

THE CONTRIBUTION OF DEMOCRACY TO REBUILDING POSTCONFLICT SOCIETIES

*By Samuel H. Barnes**

The central question of postconflict societies remains political: how to construct a stable form of domestic power sharing and governance. Adversaries mutually exhausted by conflict will still set an adequate degree of influence and voice in future political arrangements as the price of terminating the conflict. Where adversarial identities have become all-encompassing or the war has gone on for too long, the only available solutions may be more radical, including autonomy or partition.

The task of international mediators is to help the parties assess the available forms of sharing power. In the dominant view of the United Nations community and international financial institutions, the available choice set is the various forms of representative government—for both idealistic and practical reasons. Democracy has become the dominant political philosophy of the multilateral community, even where it is not always observed in practice, and its breadth of participation may be likeliest to placate former adversaries. But any social engineer or planner must also take into account the practical problems that democracy will probably encounter in the aftermath of conflict, including the conditions necessary for its stability and prestige. In addition, the portfolio of democracy has varied structures that may give greater confidence to both sides and persuade the combatants to lay down their arms.

This article is designed to explore what empirical social science has to say about the design of democracy in the aftermath of conflicts. A hard look at the successes and failures of transitions in the last several decades may tell us something about how to make democracies more likely to flourish where citizens have been at each others' throats.

The modesty of a social scientist is in order. Little is known with certainty; some evident results have limited applicability; and often there is simply no compelling evidence as to what works and what does not.

But social science does have a contribution to make—to identify some solutions that have been helpful, and to suggest which arrangements will not work in particular settings. Democracy's widely accepted authority may succeed even within societies that have suffered serious trauma and conflict.

The countries fractured in the last decade of civil wars bear little resemblance to the original pioneers in the development of democracy, and they differ as greatly among themselves. Some seem poorly endowed to make democracy work. Many are economically underdeveloped; linguistically, religiously, and ethnically divided; lacking in natural resources; and often deficient in economic, human, and social capital. Some must also create a market economy or engage in nation building. What combination of woes can be overcome is unknown and probably unknowable. We can readily admit that for some, achieving stable democracy in the near term is unlikely. And democracy alone will not cure all the problems facing unhappy peoples. Indeed, it may often be the *result* of the resolution of problems

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rather than the cause, though the direction of causation in the human sciences is often difficult to establish.

Nevertheless, several strong forces work in favor of democracy today and suggest that its forms should be of interest in postconflict reconstruction:

(1) The prestige of democracy has never been higher. Most rulers claim to be democrats of some genre. Except in a few scattered marginal states, only democracy possesses legitimacy at the ideological level. The twentieth-century struggles between alternative political and economic ideologies have largely subsided. This favorable image of democracy is demonstrated by public opinion polls almost everywhere.¹ Apart from a few theocracies, alternative systems possess little political or intellectual appeal.² Political disputes today are more likely to concern the definition of the community than the centrality of democracy.

(2) The operating principles of democracy are familiar, even at the local level. Though debate over the modalities of achieving democracy continues, especially in fractured societies,³ there is general agreement on the basic features of democratic participation.

(3) Democracy is generally associated with economic well-being. Most successful democracies today are prosperous, and the aspiring democracies want to be.⁴ Generational replacement will presumably strengthen democracy as long as economic progress lasts—for economic growth is linked to globalization, and an openness to private-sector development and information exchange, strengthening civil society. On the other hand, the long-term consequences for democracy of poor economic performance are unknown but potent with political unrest. Especially in postconflict transitions, successful economic growth anchors the chances for democratic government.⁵

Thus there is a dark side. If democracy does not produce prosperity, at least in the medium term, it is likely to lose legitimacy. Most democrats hold as an article of faith that democracy contributes to economic growth, prosperity, and peace as well—but the empirical record of past transitions may be inconclusive in a new economy. Moreover, rapid social, political, and economic changes leave many behind. Anyone seeking to build a stable democratic regime, especially after civil war, cannot ignore the need to address issues of both economic growth and social justice as probable necessary conditions for successful democratization.

One must also factor in the interplay of the state and the economy. In many postconflict situations, the state and its political apparatus may not be easily persuaded to give up opportunistic control over the economy, and allow a genuinely private sphere. In Bosnia, for example, the power of the nationalist political parties and entity governments over all aspects of the economy (even including simple transfers of funds) has dampened economic

¹ In surveys of the 1990s, residents of 50 countries were asked to react to statements about democratic political systems. The statement that “[d]emocracy may have problems but it’s better than any other form of government” gained agreement or strong agreement from 73% or more of the population in 49 countries. (In Russia, 57% agreed or strongly agreed.) See Ronald Inglehart, *Political Culture and Democratic Institutions: Russia in Global Perspective*, Paper presented at the annual meeting of the American Political Science Association, table 2, at 23 (Aug. 31–Sept. 3, 2000) [hereinafter Inglehart, *Political Culture*]. Inglehart concludes that “democracy has become virtually the only model with global appeal.” *Id.* at 3; see also RONALD INGLEHART, *MODERNIZATION AND POST-MODERNIZATION: CULTURAL, ECONOMIC, AND POLITICAL CHANGE IN 43 SOCIETIES* (1997).

² In his study of East German mass and elite opinions, Robert Rohrschneider points out that this former Communist country’s citizens quickly adopted the “easy” aspects of democratic ideology—freedom and rights—though they were slower to develop concern for toleration and restraint in dealing with others. ROBERT ROHRSCHEIDER, *LEARNING DEMOCRACY: DEMOCRATIC AND ECONOMIC VALUES IN UNIFIED GERMANY* (1999).

³ See, e.g., Boutros Boutros-Ghali, *Supplement to Reports on Democratization (Agenda for Democratization)*, UN Doc. A/51/761, annex (1996).

⁴ The case of India reminds us that national wealth is not always a necessary ingredient for democracy. The relationship between per capita income and the strength of democracy has generated a long scholarly discussion. Seymour Martin Lipset argued in 1959 that democracy is possible only when societies reach a certain level of prosperity. Seymour M. Lipset, *Some Social Requisites of Democracy: Economic Development and Political Legitimacy*, 53 AM. POL. SCI. REV. 69 (1959). Lipset modified his view of this relationship in 1994. Seymour Martin Lipset, *The Social Requisites of Democracy Revisited: 1993 Presidential Address*, 59 AM. SOC. REV. 1 (1994).

⁵ See Allan Gerson, *Peace Building: The Private Sector’s Role*, 95 AJIL 102 (2001).

growth.⁶ Economic control can serve as a source of patronage and disciplinary power for a political oligarchy, if the state is willing to forgo the long-term stability that may follow from successful growth.

And, of course, the prestige of democracy does not itself solve the problem of defining the bounds of the polity in postconflict situations. Willingness to share the powers of governance with an opposing group may be limited, especially after protracted and bitter fighting. This factor, however, renders it all the more pertinent to analyze the varied forms that democratic structures can take, including possible requirements of consensus on vital issues.

One must acknowledge as well that democratic forms can be misused—especially in ethnic strife. The television broadcasts of 1996 in Bosnia come to mind. Despite the Dayton peace plan, election advertising by nationalist political parties continued to denigrate other ethnic communities as dangerous and untrustworthy.

Perhaps most troublesome is that democratization itself may destabilize a society, at least in the short run. “[W]hen elites are highly threatened by democratic change (as in Burundi, the former Yugoslavia, and historical Germany),” warns Professor Jack Snyder, they may rally ethnic sentiment or use ethnic violence to retain power. Trouble is less likely, argues Snyder, “when elites are guaranteed a satisfactory position in the new order.”⁷ Certainly, the virtues of working democratic structures do not translate into a carefree path to the stabilization of democracy.⁸

Analysis of democracy from the perspective of social science also remains difficult. Intertwining empirical and normative issues can make it difficult to separate scientific description from prescription and advocacy. In addition, it is challenging to generalize amid many variables and few historical cases. A generation of social scientists has aspired in comparative analysis to “substitute variables for proper names” (especially country names).⁹ But often, the name of the country appears to have more explanatory power than other systematic variables.¹⁰

Nonetheless, policymakers must choose a basis for prescription. To aid in that enterprise, the present article will review the conditions under which successful democracies have functioned and their shared characteristics. It will also address aspects of institutional design that may aid the reconstruction of divided societies. Wherever possible, we will rely on empirical evidence and muster the most important empirical results from the study of democratization by political scientists.

A minimal concept of democracy focuses on contestation and inclusiveness—contestation for political power within a framework of rights and institutions,¹¹ and inclusiveness regard-

⁶ See *id.*; see also International Crisis Group, *Why Will No One Invest in Bosnia and Herzegovina?* (1999), obtainable from <<http://www.crisisweb.org>>.

⁷ JACK SNYDER, FROM VOTING TO VIOLENCE: DEMOCRATIZATION AND NATIONALIST CONFLICT 310 (2000). Snyder argues, perhaps controversially, that the international aid community is oblivious to this “harsh reality.” “[D]emocratization,” he argues, “is likely to spark nationalist conflict in countries that have an underdeveloped economy; a population with both poor civic skills and underdeveloped representative and journalistic institutions; and elites who are threatened by democratic change.” *Id.* at 305. At a minimum, in Snyder’s view, old elites may need to be “cushioned as they f[a]ll from power.” *Id.* at 308.

⁸ The same qualification has been offered by social scientists in regard to the “democratic peace” hypothesis. Edward Mansfield and Jack Snyder have noted that the box score of mature democracies in declining to fight wars against each other does not determine what the dangers are in growing a new democracy. See Edward D. Mansfield & Jack Snyder, *Democratization and the Danger of War*, INT’L SECURITY, Summer 1995, at 5; Edward D. Mansfield & Jack Snyder, *Democratization and War*, FOREIGN AFF., May/June 1995, at 79. More recently, Professor Snyder has extended his work to argue that formal democratic mechanisms may be exploited by transitional elites who seek to use exclusionary nationalism as a means of retaining power, especially where the institutions of civil society and a free press are underdeveloped. See JACK SNYDER, FROM VOTING TO VIOLENCE: DEMOCRATIZATION AND NATIONALIST CONFLICT (2000).

⁹ See ADAM PRZEWORSKI & HENRY TEUNE, THE LOGIC OF COMPARATIVE SOCIAL INQUIRY 17–30 (1970).

¹⁰ See J. W. van Deth, *Comparative Politics and the Decline of the Nation-State in Western Europe*, 27 EUR. J. POL. RES. 443 (1995).

¹¹ The continued existence of contestation presumes the maintenance of the rights and institutions necessary to protect and implement it.

ing the adult population's right of participation in such contests.¹² Democracy's characteristic institutions, such as the rule of law, parliaments, an accountable executive, citizens' rights, and open elections, date from a time when only a small portion of the population participated in the political system. A broader inclusion—of those without property or education, as well as women—is largely a product of the twentieth century, which makes inclusive democracy a recent phenomenon. But building a new democracy need not replicate the growth sequence of the old. The rules of the democratic game do not have to be reinvented, after all, even though inclusiveness in all of its dimensions, especially that of social and economic equality, is still evolving.

Democracy is an institutionalized process of decision making and societal learning, not a substantive formula for a regime. History, geography, and conflict can unquestionably impose constraints. Each political system must cope with its unique combination of resources, location, populations, and traditions.

It is the mix of circumstances that matters. No particular institutional, cultural, or leadership conditions are essential to successful democratization. Rather, it depends on how each aspect relates to the others. But one common catalyst for democracy is the rule of law—independent and effective judicial systems that can force officials to act within their legal authority.

I. THE VIEW FROM CULTURE

Democratic political life may be weakened by the cultural assumptions of the population. Where ethnic differences correlate with strong cultural divides, and these differences are not confined to a private sphere, the contest for control of public life may take on the desperation of an all-or-nothing contest. (Thus, democracy may work better where the private sphere is rigorously protected.)

Culture is used by social scientists to refer to the shared assumptions of an interacting group. Public opinion may be seen as a collection of individual attitudes on a topic. Culture is instead more strategic—a reflection of what individuals think others in their group consider to be correct and proper beliefs and behaviors in a given situation. It is what “we” believe to be proper, rather than what “I” believe. (The definition of the group itself raises a separate question of identity.) Thus, an attempt to transform a political culture may have a cascading effect on individuals.¹³ For many actors, culture is simply a constraint—sensitivities that must be taken into account whatever one's personal views. It does not necessarily prescribe behavior.

In complex modern societies, there need not be many topics of strong cultural agreement. Though organized cultural communities command undeniable influence within a pluralist political system, individuals still remain free to pick and choose, constructing their own belief systems. Cultural conflict over particular issues may persist, but the multiplicity of issues in contention leaves people free to define themselves self-consciously as individuals in relation to social culture.

But this is not the case in many societies, especially those that are most conflicted. Generally, one does not choose whether one is Muslim or Christian in Bosnia or Lebanon or

¹² Definitions of modern democracy are found in Robert A. Dahl, *Polyarchy: Participation and Opposition* (1971), and Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (1942).

¹³ The social science literature on political culture is vast, and the subject of culture is much wider. Much of the general literature on culture is “soft” and humanistic in approach, which makes discussions of, for example, the compatibility of some religious beliefs and democracy hopelessly confusing. For a discussion of political culture as a topic for empirical analysis, see Samuel H. Barnes, *Political Culture, Political Structure, and Democracy: The Case of Legitimation and Opposition Structure*, in *POLITICAL CULTURE AND POLITICAL STRUCTURE: THEORETICAL AND EMPIRICAL STUDIES* 45 (Frederick D. Weil & Mary Gautier eds., 1994). For an empirical exploration of the role of culture in democratization of a single country, see PETER McDONOUGH, SAMUEL H. BARNES, & ANTONIO LÓPEZ PINA, with DOH C. SHIN & JOSÉ ALVARO MOISÉS, *THE CULTURAL DYNAMICS OF DEMOCRATIZATION IN SPAIN* (1998).

Indonesia. Where primordial identities dominate, “other” may not be a meaningful category. American-style multiculturalism has not arrived in today’s conflicted societies.

Some cultural clashes can result from rapid change. Breakdown of familiar lines of cleavage leads people to reexamine their identities, and under the wrong circumstances, they may choose primordial lines as the most obvious point of reference, if not the deepest. Yet the public significance of cultural differences can easily be overstated. Political mobilization and elite-mass interaction must precede the injection of ethno-cultural issues into public affairs.¹⁴

Divisive processes are dynamic—ethnic conflict is the end product of a long chain of causation. It does not emerge spontaneously from cultural differences but, rather, from the breakdown of patterns of reconciliation and from processes of mobilization. Ethnicity may be seen by some as a “hard” entity based on primordial origins, and yet it is also a “soft” characteristic amenable to manipulation by elites in a volatile mixture of passion and interest.¹⁵

In evaluating the importance of cultural assumptions for democratization and postconflict reconstruction, they are better conceived of as biases that elites can manipulate and exploit than as conditions that prescribe a particular pattern of behavior. Indeed, it is useful to keep behavior separate from culture and, in particular, not to deduce cultural assumptions from behavior. Behavior has several important influences, of which advancing one’s interests is among the most important. Penalizing antisocial behavior, through postconflict prosecutions and lustration laws disqualifying offenders from office, can be used to overcome any advantage seen in ethnic incitement.

Different groups may live together in relative harmony for centuries with little conflict,¹⁶ even when they politicize their differences in periods of rapid change. Ironically, democratization can be one of those perilous periods of change, as in the former Yugoslavia of the late 1980s and early 1990s, for democratization is associated with rising expectations, a higher level of resources, the assertiveness of newly active forces, and the relaxation of traditional constraints.

In evaluating prospects for postconflict reconstruction and nascent democracy, the intractability of culture should not be overestimated for the long run, nor its influence underestimated in the short run. The passage of time and generational replacement show the labile aspects of culture. Individuals alter few of their basic orientations after young adulthood, though some change goes on throughout the life cycle. But culture must be reproduced each generation, and it is never perfectly transmitted, especially in times of rapid societal change. Thus, with the passage of time and the change of age cohorts, a society’s cultural assumptions can be considerably altered. The resocialization of the German population in the years following the Second World War is a vivid example of cultural change. In the late 1940s, support for National Socialism and negative views of German democracy were widespread throughout the country. But socialization in school, the revulsion of many young Germans at the deeds of their parents’ generation, and—especially—the economic performance of the new democracy led to a steady decline in approval of the past and the

¹⁴ As Payam Akhavan accurately observes:

Contrary to the simplistic myths of primordial “tribal” hatred, the conflicts in the former Yugoslavia and Rwanda were not expressions of spontaneous blood lust or inevitable historical cataclysms. Both conflicts resulted from the deliberate incitement of ethnic hatred and violence by which ruthless demagogues and warlords elevated themselves to positions of absolute power.

Payam Akhavan, *Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?* 95 AJIL 7, 7 (2001); see also DONALD L. HOROWITZ, *THE ETHNIC RIOT* (forthcoming).

¹⁵ See Donald L. Horowitz, *Structure and Strategy in Ethnic Conflict: A Few Steps Toward Synthesis*, in ANNUAL WORLD BANK CONFERENCE ON DEVELOPMENT ECONOMICS 1998, at 345 (Boris Pleskovic & Joseph E. Stiglitz eds., 1999).

¹⁶ In an important study of interethnic cooperation, James D. Fearon and David D. Laitin have noted the rarity of ethnic violence between the many ethnic groups living in close contact with one another. James D. Fearon & David D. Laitin, *Explaining Interethnic Cooperation*, 90 AM. POL. SCI. REV. 715 (1996). M. Steven Fish, a student of post-Communist democratization, finds that ethnic homogeneity is unrelated to democratic achievement in those countries. M. Steven Fish, *Democratization’s Requisites: The Postcommunist Experience*, 14 POST-SOV. AFF. 212 (1998).

growing legitimacy of the Federal Republic of Germany.¹⁷ The rebuilding of German democracy under the Allied occupation and the reconstruction of postwar Japan are examples of successful institutional and cultural transformations that expand the realm of the possible in democratization. The experiences of Germany and Japan emphasize the importance of a rectified educational system in postconflict transformation and democratization.

Currently, scholars disagree about the compatibility of some religions or ethical systems—major components of culture—with democracy. In *The Third Wave*, Samuel Huntington raised the question of the compatibility with democracy of Eastern Orthodox Christianity, as well as Confucianism and Islam.¹⁸ Although few democracies have these cultural backgrounds, a strong case can be made for supposing that these traditions are not everywhere incompatible with successful democratization. All are multivocal in their teachings and capable of evolving.¹⁹

On the other hand, successful democracies seem to exhibit widespread agreement on the main themes of their *political* cultures. There is agreement on the institutions and rules of the political game and generally on the philosophical or ideological rationale for them, without the necessity for agreement on other aspects of culture. A reasonably coherent political culture need not rest on similar agreement at the general cultural level.

However, a cautionary note should be sounded if culture is defined more broadly. Professor Ronald Inglehart used a massive database from the World Values Surveys to sort out the relationships between economic development, culture, and democratization. His measure of cultural values was as a “syndrome of . . . orientations including trust, tolerance of outgroups, postmaterialist values and subjective well-being.”²⁰ Inglehart concludes that cultural values “seem to provide the link between development and democratization,” cautioning that culture (in this sense) appears to “shape democracy far more than democracy shapes culture.” The need for values such as trust, tolerance, and nonmaterialist objectives can be “bad news,” he warns, “for anyone seeking a quick and easy solution to the problems of democratization.”²¹

A noted scholar of the rational-choice school, Jon Elster, and his colleagues note yet another aspect of culture that may figure importantly in postconflict democratization. Analyzing the transition to democracy in Eastern Europe, they conclude that the key ingredient is the adaptability of culture to the needs of a modern society:

[T]he most significant variable for the success of the transformation is the degree of compatibility of the inherited world views, patterns of behavior and basic social and political concepts with the functional necessities of a modern, partly industrial, partly already post-industrial society. . . . [W]hat matters most is the social and cultural capital and its potential for adjusting the legacies of the past to the requirements of the present.²²

II. THE VIEW OF RATIONAL ACTORS

Rational-choice theory is familiar, of course, as a major alternative approach in social science for understanding political and social behavior. It focuses on individuals as rational beings who are able to rank their priorities and pursue their interests efficiently. This ap-

¹⁷ For a study that traces these changes through longitudinal analyses of German public opinion, see KENDALL L. BAKER, RUSSELL J. DALTON, & KAI HILDEBRANDT, *GERMANY TRANSFORMED: POLITICAL CULTURE AND THE NEW POLITICS* (1981).

¹⁸ SAMUEL P. HUNTINGTON, *THE THIRD WAVE: DEMOCRATIZATION IN THE LATE TWENTIETH CENTURY* 298–311 (1991).

¹⁹ See Alfred Stepan, *Religion, Democracy, and the “Twin Tolerations,”* J. DEMOCRACY, Oct. 2000, at 37.

²⁰ Inglehart, *Political Culture*, *supra* note 1, at 3. Inglehart labeled these as “survival values” vs. “self-expression values.” The level of economic development in each society was measured by 1980 GNP/capita. Its degree of democracy was measured by the sum of Freedom House ratings, 1981–1998. *Id.*

²¹ *Id.* at 10–11.

²² JON ELSTER, CLAUS OFFE, & ULRICH K. PREUSS, with FRANK BOENKER, ULRIKE GOETTING, & FRIEDBERT W. RUEB, *INSTITUTIONAL DESIGN IN POST-COMMUNIST SOCIETIES: REBUILDING THE SHIP AT SEA* 307–08 (1998).

proach need not be accepted as the best for social analysis in order to recognize the importance of individual interests in politics. Political actors have their own preferences and goals, and these strongly influence how they operate in institutional settings, as well as how they interpret and use cultural appeals.²³ The officials who manage the institutions of democracy will have individual goals that they seek to realize within these institutions. They will interpret the rules to meet their goals when they can. The role of institutions cannot be adequately understood without placing it not only within the surrounding cultural context, but also in the context of individual actors. Institutions that do not provide a minimum level of rewards for individuals who work in them will not function well.

Rational egoism's lesson is the importance of law in democratization. Without institutions to enforce the rule of law, political actors will ignore the public interest in favor of their private goals.²⁴ Low incomes, cultural tolerance of graft, and minimal institutionalization render new democracies vulnerable to corruption, nowhere more demonstrably than in postconflict societies. The state sector is usually starved for funds, leaving officials prone to surviving by exploiting their offices.

In the long run, a market system may remove some of these temptations (or necessities) by providing a higher standard of living and alternative pathways for advancement. A market system distances many areas of life from the state, lowering the appeal of the pursuit of political power. In some neoliberal visions, the state "withers away" (in a fashion postulated by Marxism, though never observed). Short of this extreme, politics may become appropriately marginal to the populations of healthy democracies.²⁵ Certainly, dampening conflict in divided societies will be easier where a free market flourishes.

The institutionalization of democracy involves the development and enforcement of codes of behavior, as a sanctioned institutional culture. Democratic consolidation is achieved when actors believe that they can successfully pursue their own goals and interests only by making them compatible with the goals and needs of the institutions of democracy—because democracy is the only game in town. Until that point, people who would benefit from alternative political systems have no reason not to pursue them.

Thus, postconflict reconstruction must pay heed to the culture within which institutions function and the incentives of political actors, so as to dissuade individuals from losing contact with the collective purposes for which the institutions exist. Institutions, culture, and interests all contribute to the success of postconflict democratization.

III. INSTITUTIONAL DESIGN IN POSTCONFLICT DEMOCRACY

In postconflict reconstruction, mediators and local actors can seek to influence the evolution of political culture and individual incentives. However, perhaps the greatest room for the immediate amelioration of political differences lies in suggestions for changed institutional design. These suggestions pertain to executive-legislative relations, electoral systems, federalism, and partition. In addition, it will be productive to look at two structured models of democracy: consociationalism and corporatism.

²³ Robert Bates provides a classic illustration of how knowledgeable and democratically elected politicians may pursue policies obviously destructive of their countries' economic well-being, because of their own need to survive politically. ROBERT H. BATES, *MARKETS AND STATES IN TROPICAL AFRICA: THE POLITICAL BASIS OF AGRICULTURAL POLICIES* (1981). In rational-choice theory as such, a rational actor, strictly defined, will not work for collective benefits because he will receive the benefits regardless of his own efforts and one individual will almost never determine the outcome. See MANCUR OLSON, JR., *THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS* (1965).

²⁴ See Jennifer Widner, *Courts and Democracy in Postconflict Transitions: A Social Scientist's Perspective on the African Case*, 95 *AJIL* 64 (2001).

²⁵ There has been wide discussion of a decline in aspects of political participation in advanced democracies, though the evidence is still inconclusive. See MAX KAASE & KENNETH NEWTON, *5 BELIEFS IN GOVERNMENT* (1995).

Executive-Legislative Relations

The British model of parliamentary democracy is not typical. Though the responsibility of the executive to the legislature characterizes many parliamentary systems,²⁶ the majority of countries favors consensus-building mechanisms, rather than an adversarial model of government and opposition. Most parliamentary systems use proportional representation, not first past the post (i.e., a plurality in single-member electoral districts). As a result, several parties that “count” usually emerge and no single party commands a majority in parliament. This result leads to a pattern of coalition governments and a politics of not-always-successful consensus building,²⁷ a configuration with evident relevance to stitching together the torn fabric of postconflict societies.

The role of the head of state is also of moment. A parliamentary system leaves the prime minister and cabinet (i.e., the government) dependent on the support of parliament. But the head of state may be a separate and independent figure—a monarch without power, or a president with varying degrees of power at the margins. The head of state may prove a rallying point for unity, even where severe political differences persist, or act responsibly to censure political excess.

The presidential system constitutes the major alternative institutional arrangement for the relation of executive and legislature. It has varied greatly in its implementation. The president as chief executive combines ceremonial and executive functions and is popularly elected separately from the legislature. An independent judiciary is critical to maintaining the balance of power between the two branches.²⁸

Scholars have been unable to agree on the most suitable set of institutional arrangements for difficult democracies—or for democracies in general. The presidential system has seldom functioned elsewhere as it does in the United States, and its utility for other countries, especially in Latin America and Southeast Asia, has been strongly disputed.²⁹ Party democracy is not incompatible with the presidential system. But its viability can depend on the distribution of party strength in the legislature, as well as on relations between the president and the majority legislative party. (Note, for example, the varied incidence of party opposition between the presidency and Congress in the United States.) Professors John Nagle and Alison Mahr conclude that presidential dominance over the legislature is characteristic of “nations where democratization has failed, or where it never really got started.”³⁰

²⁶ Today’s models of the institutions of democracy evolved slowly and in only a few countries. In the British case, the power of the Crown was gradually shared with the nobility, the gentry, and the rising bourgeoisie. Through the creation of modern parties and other structures of mass mobilization, power was later shared with the adult population and finally vested in a prime minister and cabinet, drawn from the dominant party in the Commons. Although the British Constitution is only partially a written one, and though—historically—the power of Parliament is in principle unlimited, the British system is highly institutionalized. Those in power do not act arbitrarily, the courts operate independently without political interference, and the opposition flourishes.

²⁷ The many varieties of proportional representation demonstrate that the number of parties can be reduced or expanded by design. There are also many examples of single-member districts’ giving rise to multiparty systems, so the relationship between electoral systems and number of parties is not a strong one. The number of parties reflects the number of dimensions of conflict in the society, as well as the electoral laws.

²⁸ There are other patterns of executive-legislative relationships. For example, amendments to the Israeli Constitution now provide for the independent and direct election of the prime minister by the electorate.

²⁹ For an introduction to the large literature on this debate, see *THE FAILURE OF PRESIDENTIAL DEMOCRACY* (Juan J. Linz & Arturo Valenzuela eds., 1994) (Vol. 1: COMPARATIVE PERSPECTIVES; Vol. 2: THE CASE OF LATIN AMERICA); Juan J. Linz, *The Perils of Presidentialism*, *J. DEMOCRACY*, Winter 1990, at 51; Juan J. Linz, *The Virtues of Parliamentarism*, *J. DEMOCRACY*, Fall 1990, at 84. *But see* GIOVANNI SARTORI, *COMPARATIVE CONSTITUTIONAL ENGINEERING: AN INQUIRY INTO STRUCTURES, INCENTIVES AND OUTCOMES* 97 (1994) (stating: “That presidential systems perform poorly—as Linz maintains . . . —in countries with deep cleavages and with a fragmented party system, is very true. But could they perform better—these conditions remaining equal—under parliamentary forms? *Ceteris paribus* I think not.”).

³⁰ JOHN D. NAGLE & ALISON MAHR, *DEMOCRACY AND DEMOCRATIZATION: POST-COMMUNIST EUROPE IN COMPARATIVE PERSPECTIVE* 207 (1999).

These findings may have consequences for institutional design in conflicted societies. Arend Lijphart argues strongly for the general superiority, especially for divided societies, of the parliamentary system with proportional representation and coalition governments, which he labels consensual democracy.³¹ Lijphart suggests that the consensus model is vastly superior because, when combined with proportional representation, it assures minorities fair representation and most often requires coalition cabinets, giving minorities easier access to power sharing. But Donald Horowitz points out that parliamentary models have also led to authoritarian outcomes, especially in sub-Saharan Africa.³²

For the policy analyst, consensus democracy raises other troubling questions. One concerns the direction of causation. Does consensus democracy encourage and give rise to cooperation by the major political divisions of society? Or is it the *result* of patterns of cooperation that develop when factions in plural societies have already conceded that they must reach accommodation?³³ This directional question has significant implications for how one introduces democratic machinery in the course of postconflict transitions, and counsels against impatience in international support of institutional change. The consensus-oriented multiparty parliamentary systems of postwar continental Europe evolved after decades of weak, ineffective, and divided democratic governments, which had failed to prevent the disasters of the first half of the twentieth century. The functioning of the postwar democracies was the result of hard-reached consensus, as well as its cause. New democracies in conflictual societies may require equal time to reach the same level of consensus.

A second question about consensual democracy is whether it can act decisively and efficiently. In divided societies, the greatest problem of consensual democracy is immobilism, the inability to get anything accomplished through governmental decision making. Minorities may be reassured by having a veto over matters of great concern to them, and on occasion this may be a desirable feature of institutional design. But the experience of Bosnia and Herzegovina under the national constitution established by the Dayton peace plan shows the problem of mutual stalemate. Each ethnic community enjoys a veto on matters of "vital interest" in the national presidency, subject to review only by national legislators of the same ethnicity.³⁴ Even on minor issues such as common license plates, telephone area codes, and travel documents, the high representative of the international community in Bosnia has been forced to intervene to impose measures by diktat. There is no reason, at present, to believe that, without this international arbiter, the factions would cooperate more fully.³⁵ In other divided societies without an international tiebreaker, strong militaries have had their own view of national interest. Praetorian interventions and charismatic men on horseback have been unhappy sequels to governmental immobility.

Other designs for institutions that reflect and protect minority interests deserve mention. Apart from electoral laws (discussed below), other solutions include assuring minorities a role in the cabinet or dividing the major offices of state among the dominant cultural and

³¹ AREND LIJPHART, *PATTERNS OF DEMOCRACY: GOVERNMENT FORMS AND PERFORMANCE IN THIRTY-SIX COUNTRIES* (1999); AREND LIJPHART, *DEMOCRACY IN PLURAL SOCIETIES: A COMPARATIVE EXPLORATION* (1977).

³² Donald L. Horowitz, *Comparing Democratic Systems*, in *PARLIAMENTARY VERSUS PRESIDENTIAL GOVERNMENT* 203 (Arend Lijphart ed., 1992).

³³ This issue is particularly applicable to consociational regimes, which are discussed below.

³⁴ CONST. Art. 5(2) (d) (Bosn. & Herz.), *translated in* 35 ILM 117 (1996), <<http://www.ohr.int/gfa/gfa-an4.htm>>; see also Remarks of Douglas Rae, *Nationalism and the Liberal State*, in *AFTER DAYTON: LESSONS OF THE BOSNIAN PEACE* 51, 52–53 (Ruth Wedgwood ed., 1999) (mutual vetoes are workable only where two conditions are met: where "all relevant parties [are] more or less satisfied with the status quo, so that none is seized by an urgent need to use government as a mechanism of change," and where "the environment is stable so that no external shocks demand the attention of government as a steering mechanism"; *id.* at 53), <<http://www.cfr.org/public/pubs/AfterDay.pdf>>.

³⁵ Similar agonies of policymaking and coalition maintenance in France's Third and Fourth Republics led to the transition to the semipresidential Fifth Republic in 1958. Analogous problems of governmental stability in postwar Italy led to repeated calls for strengthening the executive, as well as a partial switch from proportional representation to a system currently consisting of three-quarters single-member districts and one-quarter proportional representation.

political groups, as Lebanon did for many years. These kinds of arrangements may discourage long-term efforts at collaboration, since the representatives in guaranteed posts have no immediate incentives to play down the issues that divide the society. Yet other methods of reassuring minorities involve entrusting special powers to a president, who stands above partisan politics, or setting up semipresidential arrangements that provide the president with special responsibilities for foreign affairs and defense and latent power to counter the prime minister and parliament. Still other methods include requiring a constructive vote of confidence for a prime minister, so that an incumbent can be forced out only if the opposition can agree on a successor, as well as awarding special powers of parliamentary dissolution to the president or prime minister.

Electoral Systems

The method of selecting members of parliament can provide additional assurance to conflicting groups within a society.³⁶ Proportional representation has the appeal of affording each group or faction a parliamentary vote roughly equal to its proportion of voters at the polls. Proportional representation means that votes are not “wasted” and ensures a wider variety of viewpoints than majority or plurality representation. However, proportional representation can also invite continued mobilization along the lines of societal cleavage. Whereas majority or plurality systems may encourage bargaining and coalition building within constituencies, proportional representation can replicate societal schisms in the legislature.

Professor Horowitz, a leading scholar of ethnic conflict, points out that electoral constituencies in conflicted societies tend to be ethnically homogeneous and become more so through time.³⁷ This uniformity can be due to the deliberate gerrymandering of election districts, making local representatives more and more dependent on their core ethnic support.³⁸ In the face of such polarization, neither system can completely alleviate the concerns of minorities that have no hope of becoming majorities, yet proportional representation is probably more reassuring.

Realistically speaking, majorities will rule if they can. Only the wide dispersion of political power, so that there are no permanent majorities, will create appropriate incentives for the current majority to take the situation of minorities into account.

Federalism and Partition

Divided societies have historically employed several other ways of obtaining political unity—apart from the more attractive expedient of finding means of living together with minimum conflict. These alternative histories have included the ousting of minorities, partition into independent states, and the installation of the structures of federalism.

The first method is hardly available to policymakers in an era sensitive to international human rights, even apart from an ideal of civic nationalism. To be sure, ethnic displacements have taken many forms, including the bloody *nettoyage* of the Bosnian war. In the aftermath of conflicts, population exchanges have been undertaken with the approval of Western powers, including the resettlement agreed in the Treaty of Lausanne after the Greco-Turkish War in 1923, and the expulsion of Sudeten Germans in 1945. Some states

³⁶ To be sure, no electoral system is unbiased; no matter what choice is made, it will advantage one party and one group over another. It is virtually a rule of politics that those who design electoral systems do so with a clear eye as to what they want to achieve in partisan terms.

³⁷ Horowitz, *supra* note 15.

³⁸ As Horowitz notes, “There are . . . bottom-up reasons for ethnically based parties once constituencies are homogeneous.” *Id.* at 363. Horowitz records that some countries experimented with electoral laws *requiring* that “candidates secure secondary support from differently composed constituencies adjacent to theirs.” *Id.* In 1978 Nigeria required that a successful presidential candidate obtain a plurality and, in addition, a minimal level of geographic distribution among states.

have in fact seen a blinkered sense of political community heightened through the expulsion, destruction, or partition of minority populations. Poland, for example, lost most of its Jewish, German, Ukrainian, and other minorities in the twentieth century as a result of the Holocaust, the redrawing of boundaries, and expulsions. Hungary achieved near ethnic unity through the redrawing of borders that left large Hungarian minorities in the multi-ethnic neighboring states of Romania, Croatia, and Slovakia—in effect, exporting the problem at the cost of reducing the territory and population of Hungary.

Extensive population exchanges between states are one method that, under some circumstances, has led to relative peace and stability. But it causes a drastic upheaval that no longer falls within the ethical repertory of the international community, not least on grounds of individual human rights. Forcible expulsions into neighboring states are also likely to convert an internal problem into an international one.

Political scientists have considered partition into independent homogeneous entities as another remedy for divided societies. But scholars disagree as to its effectiveness in eliminating violence and instability. Some argue that it simply converts internal discord into international discord; others see it as a sometimes-acceptable alternative to civil unrest.³⁹ Professor Nicholas Sambanis assembled a data set of 125 civil wars, which produced twenty-one partitions. Such partitions “do not help prevent recurrence of ethnic war,” Sambanis concludes, and “they may not even be necessary to stop low-level ethnic violence. Although it may seem like a clean and easy solution, partition fares no better than other outcomes of ethnic civil war.”⁴⁰ Partition is often complained of as freezing a status quo of hostile relations, with none of the mediatory mechanisms that cohabitation may invent.

Finally, federalism and other forms of decentralization are important ways of dispersing power—and certainly more acceptable within the lexicon of political philosophers. Where social factions are also geographically concentrated, decisions about many divisive issues can be delegated to relatively homogeneous units. Decentralization seems especially useful for multilingual states, such as Switzerland, Belgium, and India. Decentralization has also been proposed as a possible solution to the struggle for control in Sri Lanka and Indonesia. In addition, federalism—in the sense of placing power over the center in the hands of local entities—can thwart the concentration of power, and thus aid democratization in post-conflict situations.

In Favor of Institutions

Social scientists correctly ascribe great significance to the evolution of institutions such as parliament, political parties, courts, bureaucracies, federalism, and the like in the development of democracy, including postconflict democracy. Multiple strong institutions are associated with the effective dispersion of power. The rationalists also correctly point out that changing any aspect of the functioning of these institutions of governance affects the way a system operates, because it alters the way a rational actor will maneuver within the system. How institutions perform is indeed critical to the success of postconflict democratization. In societies with a thin institutional culture—which often occurs in new democracies, and often for a very long period—individual actors find it easier than otherwise to manipulate the few institutional instruments to their own benefit. Institutional patterns afford a certain predictability, and the very absence of strong institutions encourages opportunistic public and private actors to discount the future and maximize immediate gains. Thickening the brew of civil society and countervailing institutions thus makes an important contri-

³⁹ The literature is voluminous on this topic. For an important literature review and empirical analysis of the consequences of partition, see Nicholas Sambanis, *Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature*, 52 *WORLD POL.* 437 (2000).

⁴⁰ *Id.* at 439.

bution to constraining social egotism, and creating incentives for altruistic action. A new formal constitution does not constitute the sum total of needed institutional growth, especially in the aftermath of conflict.

Two Problem-Solving Arrangements

Two other forms of democracy warrant particular attention from scholars and policy-makers seeking to support political reconstruction after ethnic and factional conflicts. The first is consociationalism and the second is corporatism—two methods of structuring the intermediation between government and citizens.

Consociationalism and corporatism emerged in the twentieth century as forms of societal decision making that complement without replacing parliamentary government. Each accepts and institutionalizes the major lines of division within a society, building them into decision making in a manner acceptable to the actors. These are key variations on the consensus model of democratic institutions and alternatives to the pluralist mode of representation of interests dominant in the United States. Consociationalism is primarily called for when societal divisions are cultural in nature, that is, religious, linguistic, ethnic, and the like,⁴¹ whereas corporatism deals primarily with economic divisions. Sometimes the two models are used concurrently. Both are widely viewed by political scientists as plausible methods of reducing conflict, though the scholarly literature documents their limitations.

Consociationalism involves cooperation between elites that represent segments of society organized along cultural lines. In the European case, Belgium, Switzerland, Austria, and the Netherlands have used consociational models. The classic example is the Dutch experience in the first three-quarters of the twentieth century. Consociationalism provided stable democracy in the Netherlands until economic development and social and geographical mobility allowed evolution into modern European consensus patterns. Each segment of Dutch society maintained its own political party, trade unions, schools, newspapers, organizations of civil society, and mutual-aid societies administering state assistance programs, as well as independent access to radio and television.⁴² Each social segment was highly “mobilized” in separate organizational structures, but there was virtually no interaction between them at the mass level. Separatism was aided by geographic concentration.⁴³ Individuals worked their way up the structure of each segment, and when they reached the top, they dealt with the elite leaders of other segments on matters of mutual concern. Coalition government required at least two cooperating segments, and grand coalitions of all parties could be assembled for major crises. Elections were based on national-level proportional representation, with no minimum threshold required for inclusion, and intensive bargaining followed each election. Certain issues were not open to negotiation, such as state support for religious schools, and each segment also possessed a veto over particular policy areas. Some issues, such as foreign affairs, were largely nonpartisan.

Professor Lijphart has reviewed consociational democracy in Third World nations and found many plural societies that employed its features.⁴⁴ Lebanon between 1943 and 1975 was a classic example of this type.⁴⁵ Other scholars are more cautious than Lijphart about

⁴¹ Consociationalism has been explored in the many publications of Arend Lijphart: *Typologies of Democratic Systems*, 1 COMP. POL. STUD. 32 (1968); *THE POLITICS OF ACCOMMODATION: PLURALISM AND DEMOCRACY IN THE NETHERLANDS* (1968); and *DEMOCRACY IN PLURAL SOCIETIES*, *supra* note 31. For a critique of Lijphart’s views, see SARTORI, *supra* note 29, at 69–75.

⁴² The segments, called *verzuiling*, were both religious and political in nature, with separate segments for Catholics, Protestants, Socialists, and Liberals.

⁴³ Protestants were concentrated in the north of the Netherlands, and Catholics in the south. Socialists and Liberals were overrepresented in the most economically advanced provinces, North and South Holland.

⁴⁴ LIJPHART, *DEMOCRACY IN PLURAL SOCIETIES*, *supra* note 31, at 142–76.

⁴⁵ See Michael C. Hudson, *Democracy and Social Mobilization in Lebanese Politics*, 1 COMP. POL. 245 (1969). Lijphart notes that economist Arthur Lewis endorsed essentially consociational political structures as most suitable for the plural societies of West African states. See W. ARTHUR LEWIS, *POLITICS IN WEST AFRICA*, ch. 3 (1965).

the ability of consociationalism to bring peoples together in fractured societies. Horowitz raises the question of causation—after all, agreement may make consociationalism possible, rather than the reverse. He also warns that too much can be expected of any institutional arrangement. But Horowitz concludes that consociational democracy is a practical solution to ethnic conflict in countries that have already reached a certain level of consensus.⁴⁶

The second problem-solving arrangement to consider is corporatism, again classically associated with several European countries, including Germany, Austria, and Sweden. Many recent post-Communist democracies have been influenced by these examples in establishing presumably desirable socioeconomic arrangements.⁴⁷ Modern corporatism has relied on a tripartite structure of unions, business, and government, and has been especially successful in negotiating broad economic issues such as welfare, labor peace, and economic growth.⁴⁸ Corporatism has a thinner track record in negotiating issues concerning culture. It cannot be said with certainty how well corporatism has adapted to the economic sectors of developing countries, including agriculture and extractive industries, especially since civil society in general in these countries is hampered by a thinner structure.

Nonetheless, it bears observing that the political and economic structures of corporatism were successful in reducing bitter class conflict in Europe and creating and improving welfare-state policy, as well as gaining cooperation in guiding the economy.⁴⁹ Innovative policymakers may wish to consider its adaptability to other social situations where adversarial factions have developed a high degree of internal structure, and can meet on an elite basis to negotiate beneficial economic and social arrangements on behalf of their members. The lesson of corporatism, perhaps, is that social bargaining need not be left to formal political institutions alone.

After a civil conflict, new institutions may suffer limited confidence. Invoking factional authority may be necessary for the grand bargains that will hold a successful transition together.

Corporatism enjoyed strong support among some economists and political scientists throughout the 1960s and 1970s, especially in Europe, as a highly productive and socially

⁴⁶ DONALD L. HOROWITZ, *ETHNIC GROUPS IN CONFLICT* (1985); DONALD L. HOROWITZ, *A DEMOCRATIC SOUTH AFRICA? CONSTITUTIONAL ENGINEERING IN A DIVIDED SOCIETY* (1991). For a more recent summary, see Donald L. Horowitz, *Constitutional Design: An Oxymoron?* Paper Presented at the annual meeting of the American Political Science Association (Sept. 3–6, 1998) (corrected version). See also David Wippman, *Practical and Legal Constraints on Internal Power Sharing*, in *INTERNATIONAL LAW AND ETHNIC CONFLICT* 211 (David Wippman ed., 1998). Arguing from a rational-choice perspective, Alvin Rabushka and Kenneth A. Shepsle reach a far more pessimistic conclusion concerning the potential for democratic stability under any institutional arrangement in multiethnic societies. They view ethnic conflict as a Hobbesian zero-sum game, where there are no win-win solutions. ALVIN RABUSHKA & KENNETH SHEPSLE, *POLITICS IN PLURAL SOCIETIES: A THEORY OF DEMOCRATIC INSTABILITY* (1972).

⁴⁷ A seminal article on corporatism is Philippe C. Schmitter, *Still the Century of Corporatism?* 36 *REV. POL.* 85 (1974). Schmitter distinguishes *state* corporatism from *societal* corporatism. The former is a “top-down” version inspired by 19th-century Catholic social doctrine and used as the basis for Mussolini’s construction of a “corporate” state in Italy, with functional representation through compulsory trade unions and other organizations in a “Chamber of Corporations” that replaced the Chamber of Deputies. It inspired copies with varying degrees of surface credibility in Francoist Spain, Salazar’s Portugal, Perón’s Argentina, and other authoritarian regimes. Societal corporatism is “bottom up.” Membership is voluntary (though pressures to join the dominant organizations are compelling) and is based on independent trade unions and business organizations.

⁴⁸ Issues have included income, taxation, health care, education and training, and unemployment and retirement benefits. Trade union and business associations have been convened in “peak” organizations and have met with representatives of the government cabinet to discuss issues and negotiate implementing actions, which they have then recommended both to their constituent organizations and to the parliament. Much of the debate has been held among sectoral professional staffs, largely economists. These representatives speak the same professional language, and yet have been able to integrate political and economic considerations based on experience with their own organizations and the opposing side. Decisions reached were adopted by the constituent organizations and used by the government as the basis for the legislation and policy implementation.

⁴⁹ The corporatist system was really a device for implementing an implicit accord between European social democracy and capitalism (i.e., the owners and managers of industrial and financial institutions). Social democrats renounced any ambitions for nationalization or public ownership and control of industry, and in return gained the guarantee of a substantial share for employees (in the form of both wages and welfare-state benefits) of the increased income achieved through capitalism’s productivity and efficiency. See CHARLES S. MAIER, *RECASTING BOURGEOIS EUROPE: STABILIZATION IN FRANCE, GERMANY, AND ITALY IN THE DECADE AFTER WORLD WAR I* (1975).

benign system. It has lost some of its reputation in the last two decades of globalization, as fostering structures that inhibit effective market competition. Globalization has exposed the competitive problems of national economies with apparently bloated welfare budgets and high unemployment. But corporatism has also bequeathed a powerful set of procedures for overcoming the divisions of class and poor relations between economic sectors, serving to structure societal policymaking in various democratic countries.⁵⁰

IV. THE ROLE OF CIVIL SOCIETY

The importance of crosscutting allegiances in softening political divisions has long been noted in political science. In particular, the institutions of civil society are thought to give rise to multiple patterns of conflict and cooperation that ensure that people will find different allies on different issues. The involvement of citizens in the associations of civil society is a major pathway to the development of a commitment to negotiation and compromise—as well as a didactic exercise increasing political and organizational skills and other forms of social capital. Developing civil society thus may reduce the perception of social groups and individuals that conflicts must be all-or-nothing in nature.

The role of civil society in democratization has been chronicled in many settings, but especially in the study of American politics.⁵¹ Focusing on the Italian case, Robert Putnam has recently reiterated the general importance for democracy of the associations and organizations that mediate between the individual and the state.⁵² There are lexicographic differences among scholars: some define civil society as excluding associations that take a direct part in the political process, instead calling these “political society.” Others extend the category of civil society to include both political-interest groups and political parties—that is, almost everything that is not a part of the formal apparatus of the state or the family.

These terminological differences do not erase the consensus that the intermediation of independent associations has been a key method of diffusing power and enhancing democratic bargaining.

In deeply conflicted societies, however, we must be more cautious. Political mobilization through exclusionary associations can instead reinforce social divisions. Separate and conflicting associations may be maintained by each faction or ethnic group. As in the consociational democracies of Europe, each may have its own cultural, religious, educational, and economic organizations. The advantages for democracy of a rich associational life therefore “depend” on other circumstances.⁵³ International assistance in postconflict reconstruction should seek to support civic associations undertaking activities on a crosscutting basis—so that civil society does not serve to reify ethnic and factional identifications.

Civil society is usually weak in new democracies, especially those emerging from modern authoritarian rule. And creating the institutions of civil society differs quite markedly from designing the institutions of government. It is in fact more difficult. One of the worst legacies of authoritarian rule is the lingering depoliticization of the population, where political involvement was confined to obligatory channels (and thus discredited) or else forbidden. Civil

⁵⁰ For example, corporatist models have had great appeal among the equality-minded new democrats of central and Eastern Europe. Anna Seleny argues that a “compromise-corporatist” model characterizes decision making in post-Communist Hungary, while a “confrontation-pluralist” model fits the Polish pattern. Anna Seleny, *Old Political Rationalities and New Democracies: Compromise and Confrontation in Hungary and Poland*, 51 *WORLD POL.* 484 (1999).

⁵¹ See ALEXIS DE TOCQUEVILLE, *DEMOCRACY IN AMERICA* (Phillips Bradley ed., Alfred A. Knopf 1951) (1835).

⁵² ROBERT D. PUTNAM, with ROBERT LEONARDI & RAFFAELLA Y. NANETTI, *MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY* (1993).

⁵³ See, e.g., Sheri Berman, *Civil Society and the Collapse of the Weimar Republic*, 49 *WORLD POL.* 401 (1997) (demonstrating how the rich associational life of Weimar Germany contributed to the discrediting of democracy and facilitated the rise of National Socialism).

society under such regimes is often seen as a refuge from politics, a retreat into the personal networks of family and friends, rather than as a vehicle for influencing political events.⁵⁴

On the other hand, a milder form of traditional authoritarianism may drive civil society underground but not destroy it—so that civil organizations, including opposition parties, can reemerge with the liberalization of regimes. This happened in most of Latin America. No Latin American dictatorship lasted more than twenty-one years, and Barbara Geddes argues that the critical question for the revival of civil society is lapse of time.⁵⁵ In contrast to Latin America, Franco's regime lasted almost forty years, and the lack of democracy in Communist Europe persisted even longer. The Eastern European experience revealed a "near absence of autonomous interest groups . . . that either are or could quickly be linked to class- or interest-based parties."⁵⁶ Moreover, Eastern Europe's apparent lines of schism are cultural as well, including ethnic, linguistic, and religious divisions—arguably harder to compromise than economic matters and material interests.⁵⁷

For both consociational democracy and corporatism to work well, the population needs to identify with and feel loyalty to its social sectors—whether unions and economic associations (in the case of corporatism), or religious, social, ethnic, tribal, and political organizations (in the case of consociationalism). To some considerable extent, individuals must be disciplined members of each. Otherwise, the leaders who speak for them will have no way of enforcing the social agreements made on their behalf. This willing allegiance is not widespread in new democracies. The weakness of civil society and the uncertain nature of leadership in new democracies may undercut the viability of consociational and corporatist devices in the very states that might benefit from them. Populist and charismatic leaders may perceive few incentives to keep their bargains and tolerate opposing points of view, which are the strengths of consociationalism and corporatism. Nonetheless, both models can add supporting structures to postconflict societies that enjoy forward-looking leadership and a tradition of social organization.

V. IMPLICATIONS FOR POSTCONFLICT RECONSTRUCTION

There is no reason for dour pessimism concerning the possibilities of extending democratic government to divided societies over the long run. Economic development seems to be a key variable, even if the direction of causation cannot be clearly seen. Abundant evidence indicates that, as per capita incomes rise, citizens' desire to achieve the values represented by democracy also rises. The publics of most countries endorse the ideal of democracy, even where other commitments may impede the pace of its achievement. Successful democratization essentially depends on the construction of institutions that continue over time to support the rule of law and inhibit the concentration of power. The design of these institutions needs to be based on a realistic appreciation of the nature and power of the interests involved.

⁵⁴ This depoliticization was evident throughout Communist Europe and in Spain following the demise of Franco's long reign. See Samuel H. Barnes, *The Mobilization of Political Identity in New Democracies*, in *THE POSTCOMMUNIST CITIZEN* 117 (Samuel H. Barnes & János Simon eds., 1998); McDONOUGH, BARNES, & LÓPEZ PINA, *supra* note 13.

⁵⁵ Barbara Geddes, *Initiation of New Democratic Institutions in Eastern Europe and Latin America*, in *INSTITUTIONAL DESIGN IN NEW DEMOCRACIES: EASTERN EUROPE AND LATIN AMERICA* 15 (Arend Lijphart & Carlos H. Waisman eds., 1996). The one partial exception, Professor Geddes notes, is labor in Poland.

⁵⁶ *Id.* at 30.

⁵⁷ Employing data from 1990 and 1991, Bernhard Wessels and Hans-Dieter Klingemann explore the possible relationship between social differentiation and the developing party systems in the new democracies of central and Eastern Europe, concluding that there is no close connection. See Bernhard Wessels & Hans-Dieter Klingemann, *Transformation and the Prerequisites of Democratic Opposition in Central and Eastern Europe*, in *THE POSTCOMMUNIST CITIZEN*, *supra* note 54, at 1.

The immediate aftermath of ethnic and factional conflict may pose the strongest challenge for implementing democracy. The potential for the exploitation of democratic forms by nationalist and ethnicist elements is a chastising lesson of our recent experience in Bosnia and elsewhere. However, democracy can succeed as a cooperative form of governance if enough people in a country want to make it work, especially people with human, social, and economic capital. Democracy's premise, that power can be shared in a mutually constructive arrangement, is itself the political keystone of resolving bitter conflicts. Policies that increase economic resources, human and social capital, and experience with modern organizational life can increase the portion of the population—at both the elite and the mass-public levels—willing to make democracy work.

The attraction of becoming a member of the developing democracies of the contemporary world is a strong incentive that can be utilized by the international community. The very debate over constitutional forms—including the role of coalition government, consensus versus majoritarianism, presidential versus parliamentary systems, consociationalism, and corporatism—can be the occasion to develop a common vocabulary of civic culture. The role of international interlocutors is, in part, to sketch the rich array of options that have assisted other societies in achieving political equilibrium and cooperation.