free State was declared to be a member of the British Commonwealth. Moreover, the introductory section of the Act establishing the constitution stated that if any provision of the constitution was, even after the British government’s legal officers had scrutinised the document with a fine-tooth comb, in conflict with the Anglo–Irish Treaty, that provision was ‘absolutely void and inoperative’.

Apart from these articles representing the result of pressure by the British, the broad outlines of the governmental system also showed a strong British influence, as the constitution provided for government by a cabinet (the Executive Council), chaired by a prime minister (the President of the Executive Council). Unlike the 1937 constitution, the Irish Free State constitution was explicitly neutral as between religious denominations and, despite pressure from some quarters to make it so, could not have been described as a ‘Catholic constitution’.

The 1922 constitution did not, though, represent a slavish acceptance of the Westminster model of government. Mainly due to a desire to avoid an over-centralisation of power in the cabinet, the constitution contained some features designed to make the parliament more accountable to the people, and the government more accountable to the parliament, than was the case in the United Kingdom.

One of these was a proportional representation (PR) electoral system (the background to its adoption in Ireland is outlined in Chapter 4). There was also provision for judicial review of the constitution, for referendums on both laws and constitutional amendments, and for the legislative initiative – under which, if enough voters signed a petition calling for a particular change in the law, the Oireachtas would have either to make the change or to submit the issue to a referendum (Ruane, 2014). In addition, the constitution allowed for the appointment of ministers who were not required to be members of the Dáil, an option that, had it been availed of, would have brought Ireland into line with the mainstream in western Europe (Coakley 2013: 217–38). These ‘extern ministers’, as they were termed, would be appointed by the Dáil and answerable directly to it. However, apart from PR, most of these devices proved to be of little significance. No extern ministers were appointed after 1927, and even those who were appointed before then were all members of the Dáil. In 1928, when Fianna Fáil took the first steps towards forcing a popular vote on the oath of allegiance, the government promptly used its parliamentary majority to abolish both the legislative referendum and the initiative (Gallagher, 1996: 87).

The provision for judicial review did not prove much of a check on the government. For one thing, the Oireachtas itself could amend the constitution at will. The original version allowed it to do this (provided that any amendment came within the terms of the Treaty) for a period of eight years after 1922, with amendments after that period requiring a referendum.
4 The electoral system

David M. Farrell and Richard Sinnott

The electoral system determines the format according to which votes are cast in an election and the process by which seats are allocated on the basis of those votes. The allocation of seats determines who governs. Electoral systems are matters of institutional design: they have more or less identifiable effects on the functioning of the political system, and an electoral system can be selected or rejected with a view to achieving or avoiding certain consequences (though whether the intended impacts happen is another matter; see Bowler and Donovan, 2013). Ireland’s electoral system is not in common use around the world, and given that some observers, rightly or wrongly, attribute a number of features of Irish politics to this electoral system, we need to examine it in some depth.

This chapter begins by examining the way in which proportional representation by means of the single transferable vote (PR-STV) came to be adopted as the Irish electoral system and discusses the two referendums at which PR-STV was endorsed by the people contrary to the wishes of the government that initiated each referendum. The chapter then explains how the PR-STV system works, going step-by-step through a full constituency count to illustrate the process. It concludes with an analysis and evaluation of the effects of the system, looking in particular at the proportionality between votes and seats, at government stability and party cohesion, and at the roles adopted by members of the Dáil.

Proportional representation in Ireland

Electoral system options

Proportional representation, in one or other of its many incarnations, is the most frequently used electoral system because the main alternative – dividing the country up into single-member constituencies and giving the seat in each constituency to the candidate with the most votes – can lead to egregiously unfair outcomes at national level. This latter system, generally known as single-member plurality or, colloquially, as ‘first past the post’, is used for elections to the House of Commons in the United Kingdom (it is also used in Canada, India and the United States). The 2015 British general election illustrates its potential for bringing about an ‘unfair’ outcome. In that election, the Conservative Party won 37 per cent of the vote and 51 per cent of the seats, whereas the Liberal Democrats won 8 per cent of the vote and only 1 per cent of the seats. Such an outcome (which often can be even more extreme in its treatment of the larger and smaller parties) can occur because, within each constituency, the winning party takes 100 per cent of the representation (i.e. the one and only seat) while all the other parties or candidates receive zero representation. The constituency-level winner-takes-all effect tends to be cumulative across constituencies and to give an advantage to the
larger parties. The result is that a party with considerably less than a majority of the votes can obtain a clear majority of the seats in parliament.

Arguments in defence of this system stress the notion of elections as 'devices to choose viable governments and give them legitimacy' (Butler, 1981: 22) and maintain that the bonus accruing to the largest party is still the best way of doing that. However, since the middle of the nineteenth century and in tandem with the extension of the franchise, alternatives have been sought. Proponents of proportional representation (PR) have come up with a wide range of ideas and systems, the main distinction being between list systems on the one hand and PR-STV on the other. The former have been generally favoured in continental Europe, while PR-STV was for a long time the preferred alternative of electoral reformers in Britain.

In a list system of proportional representation, each party presents a list of candidates in each multi-member constituency and the voter chooses between the various lists. Thus, the primary decision to be made by the voter is the choice of party. Seats are then allocated to parties on the basis of their share of the vote. In theory, a party obtaining, say, 35 per cent of the votes is entitled to 35 per cent of the seats, though how closely the outcome approaches this varies from system to system (for overviews see Farrell, 2011: 67–87; Gallagher, 2014). List systems vary in the methods they use to award seats to individual candidates within parties: in some, the matter is decided by the party organisation and is determined by the position of the candidates on a fixed list, while in others, the voters can express preferences for specific candidates on their chosen party's list. Even in the latter systems, however, the vote cast is primarily a vote for the party and may end up assisting the election of a candidate to whom the voter is actually opposed (Renwick and Pilet, 2016).

In contrast, the primary focus of PR-STV is on the choice of individual representatives. Indeed, the originators of PR-STV in Britain were highly critical of political parties and of the role they played (Carstairs, 1980: 194). Reservations about the role of parties were also quite widespread in Ireland when PR-STV was adopted, and the party affiliations of candidates were not listed on ballot papers until the 1965 general election. PR-STV does not, therefore, guarantee a close relationship between party vote shares and party seat shares in the way that list systems do, although in practice the relationship is just as close, as we shall see later in the chapter.

PR-STV is not widely used, Malta being the only other country that employs it to elect the lower house of the national parliament. It is, or has also been, used to elect upper houses or regional assemblies in a number of countries that have been influenced by Britain, including Australia, India, Nepal, Northern Ireland, Pakistan, South Africa and Sri Lanka, and is used for local elections in Scotland and in parts of the USA (Farrell and McAllister, 2006; Gallagher, 2008: 511).

**PR-STV in Ireland**

How did this relatively uncommon system come to be adopted in Ireland? Developed simultaneously by Carl Andrae in Denmark and by Thomas Hare in England in the late 1850s, PR-STV was strongly advocated by electoral system reformers in Britain. In the early years of the twentieth century, the problem of minority representation in the event of Home Rule seemed to make PR particularly relevant in Ireland. A Proportional Representation Society of Ireland was formed, with Arthur Griffith, founder of Sinn Féin, among its first members. Inevitably, the views of electoral reformers in Ireland were substantially influenced by thinking in Britain (Coakley, 2013: 148–50; Gallagher, 2008: 512–14). An element of PR-STV was inserted in the abortive Home Rule Bill of 1912. In 1918, PR-STV was enacted for a single local council (Sligo
5 Parties and the party system

Liam Weeks

Politics in a parliamentary democracy generally operates through the conduit of parties. The exceptions, such as several Pacific island states that follow a non-partisan model, are very few in number (Weeks, 2015b). Some of the Irish state’s founding fathers envisaged a system that, instead of relying on parties as the building blocks of democracy, would be forged on the basis of a direct connection between representatives and voters (O’Leary, 1979: 14). Although this ambivalence to parties remains in some quarters in the Irish political system, particularly in the persistence of independent or non-party deputies, and although the constitution makes no reference to parties, they remain the dominant mode through which politics operates in Ireland. Parties structure the political world and by a study of their organisations, and the dynamics both within and between them, we can gain an enhanced understanding of the political process and its workings.

This chapter outlines the key actors in the party system and the evolution of competition between them. First, the origins of the party system are examined from a comparative perspective, with a discussion of some of the debates about its formation. This is followed by a consideration of each of the durable parties, before a classification of the system as a whole in terms of its evolution, concluding with an assessment of the changes that have taken place in the early twenty-first century.

As well as the competition between parties, we also need to understand the internal mechanics of party organisations, especially since these can dictate the nature of the party as a whole. A later section of this chapter therefore examines the structure and workings of parties. It details how party organisations in Ireland function and where power lies within parties. The chapter concludes with an evaluation of the role of parties within the political system.

Parties and party systems

Fitting Irish parties into the categories generally employed in comparative analysis has proved challenging, as they lack features common to the European experience. For example, the party system has been dominated by two parties with almost incomprehensible names, Fianna Fáil and Fine Gael, between whom the differences have often been almost indiscernible (for the meanings and connotations of party names see Coakley, 1980). The unusual nature of the party system derives partly from its distinctive origins. This motivated John Whyte (1974: 648) to note some time ago that ‘it is then perhaps a comfort to comparative political analysis that Irish party politics should be sui generis: the context from which they spring is sui generis also’ (see also Carty, 1981). From this perspective, an understanding of
the genesis of the Irish parties is required to comprehend the dynamics and patterns of party competition, both past and present.

**Origins of the Irish party system**

Most approaches to explaining the origins of the Irish party system focus on the period 1916–23. As was explained in Chapter 1, an insurrection in 1916 sparked off a movement for independence that culminated in the birth of the Irish Free State in 1922. The key political actor during most of this period was Sinn Féin, which replaced the Irish Parliamentary Party as the dominant political movement in Ireland. At the December 1918 UK general election, Sinn Féin won 70 of the 75 seats in the 26 counties that now constitute the Republic of Ireland, following which it set up a breakaway parliament (the first Dáil) in January 1919. A war of independence ensued, and a subsequent settlement (the Anglo-Irish Treaty of 1921) that granted Ireland a form of dominion rule split Sinn Féin, resulting in a civil war. Those in the party defending the treaty formed the first provisional government in the state, and established the pro-treaty party Cumann na nGaedheal in 1923. Those opposed to the treaty did not recognise the new government and initially abstained from parliamentary politics. These anti-treaty Republicans further fragmented in 1926, when party leader Éamon de Valera left to form Fianna Fáil, which entered the Dáil in 1927. Cumann na nGaedheal merged with two other parties in 1933 to form Fine Gael. Since then, Fianna Fáil and Fine Gael have been the dominant actors in Irish politics. In the period 1922–2016, Fianna Fáil and its precursors won on average 41 per cent of the vote and Cumann na nGaedheal/Fine Gael 31 per cent, with every government being led by one of these two parties. To summarise the party system’s origins, then, the traditional argument is ‘in the beginning was the treaty’. The importance of these origins is evident in that the main electoral competitors in the 1920s (Sinn Féin and its various splinters, plus Labour, plus independents) remain the main contenders in the 2010s. This is particularly unusual in a European context, and indicates a presence of stability alongside some tumult.

It is not just its nationalist origins that makes the Irish party system exceptional in a European context. Another line of argument stresses that party competition in Ireland had diverged from the more common European pattern even before the twentieth century. Before the mobilisation of the electorate in the mid-nineteenth century, the evolution of the Irish party system had developed along fairly conventional conservative–liberal lines. However, the political mobilisation of the Catholic population – which eventually took the form of a mass party (Coakley, 2004: 142) – interrupted this pattern, resulting in the emergence of a divide along nationalist/Catholic versus unionist/Protestant lines in the latter half of the nineteenth century. Garvin (1981: 137) therefore suggests that the 1916–23 period was not in fact a great watershed in changing the shape of Irish politics; rather, the party system resulting from the struggle for independence was a ‘second-generation’ system. Both O’Connell and Parnell had led broad pan-nationalist movements during the nineteenth century, and the Sinn Féin party inherited this mantle after 1916, confirming its dominance at the mobilising election of 1918 (see Chapter 1). The unionist/Protestant side of the nineteenth-century party system disappeared in the new state, as it was quite a small minority, dwindling further as many Protestants emigrated both across the border, where their side of the cleavage was in a majority, and across the Irish Sea.

It is possible that there is an element of truth in both of these conflicting theories: that a completely new party system began with Sinn Féin’s electoral triumph in 1918 (Cart, 1981), and that there was a significant degree of continuity between this party system and
6 Voting behaviour

Kevin Cunningham and Michael Marsh

The previous two chapters on the electoral system and the party system provide an understanding of the context within which elections take place. We now place our focus directly on elections and voting behaviour. This chapter deals with the voters and examines some theories and evidence to help us understand their behaviour in elections.

We start by looking briefly at different types of evidence for why people vote as they do at general elections, and then move on to consider three major approaches to explaining voting behaviour: the social psychological approach, the sociological approach and a third set of approaches centred on issues. This is followed by a discussion of several more specific aspects of voting behaviour: the role of leaders and candidates, the characteristics of voting behaviour at other types of polls (such as local and European elections), and finally, a consideration of why many people do not vote at all.

Analysing voting behaviour

There are two major sources of evidence about electoral behaviour. The first comes from election results themselves. These can be analysed in a number of ways, for a number of purposes. If we are interested in how voters rate parties, we can learn much from the ways in which packages of votes are transferred between candidates (Gallagher, 1978). If we are interested in what makes for a successful candidate, we can examine the degree of success of different types of candidates, such as those with or without a background in local government (Marsh, 1987). If we want to know what sorts of people support each party, we can examine the social make-up of districts where a party does well and those where it does badly (Laver, 1986a). This last type of analysis is somewhat limited as we are analysing the relationship between data sets at a high level of aggregation. Electoral data is typically only available at a constituency level, so the validity of the analysis is dependent on a considerable degree of homogeneity within constituencies and high levels of heterogeneity across constituencies. Since areas as large as Dáil constituencies are inevitably not homogeneous, the conclusions that we draw can also suffer from what is called 'the ecological fallacy'. What is observed at an aggregate constituency level may not be the case at an individual level. For example, we may observe greater levels of anti-immigrant sentiment in constituencies where foreign-born migrants are more numerous, even though as individuals they are the least likely to hold such views. Informal 'tally' data collected by party workers at a lower polling district level can ameliorate this to some degree (early examples are Sacks, 1976: 145–60; and Parker, 1982; a recent example is Kavanagh, 2015). However, this data is not always complete nor always available.

The second major source of information comes from large-scale surveys. Most of these have been commercial. These typically ask few questions and are designed to provide
headlines rather than analysis, but they have proved useful, particularly in establishing the social basis of party support (Laver, 1986b). The Eurobarometer series of polls carried out for the EU since the early 1970s has also provided insights into voting behaviour, but these are not designed specifically to answer questions about Irish voting behaviour and do not usually coincide with elections. Not until 2002 was funding available for a full-scale academic survey, the first Irish National Election Study (INES). This was designed to test the adequacy in an Irish context of a wide range of academic theories about voting (Marsh et al., 2001). This post-election survey was supplemented by four more waves of surveys of the same respondents, the last after the 2007 election. There have also been further post-election surveys for the 2011 and 2016 general elections. This chapter is based largely on this data, which provides us with many opportunities for developing our knowledge of why Irish people vote as they do.

Before going on to assess the value in an Irish context of general theories about voting behaviour, we may use these data to analyse stability and change in the political system and consider how this might relate to voting behaviour. While the party system remained remarkably stable over its first 90 years, the elections of 2011 and 2016 saw striking volatility, as measured by fluctuations in electoral support for the parties (see Chapter 5). In 24 consecutive elections between 1932 and 2007, Fianna Fáil was the largest party, receiving between 39 per cent and 52 per cent of the vote. But in 2011, support for the party fell to 17 per cent in an election ranked as the third most volatile in long established European democracies since 1945 – all the more noteworthy since voters migrated between existing parties rather than turning to any significant new party (Mair, 2011: 287–8). In the 2016 election, volatility fell, but only marginally so. This was still the second most volatile of all Irish elections and ranked as the eighth most volatile of all elections in western Europe since 1945 (Farrell and Suiter, 2016: 279–83). While the volatility is clear and unmistakeable, the changes in vote shares at an aggregate level may still mask the true nature of the underlying volatility of voting behaviour, especially where parties may draw support from different types of people at different times.

This collapse in support for government parties was all the more remarkable given that the period was marked by substantial economic recovery. It has been argued that the 2016 election offered evidence of a de-alignment in Irish politics, with voters abandoning long-term political affiliations (Marsh and McElroy, 2016: 179). Approximately 70 per cent of those supporting a party between 1997 and 2002 and between 2002 and 2007 gave their first preferences to the same party on both occasions (Garry et al., 2003: 122–4; see also Marsh et al., 2008: 15–6). However, since then the ability of political parties to retain support from one election to the next has fallen considerably, down to 54 per cent in 2007–11. The tremors of the 2011 election were still apparent in 2016, when just 51 per cent reported voting for the same party that they had voted for in 2011 (Marsh and McElroy, 2016: 160).

While the volatility of the 2011 and 2016 elections was considerable, the difference between the party system at the start and end of the 2007–16 period was not as drastic. The period 2007–16 saw both the rapid collapse and subsequent revival of Fianna Fáil and the equally dramatic expansion and subsequent collapse of the Labour party. While the shape of the party system changed at each election, 2016 saw a number of voters returning to the party they had voted for prior to the crisis. As shown in Table 6.1, 47 per cent of those who voted for a party in 2007 stayed with, or returned to, the same party in 2016.

However, even the low degree of stability in individual voting behaviour indicated here may be an overestimate. Most of our estimates are based on a comparison between how people say that they voted in the most recent election and their recall of how they had voted five years previously. There is a known propensity for people to report past behaviour in line with their present behaviour (Markus, 1986; Van Elsas et al., 2013; Dassonneville and Hooghe, 2017), meaning that inter-election retention of party support is typically over-estimated. In
The constitution defines the Oireachtas as consisting of two houses, Dáil Éireann and Seanad Éireann, and the president (Article 15.1.2). Of these three political actors, the Dáil is the most significant, and we shall concentrate upon it in this chapter. It currently consists of 158 members (see Appendix 2c) elected from 40 constituencies, while the upper house, the indirectly elected Seanad, has 60 members.

In this chapter, we shall first consider the role of the president, emphasising the almost complete disconnection of the office from the governmental process. We go on to outline the role ascribed to parliament by classical liberal-democratic theory, and then show how this role is severely qualified by the reality of political parties’ domination of political life. We then examine the extent of the Dáil’s involvement in the appointment and dismissal of governments, the making of laws and policies and the scrutiny of government. We discuss the impact of the Seanad on the political process before, finally, reviewing the reasons why parliament in Ireland has difficulty in holding the government to account, and tackling the issue of whether the Oireachtas should really be regarded as a weak parliament.

The president

The president is constitutionally defined as part of the Oireachtas but operates almost completely separately from the two houses of parliament. The office of the president (Articles 12 to 14) marked a major innovation in the 1937 constitution and during the debates on the constitution it aroused anxieties that proved to be out of all proportion to its actual political impact. The president plays no part in the day-to-day affairs of government. The direct election of the president qualifies Ireland for membership of the club of ‘semi-presidential’ regimes according to an influential definition, which states that such a regime ‘may be defined as the situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament’ (Elgie, 1999: 13). In terms of the political impact of the president, though, Ireland is much more ‘centi-presidential’ than semi-presidential.

The office is filled by direct election for a seven-year term in a nationwide vote using the alternative vote procedure (for which see Chapter 4, especially Table 4.2). The combination of direct election and few powers made the Irish presidency unusual for many years, though this combination is now more common (Elgie, 2012). The openness of the election process is qualified by the nomination provisions, which, prior to 2011, all but restricted candidacy to those backed by a major party, leading to suggestions that the process should be made more open. The emergence at the 2011 election of a total of seven candidates, including more minor party and independent candidates than at all previous presidential elections combined, appears to have taken this concern off the agenda (see Box 7.1).
Box 7.1 The nomination of presidential candidates

An outgoing or former president can nominate himself or herself for a second term, but any other aspirant needs to follow one of two routes. They need to be nominated by either:

- 20 members of the Houses of the Oireachtas (TDs or senators); or
- the councils of four cities or counties.

In either case, anyone without the backing of one of the traditional three main parties faced an uphill struggle to get onto the ballot paper before the party system began to fragment in the early years of the twenty-first century. Indeed, on six occasions (in 1938, 1952, 1974, 1976, 1983 and 2004) there was no election, because the main parties in effect agreed on a single candidate, who was declared elected without a contest. These parties' control of national and local elected bodies was such that no other candidate was able to gather sufficient backing to stand. Prior to 2011 only four independents had secured such nominations: in 1945 and 1990 independents backed by Labour stood for the office, and in 1997 two independent candidates managed to get onto the ballot paper without party backing. As a result, one common suggestion for reform of the presidency was to lower the nomination threshold.

In 2011, even though Fianna Fáil did not make a nomination, seven candidates stood (O'Malley, 2012). Sinn Féin had become strong enough to muster the requisite number of signatures from parliamentarians, and four independents each secured nominations from four councils. Now, concern was expressed that it was 'too easy' to stand, and that media coverage of the election, especially studio debates between the candidates, was rendered confusing for the electorate because of the need to give equal time to each of seven candidates.

Turning to the powers of the president, she or he is given six discretionary powers for use in specific situations (Coakley, 2013: 44–89; Gallagher, 2012). Four of these are fairly minor. Three give the president an adjudicatory role in certain disputes between Dáil and Seanad, should these arise; to date, they have not. A fourth (Article 13.2.3) empowers the president to convene a meeting of either, or both, of the Houses of the Oireachtas, a power that to date has been used only on quasi-ceremonial occasions. Before exercising any of these powers, or the power to refer a bill to the Supreme Court (referred to later), the president must listen to (but is not bound by) the advice of the Council of State, which contains a number of past and present senior political figures together with up to seven people whom she or he has personally appointed.

The remaining two powers are important and have been of practical effect. The first relates to the dissolution of the Dáil. Under normal circumstances, when a Taoiseach 'advises' the president to dissolve the Dáil and thereby bring about a general election, the president is bound to accede to this. However, the president, in the words of Article 13.2.2, 'may in his absolute discretion refuse to dissolve Dáil Éireann on the advice of a Taoiseach who has ceased to retain the support of a majority in Dáil Éireann'. A Taoiseach whose administration has lost a vote on a confidence motion is clearly covered by this article, but there is room for debate as to whether there are any other circumstances in which a president could turn down a Taoiseach's request for a dissolution – for example, what about a Taoiseach whose Dáil base has patently disappeared, but who has not actually been beaten there in a formal vote? This
8 The constituency role of Dáil deputies

Michael Gallagher and Lee Komito

In Chapter 7 we examined the legislative and scrutinising roles of Dáil deputies. In this chapter we concentrate on a different aspect of the work of TDs, looking at the business on which they spend a lot of their time, namely constituency work. Some people wonder whether constituency work is really part of the duties of a TD at all; after all, the Irish constitution says nothing about it. Yet, judging by the large amount of time it occupies, it seems in practice to be more important in the working life of a TD than narrowly-defined parliamentary duties such as speaking in the Dáil chamber or examining legislation. In most countries, it is taken for granted that parliamentarians will work assiduously to protect and further the interests of their constituents, and that constituency work forms part of an MP’s parliamentary duties rather than conflicting with them, but in Ireland there is a body of opinion that sees a constituency role as aberrant and outdated, labels it ‘clientelism’, or believes that it is taken to excess. We shall ask whether there is anything distinctive about Irish practice in this area, looking at the reasons why TDs do so much constituency work, and then consider the consequences it has for the political system.

The nature of constituency work

In all parliaments, members have both a formal, national, parliamentary role and a local, often more informal, constituency role. In the former, they are expected to play a part in legislative business and in monitoring government behaviour, as was discussed in the previous chapter. In their local role, they keep in touch with the people who elected them, looking after the interests both of their constituencies generally and of individual constituents. This role has several components (Searing, 1994: 121–60; Norton, 1994: 706–7). First, there is a ‘welfare officer’ role, in which the deputy sorts out, usually by interceding with the local or central civil service, a problem on behalf of an individual or group. Second, there is the ‘local promoter’ role, the deputy being expected to advance the interests of the constituency generally, by helping to attract industry to the area, avert factory closures, secure public investment, and so on. Third, the deputy has the role of ‘local dignitary’, and will be invited to, and expected to attend, a variety of functions in the constituency. The first two of these require some elaboration, though it is worth making the point that whereas in Britain Searing concluded from his work in the 1970s that most constituency-oriented MPs consciously choose either the welfare officer role or the local promoter role, in Ireland most TDs feel that they have little choice but to try to fulfil both. Having explored these two roles, we then consider the question of whether TDs’ constituency work can be regarded as ‘clientelistic’, before placing deputies’ constituency-related activities in comparative perspective.
The Dáil deputy as welfare officer

Those labelled 'welfare officers' by Searing are those 'whose primary focus falls on individual constituents and their difficulties' (Searing, 1994: 124). This may involve advising constituents about the benefits for which they are eligible; advising them how to get one of these benefits (such as a grant, allowance, pension or livestock headage payment); taking up with the civil service an apparently harsh decision or a case of delay; and helping, or seeming to help, someone to obtain a local authority house or even a job. Some of these activities allegedly involve pulling strings, for example in smoothing the path for dubious planning applications, so for some observers constituency work has negative associations because it is regarded as using undue influence to give particular people unfair advantages. Whatever it entails, it is very time-consuming. A former TD, Máire Geoghegan-Quinn, graphically describes the way in which the welfare officer role imposes on the life of a TD:

Once you get elected you instantly become public property. You are on call 24 hours a day, 365 days a year. As a TD you become responsible for whatever it is that any one of your 100,000 constituents wants you to be responsible for. They will raise these issues with you when you are out shopping, relaxing in the pub on Sunday night or at any other time they happen to run into you. Alternatively they might decide to, and indeed often do, call to your home to discuss their problems. The Dáil only really operates from Tuesday to Thursday. But working in the Dáil alone doesn’t tend to get you re-elected. So on Friday, Saturday and Monday you will find TDs criss-crossing their constituencies holding clinics, attending meetings and dealing with local problems. If they are based in any of the larger constituencies they will put up more than a thousand miles a week in their cars. Their evenings are spent at a mixed bag of political and public functions.

(Geoghegan-Quinn, 1998)

TDs do a lot of constituency work. Indeed, they probably spend most of their time doing it; as well as holding clinics, they exchange emails or phone calls with constituents and with officials to follow up cases. TDs surveyed in 2009 estimated that they spent 53 per cent of their time on constituency work, of which 40 per cent was devoted to casework and 24 per cent to local promoter activity, with the rest spent either on what seemed to be publicity for themselves or in asking parliamentary questions (Joint Committee on the Constitution, 2010: 36–7). These days, most TDs use public funding to maintain a constituency office staffed by an assistant, meaning that the TD does not have to be personally involved in every case. The main subject matter of the cases they receive are housing, social welfare and health (O’Leary, 2011: 336).

Who contacts TDs, how, and why? Successive Irish National Election Study (INES) surveys have found that, on average, approximately 16 per cent of respondents say that they have contacted a TD over the previous 12 months (see Table 8.1). There is some variation

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<tr>
<td>Contacted TD</td>
<td>21.4</td>
<td>15.6</td>
<td>12.0</td>
<td>15.8</td>
</tr>
<tr>
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<td>2,642</td>
<td>1,061</td>
<td>1,818</td>
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Note: In 2002, figures refer to the percentage of respondents contacting a TD in the previous five years, while in 2006, 2011 and 2016 they refer to a one-year period.