

**Chapter 1 : RC14 - Politics and Ethnicity**

*CONSTITUTIONAL DESIGN FOR DIVIDED SOCIETIES* Arend Lijphart *O ver the past half-century, democratic constitutional design has un-dergone a sea change.*

Definition[ edit ] Political scientists define a consociational state as a state which has major internal divisions along ethnic, religious, or linguistic lines, with none of the divisions large enough to form a majority group, yet nonetheless manages to remain stable, due to consultation among the elites of each of its major social groups. Consociational states are often contrasted with states with majoritarian electoral systems. Concept origins[ edit ] Consociationalism was discussed in academic terms by the political scientist Arend Lijphart. However, Lijphart has stated that he had "merely discovered what political practitioners had repeatedly "invented years earlier". The Netherlands, as a consociational state, was between and divided into four non-territorial pillars: Calvinist , Catholic , socialist , and general , although until there was a plurality "first past the post" electoral system rather than a consociational one. In their heyday, each comprised tightly-organised groups, schools, universities, hospitals and newspapers, all divided along a pillarised social structure. The theory, according to Lijphart, focuses on the role of social elites, their agreement and co-operation, as the key to a stable democracy. Lijphart identifies four key characteristics of consociational democracies: Mutual veto Consensus among the groups is required to confirm the majority rule. Mutuality means that the minority is unlikely to successfully block the majority. If one group blocks another on some matter, the latter are likely to block the former in return. Proportionality Representation is based on population. Segmental autonomy Creates a sense of individuality and allows for different culturally-based community laws. Consociational policies often have these characteristics: Many of these cabinets are oversized, meaning they include parties not necessary for a parliamentary majority; Balance of power between executive and legislative ; Decentralized and federal government, where regional minorities have considerable independence; Incongruent bicameralism , where it is very difficult for one party to gain a majority in both houses. Normally one chamber represents regional interests and the other national interests ; Proportional representation , to allow small minorities to gain representation too; Organized and corporatist interest groups, which represent minorities ; A rigid constitution , which prevents government from changing the constitution without consent of minorities; Judicial review , which allows minorities to go to the courts to seek redress against laws that they see as unjust; Elements of direct democracy , which allow minorities to enact or prevent legislation; Proportional employment in the public sector; A neutral head of state , either a monarch with only ceremonial duties, or an indirectly elected president, who gives up his or her party affiliation after being elected; Referendums are only used to allow minorities to block legislation: Equality between ministers in cabinet, the prime minister is only *primus inter pares* ; An independent central bank , where experts and not politicians set out monetary policies. Favourable conditions[ edit ] Lijphart also identifies a number of "favourable conditions" under which consociationalism is likely to be successful. He has changed the specification of these conditions somewhat over time. Supporters of consociationalism argue that it is a more realistic option in deeply divided societies than integrationist approaches to conflict management. For example, he makes the case that in the Swiss example, "political parties cross-cut cleavages in the society and provide a picture of remarkable consensus rather than highly structured conflict of goals". Demands for policies aimed at producing religious or secular uniformity presuppose a concern He contrasts this to the case of a society marked by conflict, in this case Northern Ireland , where he argues that "the inhabitants Pillarisation was "seriously weakening", even in the s, cross-denominational co-operation was increasing, and formerly coherent political sub-cultures were dissolving. He argued that elites in the Netherlands were not motivated by preferences derived from the general interest, but rather by self-interest. He argued that the Netherlands was "stable" in that it had few protests or riots, but that it was so before consociationalism, and that it was not stable from the standpoint of government turnover. He believed that Lijphart suffered severe problems of rigor when identifying whether particular divisions were cleavages, whether particular cleavages were segmental, and whether particular cleavages were cross-cutting. This

philosophy is dominated by elites, with those masses that are sidelined with the elites having less to lose if war breaks out. Consociationalism cannot be imperially applied. For example, it does not effectively apply to Austria. Critics also point to the failure of this line of reasoning in Lebanon, a country that reverted to civil war. It only truly applies in Switzerland, Belgium and the Netherlands, and not in more deeply divided societies. If one of three groups gets half plus one of the vote, then the other groups are in perpetual opposition, which is largely incompatible with consociationalism. Consociationalism focuses on diverging identities such as ethnicity instead of integrating identities such as class, institutionalizing and entrenching the former. Furthermore, it relies on rival co-operation, which is inherently unstable. It focuses on intrastate relations and neglects relations with other states. Horowitz argues that consociationalism can lead to the reification of ethnic divisions, since "grand coalitions are unlikely, because of the dynamics of intraethnic competition. The very act of forming a multiethnic coalition generates intraethnic competition" flanking "if it does not already exist". Although the minority can block decisions, this requires per cent agreement. Rights are given to communities rather than individuals, leading to over-representation of some individuals in society and under-representation of others. Grand coalitions are unlikely to happen due to the dynamics of ethnic competition. Each group seeks more power for itself. Consociationalists are criticized for focusing too much on the set up of institutions and not enough on transitional issues which go beyond such institutions. Finally, it is claimed that consociational institutions promote sectarianism and entrench existing identities. Examples[ edit ] The political systems of a number of countries operate or used to operate on a consociational basis, including Belgium, Cyprus effective " , [18] [19] [20] Lebanon, the Netherlands " , Switzerland, and South Africa. Some academics have also argued that the European Union resembles a consociational democracy. The African National Congress ANC opposed consociationalism and proposed instead a settlement based upon majoritarian democracy. The NP abandoned consociationalism when the U. Department of State came out in favor of the majoritarian democracy model in

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### Chapter 4 : Sujit Choudhry - Wikipedia

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*constitutional drafters not only have to create a viable political order, they also have to ensure inter-group cooperation among groups that may not always desire.*

## Chapter 7 : Project MUSE - Constitutional Design for Divided Societies

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