A Farewell to Northern Ireland? Constitutional Options for Irish Unity

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Abstract

A combination of unintended consequences of Brexit and demographic change in Northern Ireland has brought the issue of Irish unity forcefully onto the political agenda. The meaning and implications of 'unity', however, remain unclear. The comparative politics literature offers several models of territorial statehood that are of theoretical interest, but only two potentially enjoy substantial political recognition in Ireland. The first is a unitary state with power concentrated in the capital, the model anticipated by Irish nationalists before the partition of Ireland in 1921, and widely supported since then. The second is a unitary state with special provisions for Northern Ireland's autonomy similar to those it now enjoys within the UK, as envisaged by other nationalists and implicitly endorsed by the Good Friday Agreement of 1998. Making a decision on Irish unity requires detailed analysis of what this concept implies and recognition of the complex issues to which it gives rise.

Keywords: federation, territorial politics, Ireland, Northern Ireland, European Union, UK

Introduction

WRITING ON THE occasion of the muted celebrations in 2021 to commemorate Northern Ireland's first century, a prominent journalist outraged unionist opinion by predicting that 'there isn't going to be a second centenary for Northern Ireland. It might not even last another decade'.[1] Resurgent Irish nationalism, buoyed by demographic change in Northern Ireland that pointed towards parity between unionists and nationalists, appeared keen to expedite the incorporation of Northern Ireland in the Republic by pressing for a 'border poll'. Renewed debate about Irish unity was boosted further by Brexit, which raised difficult questions about Northern Ireland's relationship with both the UK and the EU.[2]

This debate highlights the unique constitutional standing of Northern Ireland within the UK, different from that of Scotland and Wales even before adoption of the Ireland/Northern Ireland Protocol. It is true that recent Prime Ministers (Theresa May in July 2018 and Boris Johnson in October 2019) have discounted this special status, proclaiming in succession their commitment to 'our precious Union' and ruling out a customs border in the Irish Sea as something no British government could accept.[3] But this cuts across the UK's international commitments and the principles of the Good Friday Agreement, in which the UK government accepted a much more fundamental breach of the integrity of the state: recognition of Northern Ireland's right to secede from the UK and join the Republic if this is approved by referendum.[4]

The modalities of a 'border poll' have been investigated in depth, notably in a major

[1]S. McKay, 'Northern Ireland is coming to an end', *New York Times*, 30 June 2021.

[2]B. Laffan, 'Brexit: re-opening Ireland's "English question"', *The Political Quarterly*, vol. 89, no. 4, 2018, pp. 568–575; R. Humphreys, *Beyond the Border: The Good Friday Agreement and Irish Unity after Brexit*, Newbridge, Merrion Press, 2018; K. Meagher, *A United Ireland: Why Unification Is Inevitable and How It Will Come About*, new ed., Hull, Biteback, 2022.

[3]For May, *Sunday Times*, 13 May 2018; *Times*, 24 July 2018; for Johnson's virtually identical formulation, *Belfast Telegraph*, 2 and 17 October 2019.

[4]J. Coakley and J. Todd, *Negotiating a Settlement in Northern Ireland, 1969–2019*, Oxford, Oxford University Press, 2020.

University College London project described in an earlier issue of this journal.[5] The project report offers a comprehensive analysis of the mechanics of such a poll, but necessarily stops short of exploring the kind of constitutional design that might be offered to voters. The present article offers a preliminary description of the framework within which such a novel constitutional initiative might be accommodated, noting the wide range of constitutional options theoretically available, the unavoidable complexity of any solution adopted and the need for detailed constitutional planning. In turn, it outlines the options described in the comparative literature on territorial devolution and federation; it explores the manner in which certain of these options might be applied in the context of Irish unification; and it concludes by looking at the specific political implications of the two leading models. Investigating options does not, of course, entail endorsing any of them, or predicting that they will come to pass. The article does not speculate on the probable constitutional future of Northern Ireland, whose current status may well continue indefinitely; it seeks merely to probe certain alternative scenarios.

The comparative context

The familiar distinction in comparative politics between two modes of territorial organisation, the unitary state and the federal state, is a useful starting point from which to examine the potential redefinition of the north-south relationship in Ireland. The venerable literature in this area agrees on a clear-cut distinction in principle between these two state forms, its analytical value demonstrated by near-consensus on the allocation of countries to these categories. The sovereign states of the world (currently 193, if the criterion is UN membership) are overwhelmingly unitary, but twenty-four are formally (and plausibly) recognised by the Forum of Federations as falling into the federal category.[6]

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[5]A. Renwick and C. J. Kelly, 'What form would referendums on Irish unification take?', *The Political Quarterly*, vol. 92, no. 4, 2021, pp. 682–90.

[6]The Forum brings together ten leading federal states in a joint resource-sharing platform; see http://forumfed.org/countries/ (accessed 12 December 2021).

[Correction added on March 10, 2022, after first online publication: In footnote reference 5, C. O'Kelly has been changed to C.J. Kelly.]

While states may be pigeonholed into these two groups, there is much more to the unitary-federal classification than a dichotomous image of territorial political structures. Four dimensions of the distinction have particular importance: approaches to internal border cartography; templates for the division of power; levels of regional symmetry; and patterns of institutional stability over time.

Border cartography

Two pathways to statehood have been of particular importance in federal countries. One accepts old borders and traditional territorial autonomy: the centralising state is either forced to acknowledge some kind of sub-state government tier, or chooses to do so (the constitutional evolution of Switzerland is an example). The second pathway runs in the opposite direction: the centralised state is restructured to confer autonomy on sub-state entities in recognition of their ethnocultural distinctiveness (as in the case of Belgium since the 1970s, with new regional borders reflecting the country's linguistic diversity).

An important question arises about the extent to which the principle behind territorial boundary delimitation is designed to reflect (and respond to) ethnic or national differentiation. In a few cases, this is an overriding criterion. The most obvious examples are three former communist-run federations where Leninist prescriptions on 'the national question' shaped state structures: the Soviet Union, Yugoslavia and Czechoslovakia, divided respectively into fifteen, six and two republics, each supposedly reflecting the ethos of the titular nationality (though in a more qualified way in Yugoslavia). But boundary redrafting creates many possibilities for manipulation of 'facts on the ground' in the interest of the ruling group: areas inhabited predominantly by a national majority may be divided among multiple regions to enhance their collective weight at central level, while minority areas may be partitioned, reduced in size (excluding certain parts of the ethnic territory) or increased in size (including areas not part of the ethnic territory) in such a way as to reduce the capacity of the minority to influence central government.

Power allocation

Although the unitary-federal distinction is commonly presented as a dichotomy, as discussed

above, in reality it forms a continuum, with some federal states coming close to the 'unitary' model, while others have very weak central institutions. Thus, there is a case for placing certain 'federal' systems, such as Austria, South Africa and Pakistan, in the unitary category. Indeed, the continuum extends on either side of the 'federal' and 'unitary' positions, constituting a scale running from the most to the least integrated territorial complexes, where the extremes represent the concentration of all power in the centre, and the removal of all power from the centre.[7] Five distinctive points along this continuum may be defined:

- *Centralisation*: consolidation of all power in central government (with only weak local government; the traditional French Jacobin model)
- *Regionalisation*: a form of decentralisation—a reversible devolution of some power from the centre to the component units of the state (the post-1970 Italian model)
- *Federation*: formal, constitutionally guaranteed division of substantial power between the centre and the component units (the German model)
- *Confederation*: reversible delegation of some power from the component units to the centre (the Commonwealth of Independent States model)
- *Disintegration*: transfer of all power to former component units (as in the case of the former Yugoslavia).

In the first two categories, sovereignty resides in the central state, which may revoke any powers it devolves and rein in any non-conforming region. In the last two, sovereignty rests with the component units, which may collectively re-assume any powers they have delegated to the centre, or individually secede from the confederation. The middle category represents a constitutional equilibrium, with

the centre enjoying responsibility in specified areas (typically, foreign affairs and defence) and the component units in others (such as education and policing), in an arrangement that cannot be unilaterally adjusted.

Regional symmetry

In many federations, the relationship between the centre and the component units is the same for each unit—the division of power between Vienna and the nine Austrian *Länder* is the same from *Land* to *Land*, for example. Commonly, though, a small number of regions (such as the capital area, as in the USA's District of Columbia, or outlying frontier regions, as in Canada's three northern territories) may be governed directly by the centre. In regionalised states, similarly, the relationship between territorial units and the centre may rest on a 'special' relationship with certain units that allows them more autonomy (the five Italian regions with special autonomous status, for example). Even in centralised states, certain regions may have autonomous status, as in the case of the Åland Islands' relationship to Finland (which might be described as 'federative' or even 'confederative', adjectival forms describing asymmetrical relationships). In yet another departure from symmetry, territorial arrangements may be unevenly multi-tiered, as in communist Yugoslavia (comprising a federation of six republics, one of which, Serbia, recognised two autonomous regions) or pre-1918 Austria-Hungary (a confederation of a federal state, Austria, and a unitary one, Hungary, including a region with special autonomous status, Croatia-Slavonia).

Institutional stability

Multi-tiered political systems are rarely frozen in unchanging form. Even constitutionally defined power relations may evolve over time, whether through formal amendment or owing to custom and usage. State-federal relations in the USA, for example, have for long been stable; but the civil war of 1861–65 showed that this network of states was a federation rather than a confederation. It took the *Sonderbund* war of 1847, similarly, to demonstrate that, notwithstanding its name, the Swiss Confederation had become a federation. Moving in the opposite direction, in recent decades Belgium

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[7]J. Coakley, 'Conclusion: towards a solution', in J. Coakley, ed., *The Territorial Management of Ethnic Conflict*, 2nd ed., London, Frank Cass, 2003, pp. 293–316; J. Coakley, *Nationalism, Ethnicity and the State*, London, Sage, 2012, pp. 234–8; on measuring level of decentralisation, G. Marks, L. Hooghe and A.H. Schakel, 'Measuring regional authority', *Regional and Federal Studies*, vol. 18, nos. 2–3, 2008, pp. 111–21.

has made a transition from centralised statehood through regionalisation to federation, while the Soviet Union moved from federal status to disintegration, punctuated by an experiment in confederation, the original Commonwealth of Independent States.

The British-Irish context

That remarkably complex geopolitical phenomenon, the UK, further illustrates these points (allowing for some conceptual stretching, and acknowledging that reversible, fluid legal provisions may congeal over time into *de facto* constitutional realities). The dominant model there is centralisation, as in the case of England; but it is essentially decentralist in Northern Ireland, federative in Scotland and perhaps Wales, and quasi-confederative in the crown dependencies of Jersey, Guernsey and the Isle of Man; and the UK now acknowledges the independence and sovereignty of a former part of its territory, the Republic of Ireland.

Brexit, by taking the UK out of the EU, has introduced an added complication, since the Republic of Ireland remains a full member-state. Brexit was presented by its advocates as a restoration of lost independence, with 'sovereignty' defined as a core driver of the country's future. For Ireland, the EU was seen differently—as a counterbalance to British influence, *enhancing* national sovereignty (vis-à-vis the UK) rather than undermining it. A distinctive 'work-around' formula was created to ensure compatibility of increased European integration with the Irish constitution's emphatic commitment to national 'sovereignty': successive expansions of EU competences have been facilitated by constitutional amendments that allow them to override all other provisions of the constitution. Despite perceptions of the British-Irish relationship as one between sovereign peers, then, this important formal and substantive inequality needs to be borne in mind, and it may have an impact on the form taken by models of Irish unity.

The main options for a unified Irish state may be described by following the framework of the last section: the design of internal borders, the division of power between centre and regions, the level of inter-regional

symmetry, and the potential long-term stability of any settlement.

Territorial borders

While this article focusses on internal relationships on the island of Ireland, it should not be forgotten that the territorial dimension may take other forms.[8] Northern Ireland might, for example, be governed as a condominium under some form of joint rule by the Republic and the UK, as discussed briefly in the 1980s, and reflected subtly in certain of the 'strand two' provisions of the Good Friday Agreement. Some have suggested that Ireland might re-affiliate with the Commonwealth (which it left in 1949), or even that it might re-join the UK. Alternatively, the Republic's relationship with the EU could be repositioned; the EU has already acquired a formal role in Northern Ireland under the terms of the Ireland/ Northern Ireland Protocol, and the European Council in 2017 agreed to accept Northern Ireland automatically as part of its territory in the event of Irish unification, on the model of German reunification in 1990.

By default, the most obvious border for a united Irish state is one envisaged by most people when they consider Irish unity: one enclosing a centralised unitary state, where the island constitutes a single political unit, as before 1921.

An alternative way of organising the island's territory is to follow the century-old border that currently exists, with Northern Ireland and the Republic continuing as separate constitutional entities. The idea of a federal or confederal Ireland based on the two existing jurisdictions was explored by the New Ireland Forum, an influential all-party group that examined future political structures in 1983–84.[9]

For some, this dyadic approach smacks of acceptance of the bitter historical legacy of partition. Over the period 1971–82, Sinn Féin favoured a federal structure resting on the island's four historic provinces. But Ireland's autonomous provinces or kingdoms did not survive the Middle Ages and were partitioned into smaller (and

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[8] J. Coakley, 'Resolving international border disputes: the Irish experience', *Cooperation and Conflict*, vol. 52, no. 3, 2017, pp. 377–398.
[9] *New Ireland Forum Report*, Dublin, Stationery Office, 1984, ch. 7.

now more familiar) centrally-administered counties. The fact that provinces evoke little popular consciousness undermines the appeal of this mode of territorial arrangement, which in any case would obliterate Northern Ireland by merging its six counties with three from the Republic in an autonomous province of Ulster.

The number of ways of drawing borders on a map is indefinite. Since the 1970s the Republic of Ireland has experimented inconclusively with rather amorphous 'regions'. The notion of division of the country into 'city regions' supporting a federal system has also been raised, but dismissed in the absence of any 'institutional logic' for this.[10]

Division of power

The distribution of power between centre and region varies along the scale discussed above, but five important points along this continuum may be observed:

- *Centralised state*: the border of 1921 is rolled back to the Irish sea, and the jurisdiction of the government of the Republic is extended over the whole island
- *Regionalised or decentralised state*: there is a central government in Dublin, but Northern Ireland continues to exist as an autonomous region, alongside another such region or regions (the Republic, or a partitioned Republic); full sovereignty rests in the central government
- *Federal state*: power is shared between a government in Dublin and the governments of two or more components of an all-Irish federation, which is constitutionally guaranteed and subject to revision only by agreement
- *Confederal state*: sovereign governments in Dublin and Belfast delegate powers in selected areas to all-Irish institutions, but reserve the right to withdraw these and become independent states
- *Separate states*: the Republic of Ireland continues as at present, but Northern Ireland's relationship with the UK is redefined to the point where it is given independent statehood, perhaps as an entity within the EU.

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[10]B. O'Leary, *A Treatise on Northern Ireland*, vol. 3, Oxford, Oxford University Press, 2019, p. 316.

Asymmetrical approaches

Whatever the general framework for territorial government, provision may be made for departure from this in the case of specific regions. Northern Ireland's relationship to Irish state institutions might follow its own unique path. Even if the overall state structure is centralised, Northern Ireland might be given special status as an autonomous region (a local application of the 'decentralist' category above). Second, this status might extend over a wide range of areas and be constitutionally embedded, with special *federative* status (a local application of the federal model). Third, this autonomy might be so extensive as to acknowledge the near-independence of Northern Ireland, which has special *confederative* status (parallel to the confederal model described above). Granting Northern Ireland full autonomy *and* full participation in an all-Irish parliament would result in a distinctive version of the 'West Lothian question'; but mechanisms are available to reduce the effects of such apparent over-empowering of Northern Ireland politicians.

Structural durability

How confident should those who negotiate a new deal be that this will be durable, and that it will not be fundamentally revised? At one extreme, the Good Friday Agreement is explicitly open to radical change: it recognises Northern Ireland as part of the UK, but provides that this status may end at any time if a majority votes for incorporation in the Republic. A deal that recognises a transitional settlement point can be instrumentally valuable, in facilitating either gradual or abrupt political and constitutional evolution. But this risks undermining the negotiation process by failing to define a settlement as 'final'. For this reason, consideration needs to be given to embedding any new deal in relatively rigid constitutional law. Northern Ireland's autonomy could be constitutionally guaranteed, as in the federative model, rather than left to potential legislative change, or even reversal, as in the decentralist model.

The range of schemas resulting from different cross-classifications of these dimensions is very large. To narrow the focus, a 'political practicality' filter may be applied, with

negative consequences for all of the dyadic symmetrical models. The big problem is that while under each of these models Northern Ireland would be clearly distinguishable from the island-level institutions, two sets of institutions in Dublin (those governing the whole island of Ireland, and those governing the twenty-six counties of the Republic) would have very similar representational and administrative footprints. It would be difficult to distinguish between the all-island state and the Republic of Ireland, just it was hard to distinguish the old Czechoslovakia from the Czech Republic, or the UK (or even Great Britain) from England—though in the latter cases geographical vocabulary is available to help distinguish between these similar entities.

One way around this would be to replace the dyadic symmetrical model by a polyadic one, dividing the dominant territory (the Republic) into several regions. But this would amount to the imposition of a measure of self-rule on territories with little, if any, regional collective identity. This applies *a fortiori* to the shape-shifting 'regions' with which the Republic has experimented. At least one of the asymmetrical variants presents similar (but not necessarily irresolvable) difficulties. This is the 'confederative' one, where Northern Ireland would have the right to leave the confederation and assert its independent status. This is incompatible with current UK constitutional law, which permits Northern Ireland to leave only in the context of unification with the Republic of Ireland. But it should not be ruled out: it is conceivable that Northern Ireland might, in the long term, acquire a form of quasi-independence within the EU.

Principal options

An 'objective' filter used above (apparent practicality of a scheme) excludes those models which lack inherent plausibility. The list of models might be refined further through a second, 'subjective' filter: acceptability to public opinion. This is problematic. The competing models have been subject to little public debate, and are likely to be quite unfamiliar to the average citizen, and therefore hard to track reliably in public opinion surveys; only fragmentary evidence is available. Northern Ireland surveys almost always show a pro-union majority or plurality, without specifying what form an alternative to the union might take,

but there is some evidence of Catholic openness to Northern Ireland's autonomy within a unified state.[11] An experimental one-day citizens' assembly in 2019 suggested that deliberation might encourage a slight movement in support from the asymmetric decentralist model towards the centralised one.[12]

In polls in the Republic, solid majorities normally endorse Irish unity in principle, though this support ebbs sharply when willingness to support this by paying higher taxes is explored. In April 2021, support for the principle of unity (67 per cent) dropped to 22 per cent when respondents were asked if they would pay higher taxes to fund this; the corresponding drop in November 2021 was from 60 per cent to 41 per cent, and in December 2021 from 62 per cent to 15 per cent, with question wording accounting for some of the variation in the extent of the drop.[13] But hesitancy about unification in the Republic is not confined to material matters: in November 2021 big majorities rejected the idea of adopting a new national anthem, replacing the state flag or re-joining the Commonwealth to facilitate Irish unity.[14]

With other models filtered out by the criteria of intrinsic implausibility or political acceptability, then, two remain: a unitary state without significant internal differentiation, and a unitary state with either a decentralist or a federative relationship with Northern Ireland.

The unitary state model is the default blueprint for Irish unity. There are obvious historical reasons for this. In the first two Irish Home Rule Bills (defeated in 1886 and 1893 respectively), and in the third Home Rule Bill (which became the Home Rule Act of 1914), the new Irish state, though not itself sovereign, would follow the highly centralised prototype that had been evolving steadily since the early seventeenth century. This continued to be the

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[11]Northern Ireland Life and Times Survey, 2019; https://www.ark.ac.uk/nilt/results/ (accessed 15 January 2022).
[12]J. Garry, B. O'Leary, J. Coakley, J. Pow and L. Whitten, 'Public attitudes to different possible models of a United Ireland: evidence from a citizens' assembly in Northern Ireland', *Irish Political Studies*, vol. 35, no. 3, pp. 422–450.
[13]*Irish Independent*, 1 May 2021; *Business Post*, 28 November 2021; *Irish Times*, 11 December 2021.
[14]*Business Post*, 28 November 2021.

implicit meaning of Irish unity in subsequent decades, though rarely explicitly articulated: Dublin's political institutions would govern the island in a territorially undifferentiated way. This image of Irish unity lay beneath the propagandist work of the All-Party Anti-Partition Conference created in 1949; and it was most recently specifically endorsed in the New Ireland Forum report of 1984, which identified a unitary state as its preferred outcome, but with certain guarantees for unionists.

The alternative model, a unitary state with an autonomous Northern Ireland, gained a place on the political agenda during the debates on the third Home Rule Bill. It formed part of the Anglo-Irish treaty of 1921, which identified two scenarios. In the first, Northern Ireland would become an autonomous entity within the new Irish Free State; in the second, Northern Ireland would opt out (its parliament was given a deadline of one month from the date on which the UK Parliament ratified the treaty) and would be an autonomous component of the UK. While the Northern Ireland parliament entirely predictably voted itself out, the Irish Free State constitution retained a framework for unity: it empowered the Irish parliament to 'create subordinate legislatures with such powers as may be decided by law' (Article 44), and this was carried on in the (current) 1937 constitution (Article 15.2.2°). This envisaged decentralised rather than federative status: the sovereignty of island-level institutions was underwritten, with a proviso in Article 15.2.1° vesting in the Irish parliament 'the sole and exclusive power of making laws'. This reflected the views of the dominant figure in the early history of the state, Eamon de Valera, and his successor, Sean Lemass. As the former put it in 1966, the unity question could be resolved with minimal disruption by transferring Westminster's powers to Dublin, while 'Northern Ireland could still have local autonomy with the powers they possess at present'.[15] This approach is also compatible with the Good Friday Agreement, which provides for the transfer of Northern Ireland's institutions from British to Irish jurisdiction provided certain conditions are met.

Devising new north-south structures does not of itself tackle a fundamental problem, the antagonistic relationship between two communities in Northern Ireland. Additional 'patches' might, however, be applied to the geopolitical models discussed here in order to tackle fundamental divisions. There are four obvious devices, applicable not just within Northern Ireland, but also (though rarely considered) at the level of the island of Ireland:

- A *multicultural system* would formally recognise diversity and establish a regime to match underlying divisions, providing minority protection and rights in such areas as language, identity and culture.
- *Non-territorial autonomy* in cultural and educational matters could be extended to territorially dispersed groups, as in post-1970 Belgium and interwar Estonia. This has never been seriously contemplated in Ireland, perhaps because it requires formal recognition of differentiation based on such devices as population registration (so that, for example, people could formally classify themselves as 'British', 'Irish', 'Northern Irish' or 'Ulster British'). However, as the system's critics point out, the act of self-identification might well harden the very divisions it is designed to overcome.[16]
- *Consociation*, with mandatory power- and resource-sharing and group veto provisions, offers itself as a strong alternative to majority rule in divided societies. While de Valera and Lemass had in mind an autonomous Northern Ireland that would be based on the principle of majority rule, and therefore unionist-controlled, this would now, in line with the Good Friday Agreement, offer an inter-communal compromise.
- *Repartition* would entail adjusting the boundary line between Northern Ireland and the Republic to conform more closely to national divisions, or it might mean subdividing Northern Ireland. Briefly on the agenda in the 1920s and 1980s, this might

[15] *Irish Times*, 18 April 1966; for Lemass, *Dáil Debates*, 10 February 1965, vol. 214, cols. 3–4.

[16] J. Coakley, ed., *Non-Territorial Autonomy in Divided Societies: Comparative Perspectives*, London, Routledge, 2018; J. Coakley, 'Non-territorial autonomy: a non-option for Northern Ireland?', in E. Nimni, A. Osipov and D. Smith, eds., *The Challenge of Non-Territorial Autonomy: Theory and Practice*, Oxford, Peter Lang, 2013, pp. 55–70.

be feasible where both parts of the island belong to the same political entity.

Conclusion

A newly unified Irish state would not require merely adjustments to current Irish and UK constitutional principles; it would bring change in a wide spectrum of areas. The most obvious are institutional, cultural and economic relations. Some of these involve issues in resource allocation (whether of personnel, money or other forms of capital) and thus are divisible and open to compromise. Others (such as symbolic and identity issues) are widely perceived as integral categories, not individually divisible, and more challenging when compromise is being pursued.

First, at the institutional level, the implications of unity for party systems, legal orders and administrative structures are far-reaching. The enforced merger of two very different party systems would jolt the political elite. Simulations of electoral outcomes based on polling data from late 2021 suggest that any all-Ireland parliament would be highly fragmented, with even Sinn Féin, the largest party by far, likely to win only a little more than a quarter of the seats. Divergence in the organisation of the once-unified Irish legal system would need to be undone, and separate sets of statutes and statutory orders would need to be accommodated. Government departments and state agencies (including military, police, education, health and social welfare bodies) would be forced to adapt to radically new structures.

Second, for decades after partition, the two Irish states pursued sharply different paths in developing their public cultures: unapologetically 'British' in one case, embracing the Gaelic tradition in the other. This has big implications for the ritual of the state, which typically endorses an historical origin myth, regulates language use, and formulates policy on anthems, flags and official symbols.[17] On such emotive (and often zero-sum) issues, there are three broad approaches: a nationalist one, where the dominant position of the Irish nationalist tradition is maintained; a pluralist one, where coexistence of the two main

traditions on the island is recognised; and a neutralist one, where a new set of over-arching cultural norms is created. Choosing between these approaches raises fundamental issues of identity, not easily resolved.

The third challenge is most obvious of all: economic divergence between the two parts of the island, and loss of the substantial annual financial transfer from the UK Treasury to Northern Ireland. One recent analysis of the components of this subsidy concluded that its 'true' level is more modest than reported, and likely to be manageable in the context of Irish unity, but opinion remains divided.[18] In any case, it is likely that unity would place a considerable economic burden on the Republic, one unlikely to be attractive to its citizens.

Constitutional redesign in the context of Irish unity is likely, then, to be just one big challenge among several in bringing about a marriage of two jurisdictions whose past relationship was never amicable. In principle, a large number of constitutional options offer themselves, depending on the geography of borders, the disposition of power between centre and regions, the level of symmetry in state territorial structures, and the degree of permanence associated with the model. In practice, as this article has argued, the number of politically relevant alternatives is much smaller, and may be reduced to two: a centralised unitary state, the unspoken structure taken for granted for over a century as the preferred model; and a unitary all-island state with a decentralist (or federative) relationship with Northern Ireland, accepted as a fall-back position by Irish nationalist leaders since 1921.

Notwithstanding the dearth of public opinion data, it seems highly likely that the latter model will come to be seen as the only realistic one—less disruptive of the constitutional and administrative status quo, less demanding in respect of cultural and political compromise,

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[17]For an important overview, see *Commission on Flags, Identity, Culture and Tradition: Final Report*, Belfast, Executive Office, 2021.

[18]See J. Doyle, 'Why the "subvention" does not matter: Northern Ireland and the all-Ireland economy', *Irish Studies in International Affairs*, vol. 32, no. 2, 2021, pp. 314–334; for more circumspect approaches, see A. Barrett, 'Debating the cost of Irish reunification: a response', *Irish Studies in International Affairs*, vol. 32, no. 2, 2021, pp. 335–337; and M. C. Murphy, 'Reshaping UK/Ireland relations: Brexit's cross-border and bilateral impact', *Oxford Review of Economic Policy*, vol. 38, no. 1, 2022, pp. 205–216.

and potentially less expensive as regards economic costs (depending on precise arrangements). But these are relative judgements: no matter how simple the reform model, as this article has shown, designing a blueprint for Irish unity will be an enormously complex task, and the acceptability to voters (north and south) of the ultimate design plan cannot be taken for granted.

As this article has also shown, constitutional experimentation in contested territories has generated a rich toolkit of conflict management mechanisms. It has also demonstrated that there is no need for a single, one-size-fits-all solution; imaginative bespoke combinations of conflict management strategies may help in responding to major territorial challenges. Although five principal territorial models have been identified, these fall on a continuum. Constitutional planners may also deploy other mechanisms to mitigate inter-group tension: boundary adjustments, for instance, multicultural arrangements, non-territorial autonomy and consociational provisions. Experience shows that distinguishing at the outset between those aspects of a deal which incorporate a process and those which are intended to endure is crucial. In addition, continent-wide structures may have a big impact. What has for long been thought of as a trilateral framework (Belfast–London–Dublin) is likely to be transformed into a more balanced quadrilateral one (Belfast–London–Brussels–Dublin). Ironically, Brexit, progenitor of the original constitutional shake-up, may yet open up options that make some kind of unified Irish state a reality.

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