Power Sharing and International Mediation in Ethnic Conflicts

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Democracy and Its Alternatives in Deeply Divided Societies

More often than not, conflict has been managed in divided societies through authoritarian domination of a group or groups over others. The approach is usually an exclusive one, in which minority (or sometimes, majority) communities are not provided the opportunity to directly or indirectly influence decisions made for the society as a whole. The approach may be revolutionary, attempting to remove the minority or majority factor from political life through forced assimilation (as Bulgaria recently sought to do with its Turkish minority) or genocidal. Other strategies that fall in the hegemonic approach include subjugation, isolation, avoidance, and displacement of ethnic groups (Rothchild and Olurunsola 1986:240–41).[1] Countless tyrannies have resorted to such measures, either singularly or in combination. In Thailand, Burma, and the Philippines, military rule has at times served, as Horowitz (1993:27) argues, as a mask for ethnic dominance.

Although subjugation and dominance are more common in practice, and non-Western examples of the democratic management of conflict in divided societies are few, there are instances of relatively successful ethnic conflict management within autocratic systems. Milton Esman notes that "historically some polities have succeeded rather well in managing ethnic cleavages by methods that include power-sharing methods. The autocratic Ottoman Empire governed for half a millennium. Under the 'millet' system it guaranteed a large

they have not even established good records of maintaining order and peace in plural societies."

Where ethnic tensions have been successfully managed, the régime is open and respectful of human rights and features a participatory civil society, universal suffrage, free and fair elections, and a modicum of fairness in the distribution of economic resources. In addition, patterns of reciprocal interactions among competing ethnic groups are institutionalized through the widely accepted and consensually framed rules of the political game. Stated differently, when the state stands above ethnic conflicts and mediates them, employing democratic institutions and practices, differences among communities can be worked out in parliament rather than on the streets. The telltale sign of successful conflict management in multiethnic societies is widespread commitment to the mediation of disputes through the democratic rules of the game.[7]

Problems of Majoritarian Democracy

At least one hallmark of a democratic system is the willingness of the principal interests in society to accept the inherently uncertain consequences of the electoral game. The electoral arena in a democracy is the most important element of politics, because it is the primary forum of intergroup competition. It is in the halls of parliament, not in the streets, that individuals and groups in multiethnic societies are expected to arbitrate their differences. Robert Dahl describes the importance of *mutual security* as a prerequisite to electoral competition and the need for minimum level of the protection of basic interests (or rights) so that defeat at the ballot box will not jeopardize physical survival (1973).

Clearly, the Algerian military leadership perceived a threat to its power, and potentially to physical survival, when in January 1992 it stepped in to cancel the second round of balloting that would in all probability have led to an absolute parliamentary majority for the Islamist Front for Islamic Salvation (FIS). Although the principal difference in Algeria is not between ethnic groups but between opinions on the desirability of an Islamic state, this case highlights

the principal problem with democracy in instances where social divisions on ethnic or religious lines run deep. Absent Dahl's prerequisite of mutual security, elections are perceived by groups in conflict as a zero-sum game; it is a winner-take-all contest. Often, an election is perceived as an opportune moment for politicians to manipulate ethnicity in order to retain power, as in Kenya and Ghana in recent years.

In many divided societies, electoral competition is a contest for ownership of the state. Minorities, particularly, equate democracy not with freedom or participation but with the structured dominance of adversarial majority groups. Permanent minorities such as Tamils in Sri Lanka, Catholics in Northern Ireland, and whites in South Africa have feared the consequences of electoral competition, especially when the expected consequence of majority victory is discrimination against them. For minority groups, losing an election is a matter of not simply losing office but of losing the means for protecting the survival of the group.

In other types of voting, governments do not countenance plebiscites or referenda on secessionist claims because they fear the consequences of determining the popular will by simple majority rule. The government of India has not allowed the implementation of the UN General Assembly resolutions of 1947 promising a plebiscite on the territorial dispensation of Kashmir because of the likelihood that a majority of Muslims would opt for accession to Pakistan or, more recently, independence. The primary trigger in the onset of the war in Bosnia was the move in February 1992 by the predominantly Muslim and Croat government to hold a referendum on independence from the former Yugoslavia, the outcome of which would have been determined by simple majority rule; the referendum was boycotted by the Bosnian Serbs. Moreover, as Herbert Okun notes, "the referendum was held in breach of the constitution of Bosnia and Hercegovina, which required that major decisions of this nature were to be decided on the basis of consensus among the three 'constituent peoples' (Bosnian Muslims, Bosnian Serbs, Bosnian Croats)."[8]

The problem is that ethnic groups in conflict all too often associate elections and referenda, and democracy in general, with the

principle of simple majority rule. Majoritarian democracy is typified by the Westminster system of small single-member districts with first-past-the-post (plurality) electoral rules; the party (or parties, in coalition governments) with a majority of the seats forms the government while other parties remain in loyal opposition. Analytically, there are three problems with simple majoritarian democracy in divided societies: the possibility of permanent exclusion of minority group-based political parties, the lack of "floating" voters whose preferences are formed on other-than-ascriptive criteria such as class,[9] and the pervasiveness of radical outbidding on divisive ethnic issues. Although simple majority rule may be fairest from a theoretical point of view (Rae 1969), the scholarly consensus recognizes the principle's limitations in divided societies.[10] (Horowitz [1993:30] also demonstrates how a procedurally free and fair election can lead to equally exclusive minority rule.)

Advocates of power sharing in divided societies agree on the dangers of majoritarianism, citing the potential distortions in vote-to-seat outcomes, the inability of geographically dispersed minority parties to achieve representation, and—in the context of an ethnic-party system—the likelihood that a single ethnic group or coalition of ethnic groups will govern exclusively and to the detriment of others.[11] Lijphart, the most indefatigable critic of majoritarian and plurality electoral rules for divided societies (and indeed for other democracies), identifies the core problem when he refers to the potential for "majority dictatorship" (1985:102). Horowitz concurs, aruging in his seminal work, *Ethnic Groups in Conflict*, that under conditions of simple majority rule, "Ethnic parties developed, majorities took power, and minorities took shelter. It was a fearful situation, in which the prospect of minority exclusion from government underpinned by ethnic voting, was potentially permanent. . . . Civil violence, military coups, and the advent of single party regimes can all be traced to this problem of inclusion-exclusion" (1985:629).

Simply put, simple majority rule results in minimum winning coalitions that tend to exclude a significant minority; when minority preferences are intense and there is little chance of the minority becoming a majority, a recipe for conflict exists. Simple majoritari-

anism in a deeply divided society leads to zero-sum politics (Welsh 1993). The Westminster system of government-and-opposition, transplanted into many societies that were once part of the British empire, assumes that the opposition will be loyal and that the opportunity for alternation in winning coalitions is real. Without an assurance that the electoral system will not lead to permanent exclusion, why *should* a minority group that perceives a threatening environment be willing to accept the inherent risks of electoral competition?

Rejection of majoritarian democracy does not mean a rejection of democratic values. What distinguishes advocates of majoritarianism from advocates of coalescent democracy, or power sharing, is belief in the prospects for "political engineering" (Sartori 1968) to mitigate conflicts in divided societies. That is, the rules of the political game can be structured to institutionalize moderation on divisive ethnic themes, to contain the destructive tendencies, and to preempt the centrifugal thrust created by ethnic politics. There is no assertion that deft political engineering can prevent or eradicate deep enmities, but appropriate institutions can nudge the political system in the direction of reduced conflict and greater governmental accountability. The common assumption is that choices over the basic rules of the game affect its outcomes. Horowitz writes, "Where there is some determination to play by the rules, the rules can restructure the system so the game itself changes" (1985:601). The essence of power sharing is not to do away with democratic competition but to contain it within acceptable boundaries so that differences of opinion along ethnic lines do not ineluctably lead to intergroup violence.

The central question of political engineering is this: In deeply divided societies, which kinds of institutions and practices create an incentive structure for ethnic groups to mediate their differences through the legitimate institutions of a common democratic state? Alternatively, how can the incentive system be structured to reward and reinforce political leaders who moderate on divisive ethnic themes and to persuade citizens to support moderation, bargaining, and reciprocity among ethnic groups?

As highlighted in chapter 1, there are two distinct approaches to constructing conflict-ameliorating democratic institutions in deeply

divided societies: the consociational model most associated with Lijphart (1968, 1969, 1977a, 1977b, 1985) and what I term the integrative approach associated with Horowitz (1985, 1990a, 1990b, 1991, 1993). These approaches are summarized in table 1. Although dichotomizing these approaches may be a too-simplistic description of their advocates' views, I do so here to highlight the differences. The former approach places greater faith in assurances for minority group protection, whereas the latter places greater emphasis on the role of incentives in encouraging interethnic co-operation. What unites them is the belief in coalescent democracy as an alternative to the adverse effects of majoritarianism and the assumptions that support a rejection of majoritarian practices. "Coalescent" decision making is argued to be a better prescription for the ills that plague deeply divided societies than the adversarial pattern associated with majoritarian democracy.[12]

Power Sharing: The Consociational Approach

Consociationalism, above all, relies on *elite cooperation* as the principal characteristic of successful conflict management in deeply divided societies.[13] Consociationalists suggest that even if there are deep communal differences, overarching integrative elite cooperation is a necessary and sufficient condition to assuage conflict. Eric Nordlinger (1972:73) goes so far as to argue that elites "alone can initiate, work out and implement conflict-regulating practices, therefore they alone can make direct and positive contributions to conflict-regulating outcomes." In the consociational approach, elites, or conflict group leaders, directly represent various societal segments and act to forge political ties at the center. This is the case in many of the consociational democracies—Belgium, the Netherlands, Switzerland, Malaysia (1955–1969), Lebanon (1943–1975)—that these theorists have considered successful experiences.[14] Advocates of consociationalism find the notion of nation building, or integrative approaches, a dubious proposition, citing the salience and rigidity of ethnic identity. To create a sense of common destiny when there is none entails both the breakdown of group loyalties

Table 1. Approaches to Power Sharing

	Consociational	Integrative
Characteristics	Elites cooperate after elections to form multiethnic coalitions and manage conflict; groups are autonomous; minorities are protected.	Parties encouraged to create coalitions before elections, creating broadly inclusive but majoritarian governments.
Principles	Broad-based or "grand" coalitions, minority veto, proportionality in allocation of civil service positions and public funds, group autonomy.	Dispersion and devolution of power, promotion of intraethnic competition, inducements for interethnic cooperation, policies to encourage alternative social alignments, managed distribution of resources.
Institutions and practices to promote these principles and effects	Parliamentary government, proportional reservation of seats, proportional representation electoral system.	Federalism, vote pooling, electoral systems, president elected by "supermajority."
Strengths of the approach	Provides groups firm guarantees for the protection of their interests.	Provides politicians with incentives for moderation—"coalitions of commitment."
Weaknesses	"Coalitions of convenience." Elites may pursue conflict rather than try to reduce it; communal groups may not defer to their leaders; system relies on constraints against immoderate politics.	Lack of whole-country empirical examples of working systems; assumption that politicians respond to incentives and citizens will vote for parties not based on their own group.

and the creation of new ones, a Herculean task unlikely to be achieved in most instances.

According to Lijphart, consociationalism relies on four basic principles: a broad-based or "grand" coalition executive; minority veto; proportionality in the allocation of civil service positions and public funds; and group autonomy. Lijphart argues persistently that the institutions that give life to these principles must be specially adapted to the society they are to serve, and they cannot be implemented and expected to work singularly. Lijphart also identifies a number of conditions that are favorable to the successful operation of consociational democracy: popular deference to elites, "a multiple balance of power, small size of the country involved, overarching loyalties, segmental isolation, prior traditions of elite accommodation, and—although much more weakly and ambiguously—the presence of cross-cutting cleavages" (1977a:54). Lijphart's four basic principles are fleshed out a bit here:

1. *Broad-based parliamentary coalitions.* Power sharing in the executive in a grand coalition, or a variant thereof, ensures that the minority is not permanently excluded from political power.[15] Parliamentary systems are argued to be more conducive to the creation of inclusive governing coalitions. In grand coalitions, political elites—representing the various segments of society— thrash out their differences in an effort to reach consensus, but *public* contestation among them is limited. The common denominator and the most important feature is that decision making takes place consensually at the top among elites representing underlying social segments (Lijphart 1977a:31–36).

2. *Minority or mutual veto.* The second feature of consociationalism is the mutual or minority veto, through which each segment is given "a guarantee that it will not be outvoted by the majority when its vital interests are at stake" (Lijphart 1977b:118). Through the mutual veto, the majority's ability to rule is qualified by "negative minority rule" (Lijphart 1977a:36). The minority veto is at the heart of the concrete assurances of consociationalism. The veto provides an ironclad guarantee of

political protection to each segment on issues related to its vital interests. While the minority veto gives minorities the right to prevent action by others on the most sensitive issues, such as language, cultural rights, or education rights, it also serves a more important overriding goal. Like the Calhounian "concurrent majority," it invests each segment with the power of protecting itself (Lijphart 1977a:37).

3. *Proportionality.* In every sphere of political life, the principle of proportionality lies behind consociational practices. Proportionality is introduced at every level of government decision making (central, regional, and local) to give minority groups power, participation, and influence commensurate with their overall size in society. The principle is manifested in two ways. First, through the electoral system, proportional representation is used to faithfully translate the demographic strength of the segments into commensurate representation in parliament; parties are awarded seats in parliament in direct proportion to votes garnered in an election. Second, the allocation of resources by the state—including the appointment of civil servants and public spending—should be doled out according to the proportionality principle.

4. *Segmental group autonomy.* Through either territorial federalism or "corporate federalism" (nonterritorial autonomy), consociationalism provides internal autonomy for all groups who want it by devolving decision-making authority to the segments. Lijphart draws distinctions between those issues that concern the common interest and those that primarily concern the segments. On the former, decisions are made by consensus; otherwise, decision-making power is delegated to the segments. The basic principle underlying communal autonomy is "rule by the minority over itself in the area of the minority's exclusive concern" (Lijphart 1977a:41). An important feature of the call for entrenched group rights on certain issues is the principle of "voluntary affiliation." Group identification should not be predefined or determined; instead the segments

of society would be able to define themselves through the proportional electoral system (Lijphart 1995).

Lijphart consistently asserts that consociationalism is the *only* viable option for democracy in divided societies: "For many plural societies of the non-Western world, therefore, the realistic choice is not between the British [majoritarian] model of democracy and the consociational model, but between consociational democracy and no democracy at all" (1977a:238). Consociationalism, of course, is not without its critics. Later in this chapter and in chapter 4, I address criticisms of some of the specific practices (versus principles) that are raised in response to the policy recommendations that flow from consociationalism, but here I raise three broad drawbacks of the consociational *approach* in order to better highlight the differences between it and the integrative approach. Those drawbacks are the reliance on elite accommodation and the problem of elite-initiated conflict; the reification of ethnic identity; and the tendency toward antidemocratic and inefficient decision making. (A fourth broad criticism raised by Horowitz—that consociationalism relies on constraints, not incentives—is outlined in the next section.)

Consociationalists have been criticized for the assertion that elites can effectively regulate conflict in divided societies. As the Anglo-Irish Agreement of 1985 demonstrates—as does the 1990 failure of the Meech Lake Accord agreed to by Canada's provincial leaders in 1987—even though political elites may agree on a formula for accommodation, peace cannot endure without grass roots backing. In Northern Ireland the 1985 Anglo-Irish Agreement portending power sharing was reached without the inclusion of local Ulster, unionist, Protestant involvement; this constituency perceived the agreement, negotiated by the United Kingdom on its behalf, as a step toward a unified Ireland. As Rose (1990:148) has suggested, "exclusion from the deliberations was regarded as part of a deliberate British plan to 'sell out' the Protestant majority." Moreover, George Tsebelis (1990) suggests that consociational institutions may provide incentives for politicians to foment what he terms "elite-initiated conflict"—conflict along group lines in order to

bolster their own bargaining position vis-à-vis other groups at the political center.

In a similar vein, Steven Burg is critical of consociationalism as the "ultimate form of elite manipulation and control," reducing the accountability of political leaders to their communities. He writes:

> There is mounting evidence that consociational arrangements (power sharing and mutual veto) encourage elites to rule in opposition to mass beliefs. Why did Yugoslavia and Czechoslovakia fall apart? It was not because of . . . inter-ethnic hatreds at the mass level. It was because of elite mobilization of latent nationalisms, and because the structural characteristics of each system included power sharing and mutual veto, enabling [for example] the Slovene regional leadership and the Slovak regional leadership to paralyze their respective federal governments. Yugoslavia, in particular, was an extreme example of the kind of power sharing advocated by the consociationalists. Peaceful/common solutions to intergroup and interregional conflicts were precluded in the Yugoslav/Czechoslovak cases by the actions of determined secessionists, not by the presence of spontaneous hatreds at the mass level. . . . The mass electorates did not want their respective countries to break up until elites had pushed these conflicts beyond the point of no return.[16]

Critics also assert that consociationalism serves to maintain, legitimize, and strengthen segmental claims against the state, reinforcing and entrenching ethnicity in the political system. By freezing group boundaries in the political system—for example, through statutory reservation of offices for specific group representatives—a consociational power-sharing system is said to be an undynamic model for conflict management (Barry 1975). Providing structural guarantees for communities (for example, through a minority veto) can provide systemic incentives for maintaining the rigidity of the segments. The Lebanese National Pact of 1943 (see chapter 4) is often cited as a stark reminder of the need to keep power-sharing practices as flexible as possible. Finally, consociational institutions are arguably antidemocratic because they can stifle vigorous opposition politics. For example, the absence of an opposition party in a grand coalition may detract from the accountability of the government. Marc Chernick (1991) suggests that the exclusive nature of Colombia's National

Front government between 1958 and 1974 led to the emergence of insurgent groups in subsequent years.

In response to these criticisms, Lijphart refers to the consociational arrangement as not an institutional blueprint but a set of *principles* to which certain institutions—such as a proportional representation electoral system—are naturally suited. For example, he replies to the charge that consociationalism can "freeze" or rigidify segments by arguing that a proportional representation electoral system allows the segments to "define themselves." While the institutions of consociational decision making vary, its advocates argue, the principles are rediscovered time and time again as societies seek solutions to the existence of intense ethnic politics and methods to harness ethnicity for constructive purposes.[17]

Power Sharing: The Integrative Approach

In contrast to the consociational model, Horowitz (1985:597–600) proposes a typology of five mechanisms aimed at reducing ethnic conflict: (1) dispersions of power, often territorial, which "proliferate points of power so as to take the heat off of a single focal point"; (2) devolution of power and reservation of offices on an ethnic basis in an effort to foster intraethnic competition at the local level; (3) inducements for interethnic cooperation, such as electoral laws that effectively promote preelection electoral coalitions through vote pooling; (4) policies to encourage alternative social alignments, such as social class or territory, by placing political emphasis on crosscutting cleavages; and (5) reducing disparities between groups through managed distribution of resources.

Horowitz's prescriptions for conflict-regulating institutions in divided societies overlap those of Lijphart in certain respects: both advocate federalism, for example, and assert the importance of proportionality and ethnic balance. Yet Horowitz is an indefatigable critic of the consociational model for two important reasons (1985:568–576; 1991:137–145). First, he argues, is the problem of "elite-initiated conflict" that Tsebelis and Burg also identify. "There is no reason to think automatically," Horowitz writes, "that elites

will use their leadership position to reduce rather than pursue conflict" (1991:141). Consociationalism overestimates the deference communal groups pay to their leaders and underestimates the power and role of popular dissatisfaction with intergroup compromise.

Second, consociational institutions rely on constraints against immoderate politics, such as the mutual or minority veto, versus incentives for moderation (1991:154–160). Horowitz argues that political institutions should encourage or induce integration across communal divides. For effective democratic governance in a divided society, moderates must be rewarded, extremists sanctioned. The aim is to engineer a *centripetal* spin to the political system by providing electoral incentives for broad-based moderation by political leaders and disincentives for extremist outbidding (1985:601–652). This idea differentiates Horowitz's prescriptions from those of consociationalism in two important respects.

First, the key to any successful democratic political system in divided societies is to provide demonstrable incentives for politicians to appeal beyond their own communal segments for support. The only assumption is this: politicians will do whatever they need to do to get elected; they are rational electoral actors (Horowitz 1991:261). When politicians are rewarded electorally for moderation, they temper their rhetoric and actions. Given this premise, the political system can be engineered to essentially encourage intergroup cooperation as a prerequisite for electoral success. Horowitz contends that incentives are better than consociational constraints (such as the mutual veto) because they offer *reasons* for politicians and divided groups to behave moderately, rather than *obstacles* aimed at preventing them from pursuing hegemonic, defeat-the-other aims.

The second difference is a concern with constituency-based moderation rather than reliance on political leaders as the engine of moderation. The solution is to design the electoral system so that leaders must appeal to underlying moderate sentiments in the electorate and shun the forces of extremism to win elections. Office seekers, by appealing to the most moderate sentiments of the electorate, maximize moderation at both the elite and the popular levels. Looking for the basis of consent at the constituency level allows

politicians to make the kinds of compromises they must make at the center if the divided society is to be stable and truly democratic. The key to constituency-based moderation is the electoral system. To safeguard minority interests, according to Horowitz, the system should make the votes of minority members count. Minorities should have more than *representation*, they should have *influence*. Three institutions and practices are argued to have these effects: federalism, vote pooling, and the presidential system.

1. *Federalism*. Dramatic devolution of power can serve four important purposes in divided societies, according to Horowitz (1985:601). First, it can combine with the electoral system to encourage the party proliferation that is conducive to inter-segmental compromise and coalition building. Second, politics at the regional and local levels can serve as training grounds for politics at the center: political leaders can form intergroup ties at the constituency level before they contest higher-stakes issues at the level of central government. Third, federalism disperses conflict at the center by resolving some issues at subtier levels and, in communally homogeneous federal states, may promote cleavages *within* groups. Finally, it creates difficulties for any parties hoping to get a hegemonic grip on the entire country; capturing all of the provincial states would be a difficult task. For example, the adoption of federalism at the time of democratization in Spain is an instructive example of successful ethnic conflict management through devolution (Horowitz 1985:623; Share 1986). "Federalism can either exacerbate or mitigate ethnic conflict," Horowitz writes; "much depends on the number of components, the number of states, boundaries, and the ethnic composition" (1985:603).

2. *Vote pooling*. To Horowitz, divided societies need electoral systems that fragment support of one or more ethnic groups, especially ethnic majorities; induce interethnic bargaining; encourage the formation of multiethnic coalitions; produce fluidity and a multipolar balance; and produce proportional outcomes. Three types of electoral systems can achieve these

aims: a subsequent-preference voting system (among these systems, the preferable one is *alternative voting*); mixed lists with a common voters roll; and single-member districts in multi-ethnic constituencies. In each instance the purpose is to promote vote pooling by candidates or parties across ethnic lines. Although electoral systems and conflict management will be more thoroughly discussed in chapter 4, a brief introduction here highlights the differences between the consociational and integrative approaches.

Why are electoral systems that provide for vote pooling superior for divided societies, in Horowitz's view? The logic is this: to win, politicians must seek to obtain the second- or third-preference votes of those who would not ordinarily vote for them (presumably because they do not represent the voter's community). To gain second- or third-preference votes, leaders must behave moderately toward other communal groups. Outbidding will inevitably occur, Horowitz agrees, but so too will moderation. In response to the incentive structure of the electoral system, most politicians will vie to appear the most moderate—they will compete with one another to define and occupy the political center. Centripetal forces will override centrifugal ones. The critical difference between the consociational approach to electoral systems and Horowitz's is thus the formation of electoral coalitions by constituents as they specify their second or third preferences beyond their own narrow group interests. As examples of successful interethnic vote pooling, Horowitz (1993) cites the system established by the Sri Lankan constitution of 1978, and the electoral politics of the Indian state of Kerala, where four major ethnic blocs share power in a fluid system of changing coalitions and alliances.

3. *The presidential system*. A presidency, argues Horowitz, if elected directly on the basis of a super-majority distributional formula or a subsequent-preference voting method, is a less exclusive institution than parliamentarism. Presidentialism is argued to have two important advantages in divided societies: First, if a president is elected with an electoral system that

requires broadly distributed support, an executive who has the broadest possible national appeal can be elected. A strong, statesmanlike, moderate president—forced to appeal to the least common denominator of electoral sentiments—can serve a unifying, nation-building role (Horowitz 1990a). Second, a strong executive would be able to push legislation through a divided parliament. If strong but benevolent leadership is required—to make tough economic decisions or redress historical injustices, for example—a strong president is desirable. An example of such a presidential system, according to Horowitz, is Nigeria's (1985:636).

Horowitz's broad approach to ethnic conflict management—"the political incentive structure is one package," he writes (1985:651)—has also encountered criticism, considered here, as have the specific conflict-regulating practices (considered in chapter 4). There are four interrelated concerns: a paucity of empirical examples of the system at work; the questionable assumption that politicians will respond to the incentive system for moderation if it exists; that voters be willing to vote for parties not based in their own group; and that the electoral systems Horowitz advocates are essentially majoritarian. Like criticisms of consociationalism, these concerns go beyond simple conflict-regulating mechanisms and are rooted in basic beliefs about the fluidity and malleability of ethnic identity and representation.

The criticism that there are few empirical examples of the system at work is the most important. In response, Horowitz acknowledges that few countries have "full packages of all the right institutions, [which is] a wrong standard in an area where we are trying to divine innovations, wherever they may be found, for countries with a surplus of conflict and no obvious way out of it. If whole country explanations could be found, this would not be such a serious problem to begin with."[18] In chapter 4, the cases where integrative practices have been introduced are more fully explored.

At the heart of the difference between consociational and integrative approaches to power sharing are the nature and formation of

multiethnic coalitions. In the consociational approach, coalitions are formed after an election by elites who realize that exclusive decision making will make the society ungovernable or who are compelled to do so by prior constitutional arrangements that are based on the same reasoning. In an integrative power-sharing system, coalitions are formed prior to an election—either as a coalition of parties in preelection pacts (vote pooling) or by a party with a broad multiethnic candidate slate. Consociational arrangements formed after elections, Horowitz contends, are fragile and tenuous "coalitions of convenience" as opposed to firm and enduring "coalitions of commitment" (1985:365–395).

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A Typology of Conflict-Regulating Practices

A central argument of this book is that in the above-outlined debate neither approach can be said to be the best in all circumstances. Rather, the two approaches should be seen in contingent terms and in terms of a spectrum of options from the most consociational to the most integrative. The appropriate question is, Under what ethnic conflict conditions is the consociational approach likely to mitigate conflict, and under what conditions is an integrative approach likely to produce success? The challenge is not to develop a singular *model* of conflict-regulating practices, but rather a *menu* of conflict-regulating practices that disputants and mediators can choose from and adapt to the intricacies and challenges of successfully regulating any given ethnic conflict.

Eric Nordlinger's seminal 1972 study *Conflict Regulation in Divided Societies* identified six political methods and practices that account for successful conflict regulation in societies with deep ethnic fissures: (1) stable governing coalitions, (2) the principle of proportionality, (3) mutual veto, (4) purposive depoliticization, (5) compromises on key issues, and (6) concessions by conflict groups. These practices generally reflect the consociational vein of thinking about democracy in divided societies, relying principally on elite accommodation, popular deference to elites, group solidarity, and legitimate group representation. Given recent experiences with power sharing both successful and unsuccessful—and criticisms lodged against

consociational and integrative approaches—it is possible to refine, build on, and expand Nordlinger's typology to encompass an amended and enlarged typology of conflict-regulating practices, including integrative practices.

The premise underlying an expanded list of options is that *in some instances the consociational approach may lead to successful conflict regulation, whereas in other instances an integrative approach may be best.* Which approach will contribute to success is highly dependent on the structure of ethnic relations, the specific patterns of ethnic politics in a given community, the historical development of a given conflict, the relationship between ethnic groups and the state, the attitudes and skills of political leaders, and the ability of groups in conflict to agree on the core principles underlying their political system.

In compiling a revised typology, I believe that the consociational and integrative approaches to power sharing can be presented as a broader menu of conflict-regulating practices and institutions. And, as is illustrated below, once a process of political change sets in—for example, a peace process or a transition to democracy, often two sides of the same coin—parties to a conflict choose different types of political practices and institutions on the basis of their own situational interests and goals.[1] That is, outcomes are "path dependent." Indeed, as Adam Przeworski argues, democracy evolves as a contingent outcome of conflicts (1988).

Successful conflict-regulating practices involve establishing a stable set of formal or informal rules and institutions that encourage political leaders and groups in conflict to behave moderately toward one another. When groups in conflict commit to a common set of rules and institutions, the structure of those institutions can make a difference in containing conflict along ethnic lines. In developing a typology of conflict-regulating practices and differentiating consociational practices from integrative practices, it is useful to consider the practices in terms of three sets of variables that apply to both approaches: territorial divisions of power, decision rules, and defining relations between the state and ethnic groups. The first two deal with constitutional structure, whereas the third relates to public policies.

Territorial Divisions of Power

When the territorial dimensions of ethnicity are strong, practices that *configure the territorial division of power* are exceptionally important. The range of options within these types of practices is between partition (separation) and a centralized unitary state (the ultimate form of sharing), with a variety of options such as confederal, federal, and semiconfederal systems in between. It is widely agreed that the territorial division of power can serve a variety of purposes beyond simple devolution, including providing economic mechanisms (such as for affecting the distribution of resources) and political mechanisms (such as reducing the stakes of conflict at the center).

Territorial boundaries can even be structured to straddle the fence between separation and power sharing. Examples are various recent proposals for confederations that have special linkages across international frontiers: a Palestinian-Jordanian confederation with lingering ties to Israel; the two territorial "entities" that form the basis of the recent Dayton, Ohio, agreement on postconflict Bosnia, in which a Bosnian Muslim and Bosnian Croatian entity would have special ties to Croatia while a Bosnian Serb entity would have ties to Serbia; and myriad plans for resolving the Northern Ireland dispute.[2]

Among the variety of methods for dividing territory, federalism is the most extensively analyzed for its potential conflict-regulating effects. Federalism, it should be noted, can be structured for either consociational or integrative purposes. Indeed, the opportunities for innovation are so extensive that federalism can be structured to serve both ends within a given state. In multiethnic societies, the test of federalism is the degree to which territorial units coincide with or are parallel with communal boundaries.[3] By promoting intraethnic conflict within each subnational territorial unit, federalism can potentially create incentives for interethnic cooperation, encourage alignments along nonethnic interests, and be fiscally structured to level socioeconomic disparities. Devolution of power can give minorities some degree of power when it is unlikely that they would ever achieve majority status at the center.[4]

The primary distinction in divided societies is between poly-communal federal structures, mixed federal structures, and non-communal federations (Duchacek 1973:166ff.). Polycommunal federations are systems in which internal territorial divisions closely correspond to the major ethnic, linguistic, religious, or racial groupings; examples include the former Soviet Union, the former Czechoslovakia, and Burma. Mixed federations combine some territorial self-government based on ethnic interests with other territorial units that are essentially heterogeneous; examples include Canada, the former Yugoslavia, and India. Still other federations, notably the U.S. system, have no ethnic base to their federal structure. The paramount issue in divided societies is the relationship between the spatial distribution of ethnic groups and the territorial distribution of the states. Do they overlap or cut across communal boundaries?

Federalism implies a division of power based on mutual consent. The national or central government is bestowed with a defined area of authority, the territorial units are provided degrees of autonomy, and both tiers of government enjoy some limited coordinated powers.[5] The hallmark of federalism is that neither the center nor the regions can amend the arrangement without mutual consent (Wheare 1964:xviii). It is through federal structures that the principle of unity through diversity, an essential norm of democracy in divided societies, can best be realized; this is especially true with respect to the protection of minorities through a panoply of options such as grants of autonomy, indigenous rights, and semisovereign ancestral lands, and recognition of limited territorial self-determination (Hannum 1990).[6] The salutary effects of federalism can sometimes be enhanced with a superlocal option, giving maximum autonomy to localized units such as Switzerland's cantons. In this vein, creative options for managing large, multiethnic cities may be required even as relatively homogeneous rural areas are granted a high degree of autonomy.

There are costs associated with federalism, such as the resource drain created by parallel government structures on many levels and the constant tensions over jurisdiction. Most important, ill-structured federalism may lead to secession. As many parties to conflict and many policymakers readily understand, the most serious

danger inherent in federalism is the potential of creating fissiparous tendencies by giving territorially concentrated ethnic groups a base from which to withdraw or even secede from the common polity. A clear and present danger in many federal systems is the territorializing of ethnicity, possibly creating incentives for secession or autonomy. When smaller subunits are likely to also contain minority groups, the problems of divided societies are deferred but not solved by ill-devised federal schemes. How many subdivisions of the state are required before the elusive goal of a homogeneous state is reached? Clearly, the current experiment in Ethiopia—which has adopted the principle of "ethnic federalism"—will test the ability of that society to maintain a precarious balance between unity and diversity.[7]

Ethnic federalism was the basis of the structure of the republics in the former Soviet Union—where republics were based on titular nationalities to resolve the national question—whose constitution (Article 72) clearly provided for the right to secede. The lessons from federalism in the former Soviet Union are twofold: first, federalism without a devolution of power is no federalism at all; and second, strict national federalism can potentially lead to disintegration. Manipulative boundary delimitation in the former Soviet Union complicated ethnic relations (for example, between Armenia and Azerbaijan), and its legacy is still felt today in continuing conflicts over boundaries, citizenship, and the status of autonomous and semiautonomous regions within the Russian Federation. Similarly, colonial policy on the territorial division of power in Nigeria and Sudan left a legacy of conflict in these states, both of which have suffered (or in the case of Sudan, continue to suffer) from secessionist armed struggles (Rothchild 1995). For federalism or regionalism to unify, not divide, the polity, it must be coupled with policies whose effect is to raise the cost of a successful secession and increase the benefits of association.

A preeminent example of federalism as a conflict-regulating practice is India, whose complex system of twenty-two states and nine union territories is based on a combination of heterogeneous states and linguistically determined boundaries—a remnant of colonial

expansion. The Indian constitution recognizes the diversity of the country's languages as the most persistent and important social cleavage, but the diversity has been contained through a combination of sound policy (establishing national and regional official languages, for example), an overriding consensus in favor of accommodation (Nariman 1989:7–37; Das Gupta 1989:63ff.), and the use of force against secessionist movements.

While India's track record on successfully managing inter-communal conflicts is at best mixed, and it has by no means fully resolved the social inequalities of race, caste, and religion, its federal system is useful for comparative analysis because of its balance of cohesive and diverse states combined with a history of a dominant and relatively inclusive nationalist party (Congress) at the center. India has been widely regarded as the prime example of successful integrative practices in a divided society. It has survived as the world's largest democracy, and yet its model of governance conforms remarkably close to the typical Westminster-style majoritarian system. Brass (1990) suggests that India's experience alone places in question the claims by consociationalists that democracy in a multiethnic society is impossible within a majoritarian framework. Lijphart, however, contends that India had elements of consociational power sharing until the 1960s and that the diminution of power-sharing practices has led to the increasing fragility of India's political system (1994b).

India's rising communal strife—evidenced by religious violence between Hindu and Muslim communities, the costly secessionist struggle in Kashmir, and the simmering unrest in Punjab, Assam, and (more recently) Tamil Nadu—exemplifies the difficulty of maintaining a unified democracy among a diverse population. Without federalism and a history of flexibility in redesigning the territorial boundaries of states, however, India might well have disintegrated long ago. As Hardgrave (1994) suggests, federalism in India has helped "compartmentalize friction."

A persistent problem with federalism is to resolve questions of dual sovereignty. Which unit—central or federal—has sovereign power over various functions of state? Although this problem vexes

nearly every federation, the problem can be addressed with pragmatism. For example, looser federations may give subnational units some degree of control over foreign affairs, as Russia has granted Tatarstan functional flexibility in its external relations. Like other conflict-regulating practices, federalism is highly flexible. As new territorial units are created, so too are opportunities for innovative practice. Six of India's states, for example, have adopted the use of ombudsmen; many have complex language policies to meet local ethnic demands. For this reason, federalism offers innumerable opportunities for addressing the absolute complexity of ethnic demands in deeply divided societies within a democratic framework. For complex multiethnic states in the developing world, as Richard Sklar (1987:698) writes, "federalist futures are democratic images."

Decision Rules

As Douglas Rae has observed, the crux of decision making within a democracy is the threshold of consensus required for some members of the society to take decisions that apply to all members of society (Rae 1969). Thus, practices are critical that establish rules whereby executive and legislative decisions are made by elites and representatives are selected by the electorate (the electoral system). Options exist between minimum winning decision rules (for example, a plurality) to complete consensus.

Executive, Legislative, and Administrative Structures

There is a long-standing debate between advocates of parliamentary government and advocates of presidential executives as to which system is more inherently stable and inclusive.[8] In a typical parliamentary system, the executive is drawn from the ranks of parliament and ultimately dependent on its members for its continued governance. In coalition governments, the leader of the largest party in the parliament serves as prime minister, and the cabinet is drawn from the majority party or parties. In grand coalitions, sometimes known as governments of national unity or national fronts, all significant

political parties are represented in a ruling coalition and participate in executive decision making. Cabinet posts are doled out carefully and with an eye toward a balance of power commensurate with each party's electoral strength, creating a plural executive. Decisions are made by consensus, with each segment exercising a mutual veto.

✔   Parliamentary structures are attractive options for divided societies, because they may be structured to facilitate the inclusion of many groups, including minorities, at the highest levels of government, for instance, in a broadly representative cabinet. Juan Linz (1990:72) argues that parliamentary systems "are more conducive to stable democracy" than presidential systems and that this point "applies especially to nations with deep political cleavages and numerous political parties." Parliamentary government, he contends, allows for many shades of possible political outcomes; when combined with a variable term (the government can be forced to resign when majority parliamentary support is withdrawn), it is a highly flexible arrangement. Presidential systems—with executive branch authority highly centralized in one individual who is usually, but not always, directly elected—are by definition more exclusive than parliamentary systems, particularly if the president is unambiguously identifiable as a member of any one community or interest.

The problem with a parliament-chosen executive, according to Horowitz (1990a:73–79), is that in typical parliamentary systems whichever party or coalition of parties has a bare majority in the legislature can choose an executive without regard to the preferences of the minority; when parliament-chosen executives fall in the winner-take-all, government-versus-opposition pattern of politics, an already divided society is further divided. A minimum winning coalition usually forms the government. Instead, Horowitz believes that a separately elected presidency combined with a strict separation of legislative and executive powers can proliferate points of power at the center, allowing some parties to win sometimes and others to win at other times. Dispersing power in a political system through a system of checks, balances, and divided responsibility lowers the stakes of control for any particular institution or office (the separation-of-powers doctrine). If the stakes are very high for

any particular office or number of seats, conflict between winners and losers rises commensurately.

For Horowitz, a nationally elected president with exceptionally broad support is more likely to have conflict-reducing effects in a divided society than the parliamentary counterpart.[9] A presidential system can be constructed so as to ensure that in order to be elected, candidates must present themselves as conciliatory broad-based leaders. The provisions of the 1979 and 1989 constitutions of Nigeria illustrate. In Nigeria's Second Republic (1979 constitution), election to the presidency required the candidate to take due notice of the "federal character" of the state; to win, the candidate was required to garner a plurality of votes nationwide and at least 25 percent of the votes in thirteen of Nigeria's then nineteen states. In the Third Republic's constitution, promulgated by the Babangida military government (after a constitutional constituent assembly) in 1989, an even more stringent requirement was built into the constitution to require a "supermajority" for election to the presidency: "He has to have not less than one-third of the votes cast at the election in each of at least two-thirds of all the states in the Federation." In the event a single candidate does not meet this test in the first round of balloting, a runoff election is required. It was, however, a dispute over the 1983 presidential election that contributed in part (another cause was corruption in the civil service) to the downfall of the Second Republic (1979–1983).

A broad-minded individual fairly pursuing aims of national integration can serve a symbolically important conflict-reducing role. South Africa's Nelson Mandela, with broad public support and leading the country with an ethos of national reconciliation and moderation, is Horowitz's ideal president—in essence, standing above the ethnic fray. Although South Africa technically has a parliamentary system (the president is indirectly elected, and the system essentially allows for the majority party in parliament to elect its candidate president), Mandela's behavior as a president exemplifies the role a president can play. Critics of the supermajority requirement point out that there are, as Andrew Reynolds writes, "virtually no good examples of a president directly elected who becomes a unifying

force in a divided society. Nigeria didn't work, and most super-majority systems fail as well. Either one group is large enough to surmount a 50 percent or 66 percent barrier, or no [candidate] gains the supermajority and the country is thrown into even more dangerous confusion."[10]

Executive structures, too, can be highly flexible and adaptable to circumstance. Creating a broad-based executive can be a voluntary move to promote a sense of security and inclusion for aggrieved groups, or it can be statutorily or constitutionally mandated. Often it is simply politically pragmatic, enhancing the legitimacy of the government. And the decision rules adopted by inclusive or coalition governments can be created so as to ensure wide consensus before major policy decisions are made, without being so laborious that they prevent the regular exercise of executive power. For example, in the current transitional power-sharing government in South Africa, all parties that received at least 5 percent of the vote are entitled to a cabinet seat, and those that garnered 20 percent or more of the vote are entitled to a deputy president slot. Decisions are to be made with the broadest possible consensus, but complete unanimity is not required.

Broad-based executives are more easily created if the principle of proportionality is operational. Although this principle permeates many of the conflict-regulating practices identified here, the two most important proportionality practices are proportional representation in appointments, which often takes the form of the constitutionally entrenched reservation of offices on an ethnic or territorial basis, and a proportional representation electoral system.

Perhaps the best-known example of proportional appointments was the Lebanese National Pact of 1943, which mandated top posts for representatives of the Christian (Maronite), Druze, Shi'a, Sunni, and other communities. Seats may also be reserved in legislatures. In Indonesia, Chinese, Europeans, and Arabs are awarded 9, 6, and 3 seats in parliament, respectively, if as many are not duly elected.[11] For the first ten years of independence in Zimbabwe, 20 of the 100 seats in parliament were reserved for whites even though they constituted but 3 percent of the country's population. Nigeria's 1989

constitution stipulates that if the president comes from the North, the majority party leader must come from the South; Tanzania has similar arrangements.

Like many of the conflict-regulating practices, proportional appointments can be handled informally. For example, South Africa's new constitutional court is carefully balanced on many variables (ethnicity, gender, generation, region, race, language, and ideology) even though such proportionality is not strictly mandated in the constitution. Routine bureaucratic appointments can also be conducted in accordance with the proportionality principle. Indeed, although power sharing is mandated in the country's constitution, much of the real sharing of power in South Africa is conducted in an informal manner, and much of it within the broadly multiethnic ruling party, the African National Congress (ANC). As Donald Rothchild notes, "with the ANC supported by a very large majority, it only needs to concede formal power sharing for a very temporary period and largely to make whites feel secure so they will not discourage international investors. But the real power sharing takes place as much within the ANC itself (that is, among the factions) and between the ANC and white-led civil service and police."[12] Similarly, the nascent social partnership among business, labor, and the state in managing economic matters is an example of informal power sharing in the sphere of economic policy.

The most important appointments and offices are those in the security forces, for the military and the police are often the "ultimate arbiters" of social relations in divided societies (Esman 1994:228). It is no surprise that in many instances of ethnic group domination, the composition of the security forces is a continually contentious issue. Thus, perhaps the most critical regulatory practice in deeply divided societies is an integrated security force. For example, Burundi's army has an overwhelming majority of Tutsis although this group comprises only about 14 percent of the overall population. Changing the complexity of the security force structure is a delicate maneuver, fraught with potential pitfalls. Attempted reforms to achieve a more balanced representation of Hutu and Tutsi in Burundi's army led to the attempted coup in October 1992

that helped plunge the country into the current round of ethnic bloodletting. The composition of the security forces will be an important long-term issue in Northern Ireland as well, where 87 percent of the security force is drawn from the Protestant community, a result not of official discrimination in recruitment policies but of the unwillingness of Catholics to serve (Boyle and Hadden 1994:47).

Other problems with proportional communal representation arise when the structure is unresponsive to demographic changes in the underlying population. At least one factor in the 1975 collapse of the Lebanese National Pact of 1943 was the demographic shift as the Christian majority population became a minority. The deterioration of Lebanon into one of the world's intractable civil wars between 1976 and 1990 attests to the dangers of such rigidity.[13] Whether the National Pact can be labeled a success (for mediating conflict for more than thirty years) or a failure (because it degenerated into civil war) is an open question. In many ways it was both.

It is significant that in the 1990 Lebanese constitution the formulas for representation have been changed. Seats in the National Assembly are allocated on a half-Moslem, half-Christian basis with further sub-group sectarian and regional representation. However, the 1989 Taif Accord that led to the new constitution stipulates that the eventual electoral law will wholly remove inflexible guarantees for sectarian representation. Joseph Maila notes that the Taif Accord "recognizes that confessionalism is a regulating principle of political society by claiming that power cannot be legal if it contravenes the 'Pact of Co-existence' or the 'desire to live together' (al aysh al-mushtarik)" (1992:17).

Choosing an Appropriate Electoral System

An appropriate electoral system in a divided society is arguably the most important mechanism through which parties in conflict can adopt a democratic conflict-regulating practice. This is true because, as Giovanni Sartori has written, electoral systems are "the most specific manipulative element of politics" (1968:273).[14] The debate over which electoral system is best is complicated because electoral

system design can be a very technical matter; the outcomes that flow from a specific choice are highly dependent on unknowns such as the spatial distribution of votes, shifting party alignments and interparty pacts, voting behavior, ballot design, and myriad other variables. Moreover, formal theorists have shown that no single system is arguably the "fairest" because of the "paradox of voting"; with the same set of voter preferences, different systems yield different winners (Arrow 1963). Finally, electoral system choices inevitably involve trade-offs among values such as legitimacy, simplicity, accountability, and proportionality.

For deeply divided societies the central issue is, What is best: the majoritarian system, the less demanding plurality systems, or some type of proportional representation system? Underlying the debate is the clear understanding that electoral system choice eventually has a strong effect on the type of party system that emerges (Lijphart 1994a); plurality and majoritarian systems tend to produce two-party systems, whereas proportional representation usually leads to a fragmented multiparty system (Duverger 1964). In this regard the policy-relevant differences between the consociational and integrative approaches to power sharing are most acute.

Advocates of consociationalism are strong believers in simple systems of proportional representation (PR) that allow all parties (presumably, but not necessarily, ethnically based) representation in government commensurate with their share of the electorate. PR is not a single system but instead a broad set of electoral systems that seek to minimize differences between votes and seats in parliamentary elections (Taagepera and Shugart 1989:24–25).[15] By directly translating the number of votes won to the proportion of seats, PR systems are arguably more suited to providing incentives for including minority parties (Dahl 1989:156–162). The benefits of simple PR (especially list-system PR, in which parties offer slates of candidates), according to Lijphart, include a more precise vote-to-seat ratio; the lack of "wasted votes"; the ability of ethnic groups to "define themselves" and to achieve representation by their own leaders in legislative and executive institutions (Lijphart 1990a:10); immunity to gerrymandering;[16] and the likelihood that

fragmentation of the party system will eventually result in coalition governments.

Opting for PR incurs the risk that the system may in fact provide incentives for social fragmentation. While PR may produce proportionality and allow for the politics of ethnic inclusion, the prospect of at least some presence in parliament (and of a parliamentary salary) can make it attractive for politicians to factionalize into narrowly based, exclusive parties, a phenomenon that Sartori (1966) has termed "polarized pluralism."[17] The proliferation of parties during the continually troubled Weimar republic led postwar constitutional designers in Germany to adopt a threshold for representation (5 percent), a common practice now in PR systems. In circumstances of fragile minimum winning coalitions, such as in Israel, small parties can hold the balance of power in potentially destabilizing ways by weakening government and forcing onto the agenda narrow interests or highly volatile ethnic issues.

Horowitz, on the other hand, sees advantages to PR under certain specific conditions (1985:628–653), but the *purposes* of electoral system design are different from those proposed by Lijphart. In addition to achieving proportionality and reducing disproportionate vote-to-seat ratios, Horowitz suggests, the effects of the electoral system should also be to fragment support for ethnic parties; induce an ethnic group, particularly a majority group, to behave moderately; preserve fluidity and multipolar balance to prevent exclusion; and, most important, encourage preelection coalitions of parties across ethnic cleavages or, if possible, the creation of broad multiethnic parties (1985:632).

Although Horowitz agrees that simple list-system PR can be structured to meet these goals, he identifies problems with it, namely, the strong role played by party bosses; representatives' lack of a constituency link; a lack of accountability; the potential incentives contained in the system for the proliferation of ethnic parties and ethnic outbidding; and the lack of incentives for cross-group integration. He and other integrationists (for example, Lardeyret [1991]) argue that the electoral system should root accommodation across group lines at both the elite and the popular levels in society and should

seek to integrate groups into large multiethnic parties. On the other hand, large multiethnic parties are criticized for being a mask for ethnic dominance, in which the votes of some minorities are taken for granted given the electorate's choices (for example, black votes for the Democratic Party in the United States).

To meet the integrative aims he sets out, Horowitz favors vote pooling as a mechanism for inducing moderation; vote pooling systems provide opportunity for voters to cast not only their first-preference votes but subsequent-preference votes as well. In providing examples of vote pooling, Horowitz (1985, 1991) favorably cites the *alternative-vote* system (parties can agree to pool votes) or the *single-transferable-vote* system (candidates can make vote-pooling agreements); second- and third-preference votes can be transferred among candidates or parties in a complex computation that produces overall winners.[18] Lijphart (1991) counters that alternative-vote electoral systems are no better and sometimes worse than simple majoritarian electoral systems and that vote pooling can be achieved in many variants of list PR, primarily through the system of *apparentement* (in which parties can link their candidate lists). The major preconditions for a successful vote-pooling framework are sufficient party proliferation, large heterogeneous constituencies, and conditions that make vote pooling profitable: that is, the second- and third-preference votes political leaders gain from being moderate on communal interests outnumber the first-preference votes they lose by appearing soft.[19]

Neither Nigeria nor Sri Lanka, the principal cases Horowitz relies on to make the argument for the salutary effects of vote pooling, have had their electoral systems fully tested. Other examples such as Kerala (in India) are of limited comparative value given the idiosyncratic context of regional politics within overall national politics in India. Nevertheless, these examples do show that innovative solutions are conceivable to create an electoral system that provides incentives for intergroup moderation. Crawford Young writes, "In Malaysia, the semi-consociational management of racial divisions has probably been facilitated by the operation of the plurality system which in this setting provided incentives for co-operation within the

Malay-dominated ruling alliances, whose electoral majority is magnified by the Westminster model" (1995:12).[20]

The problem, of course, is the difficulty of winning support across group boundaries in situations of deep conflict. Nordlinger anticipates the problem when he writes that "even if party leaders were to mitigate their positions on the less salient issues, members of the opposing conflict group are not likely to change their party attachments on the basis of a secondary issue" (1972:102). Horowitz notes that the only assumption behind the successful operation of a vote-pooling framework "is that voters will vote for candidates other than those of their own group if advised to do so by leaders of the ethnic party they support (and usually only for second preferences). There is abundant evidence from Malaysia that they do this regularly, and it does not depend on the malleability of ethnic identity or even a softening of conflict."[21] In situations where the population is highly illiterate or innumerate, however, these systems may simply be too complicated, especially when severe conflict places a premium on clearly legitimate and simply understood election results.

Although vote-pooling is theoretically compelling, there is simply insufficient empirical evidence at the level of national politics to support claims that subsequent-preference voting can lead to accommodative outcomes; the converse, however, is also true, suggesting that experimentation (for example, running election data under different rules) might yield further insights into the applicability of these systems to serve as a conflict-regulating device. Andrew Reynolds, for example, has "rerun" the 1994 elections in South Africa and Malawi under alternative electoral rules, finding proportional representation to have been generally more inclusive than plurality electoral systems (Reynolds, forthcoming).

Electoral systems are highly flexible and can be pieced together in many ways to be appropriate for specific conditions. For example, given large heterogeneous electoral districts, it may be possible to create a simple PR list system that gives parties incentives to put up multiethnic slates—an integrative practice—to maximize support. When large multimember constituencies are ethnically diverse and

no single group dominates, a party seeking to maximize its vote share would want to appeal as broadly as possible and thus moderate its ethnic themes during an election campaign. In this manner, list PR can achieve integrative aims by providing incentives for coalitions of different variations within a single party, as was the case with the choice for PR in South Africa's first all-race elections (Sisk 1995a). In a subsequent analysis of the April 1994 vote in South Africa, I suggest that parties did in fact respond to the incentives imbedded in the electoral system to moderate their campaign rhetoric and that the top two vote getters (the ANC and the National Party) deliberately structured their candidate lists to appear racially inclusive (Sisk 1995b).

Moreover, the simple form of PR provided an incentive for potential spoilers of the election, whose boycott or violent opposition to the poll would have severely undermined the legitimacy of the vote and precipitated a broader crisis, to join the electoral bandwagon at the last minute, aware that even if they had no prospect of a majority of seats in parliament, they would gain sufficient representation to serve in the government of national unity.[22] A last-minute concession to allow for a double ballot (one national vote, one regional), designed to placate the regionally strong Inkatha Freedom Party, contributed to the conflict-ameliorating properties of this choice.

Thus, PR was a seemingly appropriate choice for this transitional or founding election and may be a good choice for other elections that are the culmination of a negotiated transition from deep conflict. Yet the South African system will likely be changed, because large multimember-district PR systems arguably lack accountability. For that reason, it is likely that South Africa will adopt a hybrid system similar to Germany's combination of national PR plus majoritarian single-member districts, a system that has contributed to stable electoral outcomes in the postwar era in that country (Kaase 1986). In the current deliberations over a more permanent electoral system for South Africa, there is a keen awareness that the system should try to maximize proportionality, incentives for moderation, representivity, and accountability.

Public Policy: Defining State-Ethnic Relations

Practices that *define relationships between ethnic groups and the state* are an essential dimension of conflict-regulating practices. At one end of a spectrum are practices that do not name specific groups or specify group rights or preferences in ethnic terms; on the other are those that enumerate and recognize special rights or preferences and confer them on distinct ethnic groups. Economic policies, the allocation of public funds, education and language policy, the delineation of rights and duties, the formulation of groups' rights when groups are entrenched, citizenship, and procedures of administering justice are all critical components of successful ethnic conflict management.

Crawford Young, in summarizing the findings of a United Nations Research Institute for Social Development study of public policies in ethnically diverse societies, writes, "Few if any state policies will be absolutely neutral in their distributive effects among ethnic groups. What matters, then, is whether the ethnic distributive effect is widely perceived as a product of deliberate bias towards those groups with favored access to the state," and whether offsetting policies are undertaken to redress the resulting imbalance (Young 1995:21).

Thus, conflict-regulating practices in divided societies have a significant "political economy" component.[23] If a source of ethnic conflict is the maldistribution of resources, what sorts of practices can lead to the appropriate redistribution of wealth or income? Kenneth McRae (1974) refers to a host of options as "fiscal equalization devices," that is, measures that promote the equitable distribution of society's resources. Such practices might include directed public policies, labor market policies, and differential access to certain resources. But as Esman (1994:239) notes, "excursion into economic variables demonstrates how difficult it is to explain or predict the effects of economic trends on ethnic-based conflict."

When ethnic groups have been historically disadvantaged or discriminated against, provisions have often been included—for example, in the United States, Sri Lanka, South Africa, India, and Pakistan—to acknowledge problems of discriminatory inequality.

Often, constitutional provisions do not spell out the public policy strategies to ameliorate the effects of past discrimination or comparative inequality but make the important symbolic statement that the aim of the polity is to seek redistribution. Enshrining the objective of uplifting those who may be disadvantaged can help chart the subsequent course of politics toward that end.

Perhaps the most striking example of such a commitment is the passage in the 1949 Indian constitution that declares, "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."[24] The implementation of affirmative action for historically disadvantaged groups in India, which is an effort to deal with the discriminatory effects of the caste system, has had a long and controversial past. Affirmative action in India has been criticized for perpetuating a sense of self-denigration among the disadvantaged groups and for its lack of effectiveness in eradicating inequality and discrimination (Nariman 1989:7). Most recently, it has been the cause of widespread violence among young upper-caste Indians who see their own futures jeopardized by such policies. As Diamond and Plattner (1994:xxvii) assert, India's experience (as well as Nigeria's) points out how "inflexible quotas for disadvantaged groups can actually reinforce group consciousness and generate explosive grievances by those groups that view themselves as victims of reverse discrimination." The debate over such policies in India in some ways mirrors the debate in other multiethnic societies, such as the United States (where such policies are being rolled back) and South Africa (where they are being increasingly implemented). Societies such as Rwanda, where patterned discrimination is still a serious problem, will eventually have to face this issue if longer-term conflict management is to occur.

Even though the problem of inequality in India is still very acute and high levels of inequality are tolerated, recognizing the disparity and committing state policy to resolving it is an important step in the right direction. In many instances, words are not met with deeds. While public policy goals of eradicating extreme disparities

among groups are not always a constitutional phenomenon, in places with a historical pattern of oppression, such as caste-based oppression in India or race-based oppression in South Africa, expressing in the constitution the goal of eradicating the disparity can serve conflict-regulating ends. The 1990 constitution of Namibia (where apartheid was implemented during South Africa's occupation) sets forth goals for state policies that detail the objectives of state policies without making specific practices adjudicable in constitutional terms.[25]

Often the answer to such vexing problems is not to specify their solution in constitutional terms but to set up new institutions and procedures that all groups can subscribe to and that address equalization measures in collaborative, problem-solving forums. South Africa's new land restitution commission and court, whose establishment has defused and constructively channeled tensions, is an example worth considering for replication in other conflicts where land disputes are a central cause of continued hostilities.

One important conflict-regulating practice often ignored by power-sharing theorists, or at least downplayed, is the role of human rights (particularly the careful balancing of individual and group rights) and the role of judicial institutions in ethnic conflict mitigation. This is understandable, because courts are weak in most developing states. Legal protections for group rights, multiple official languages, own-language education, and special religious practices and customs; special statutory protection for named groups; and access to broadcast and print media may give groups comfort that their cultural identity is secure within a multiethnic framework. The self-management of community institutions and associations, that is, nonterritorial self-determination (sometimes known as corporate, as opposed to territorial, federalism), may be a sufficiently reassuring practice that groups will not seek other types of privileges or special representation.

A critical issue in divided societies is the careful balancing of individual and group rights and their adjudication. Courts and judges can reinforce political institutions and electoral practices as a final line of defense against despotic government, or they can be powerful weapons for the ethnically exclusive regime. Courts have sometimes

shown extraordinary resilience in protecting ethnic minorities in the face of political pressure, as Zimbabwe illustrates (Sklar 1985:29–33). Innovations in judicial processes, such as the use of ombudsmen, can also serve to disperse power, protect rights, and address grievances. While these quasi-judicial officers are in use in few countries, the practice is innovative and deserves to be considered in deeply divided societies seeking novel solutions. Ombudsmen can provide a course of immediate and direct action for those who have been subject to discrimination or persecution.

The problem of constructing judicial institutions in divided societies has been addressed through creative solutions. In Nigeria, for example, the more than 26 million believers in Islam have pressed for access to the Islamic judicial system—the Shari'a courts—in matters of social and religious concern to them. This issue has also been central to the intense and ongoing conflict in Sudan. Nigeria's 1989 constitution allows states to establish Shari'a courts of appeal with jurisdiction in civil proceedings where both plaintiff and defendant are Muslim and agree to the court's review. In societies deeply divided by religious differences, such as Sudan and Nigeria, pragmatic solutions such as these may make the difference between relatively peaceful management of tensions or intractable war, even in the absence of a democratic framework.

The protection of rights—and increasingly the protection of minority rights—has traditionally been perceived as the telos of modern constitutionalism: the principle of *garantisme* (Sartori 1962) against arbitrary rule. In divided societies the issue has been whether there should be fully articulated rights to address minority group concerns. Such claims often take the form of demands for linguistic freedoms, particularly the right to education in one's mother tongue, the right to establish cultural and religious institutions or associations, protection against discrimination, and in some cases the right to self-determination. Some international law scholars assert strongly the case for further codification of minority rights; Hannum (1989:19) writes, "The essential philosophical underpinnings of human rights include the right to be and to live in community with other members of one's own group."

Clearly the protection of individual rights—including the rights of religious expression, free speech and association, freedom from discrimination, and a host of other political and civil rights—goes a long way in protecting the rights of national minorities. Whether such assurances should go so far as the failed Meech Lake Accord in Canada, which sought to constitutionally designate Quebec a "distinct society," are dubious. The Canadian Charter of Rights and Freedoms, adopted in 1982, sought to protect individual rights and, in doing so, to protect against discrimination as a member of a distinctive group. Meech Lake, on the other hand, undermined that liberal tradition by redefining Quebec in group rights terms as a distinct society. The dissolution of the Meech Lake and, later, the Charlottetown process in Canada shows that granting minority rights can have the effect of raising other claims, such as those of the Cree Indians, and may cause the constitutional basis of the state to weaken, precipitating a broader crisis (Welsh 1993:51).

Related to the notion of group rights is the opposite approach, specifically outlawing ethnic organizations, parties, or institutions. Although states cannot simply legislate away the structure of social alignments, some have tried. While such practices to reorient social alignments are few, those that have been pursued deserve careful consideration. The 1989 Constitution of Nigeria, for example, expressly forbids appeals by political leaders to ethnic solidarity, so that (it is hoped) they will define their political agendas in terms of ideology, class, or territory. The constitution explicitly states that a *political* objective of the state is to foster alternative social alignments; or, in the terms of Article 16 (d), to "promote or encourage the formation of associations that cut across ethnic, linguistic, religious, or other sectional boundaries."[26]

Opponents of statutory prohibitions against ethnic associations and parties suggest that prophylactic measures such as these will not prevent the creation of ethnic organizations but will push ethnic organizations outside the political system. Ethnic parties in divided societies are the principal means of securing ethnic interests. When the creation of broadly inclusive multiethnic parties is impossible, prohibiting ethnic parties makes accommodation impossible. In

Africa, where attempts to ban ethnic parties have been most frequent, Pearl Robinson writes, "One of the functions of parties is interest representation. And to the extent that issues of race, ethnicity, region, religion and gender are important to people, the banishment of these interests from formal and legitimate channels of political representation will not make them go away. In fact, misguided efforts to keep identity politics off the political agenda will actually fan the fires of alienation and revolt" (1995).

Ethnic politics is inextricably the politics of symbolism, and in this respect the state's practices can affect social alignments. Questions such as the status of language, so critical in nearly all divided societies, is often the most contested symbol. It is often perceived by disadvantaged groups as a stark symbol of domination. Some states (for example, India and Uganda) have resolved the highly charged and immensely symbolic language issues by turning to an alternative federal lingua franca, such as English. Language policies also have important ramifications for education and job opportunities for individuals. Other important national symbols, such as the official colors, flag, anthem, crest, and currency, must be perceived as neutral in divided societies if they are to serve the purpose of reorienting loyalty from ethnic groups to a common national state.[27]

Ten Conflict-Regulating Practices

From the discussion above, it is clear that any menu of conflict-regulating practices will be quite broad and that practices must fit together like a grand puzzle that, when pieced together, carefully meets a divided society's particular needs. With this proviso in mind, it is possible to discern ten distinct practices for conflict management that either embody a consociational or an integrative approach to ethnic conflict management. Some practices can serve either consociational or integrative aims, depending on how they are conceived and structured. Presented with the conflict-regulating practices are some hypotheses about their applicability under different conditions; some of the important issues that arise with their application are raised. Table 2 provides a summary.

Table 2. Conflict-Regulating Practices

	Consociational approach	Integrative approach
Territorial divisions of power	Granting autonomy and creating confederal arrangements	Creating a mixed or noncommunal federal structure
	Creating a polycommunal federation	Establishing a single inclusive unitary state
Decision rules	Adopting proportional representation and consensus rules in executive, legislative, and administrative decision making	Adopting majoritarian but integrated executive, legislative, and administrative decision making
	Adopting a highly proportional electoral system	Adopting a semimajoritarian or semi-proportional electoral system
State-ethnic relations	Acknowledging group rights or corporate federalism	Adopting ethnicity-blind public policies

Consociational Practices: Territorial Divisions of Power

1. *Granting autonomy and creating confederal arrangements.* Territorially concentrated ethnic groups, particularly minority groups, can be accommodated through grants of autonomy. Agreements are reached between the rump government and the autonomous units over issues such as economic and foreign relations and regional commerce. Decisions on these limited issues are made jointly. Critical variables are the degree of economic interdependence, the structure of fiscal relations, and the balance of dependency.

2. *Creating a polycommunal federation.* Territorially concentrated ethnic groups can also be accommodated in a polycommunal federation, that is, through "ethnic federalism." Ethnic federations require more extensive interaction than confederations at the central government level, and the allocation of powers between the central and regional governments is invariably a difficult and ongoing balancing act. Management of the economy and of the distribution of commonly held resources (for example, water, mineral rights) is critically important. Other thorny issues in constructing ethnic federations are boundary delimitation; the structure of security; the containment of secessionist tendencies; relations between subunits and foreign governments and international organizations; disparities across region or state in the adjudication of law, language, and education policy; and—perhaps most important—the status of minorities and majorities within any given region.

Consociational Practices: Decision Rules

3. *Adopting proportional representation and consensus rules in executive, legislative, and administrative decision making.* When all groups demand an influential role in decision making at various levels, proportional representation in the executive (through grand coalitions), the legislative (through the minority veto), and the administrative (through appointments) can serve conflict-

mitigating aims. The principle underlying such practices is consensus decision making. Such practices work best when there are few clearly identifiable groups and where disadvantaged groups have historically been excluded. Problems may arise when consensus is impossible or difficult to achieve and when any one group's leaders perceives it advantageous to act as a spoiler (withdrawing from participation and violently opposing accommodating groups). The most critical question is whether positions are reserved on the basis of statutorily defined groups or on the basis of electoral outcomes.

4. *Adopting a highly proportional electoral system.* Proportional representation electoral systems are useful for defining group boundaries where they are ambiguous or where an ethnic party competes against multiethnic parties. Moreover, these electoral systems (particularly list PR) can serve as the basis for determining the relative weight of various groups in terms of proportional representation in executive, legislative, and administrative arenas, especially when census data are inaccurate, suspicious, or absent. A critical issue is whether a simple PR system is expected to fragment the party system over time and what the implications of such fragmentation may be. A second issue is the appreciation that PR systems may not mitigate the effects of majority domination when the majority bloc is sufficiently cohesive.

Consociational Practices: State-Ethnic Relations

5. *Acknowledging group rights or corporate federalism.* When ethnic groups receive autonomy over issues that concern them most, such as language rights, state-financed own-language education, protection for cultural or religious activities, and access to customary law, they can feel sufficiently protected to participate in a common polity without fear that their identity will be subsumed in the overarching national ethos. Group rights may also amount to group preferences, particularly for historically disadvantaged groups. When an ethnic group is not territorially

concentrated, nonterritorial or corporate federalism can be introduced through the structure of group rights. However, group rights (especially preferences) can be difficult to adjudicate and can precipitate demands by other groups that may be more difficult to accommodate and that may provoke a backlash from nonpreferenced groups. Group rights and principles of individual equality are in constant tension.

Integrative Practices: Territorial Divisions of Power

6. *Creating a mixed or noncommunal federal structure.* When groups are not territorially concentrated, or when the aim of federalism is to promote intragroup cleavages and foster alignments across groups, a mixed or polycommunal federal approach may serve conflict-mitigating aims. Mixed federations are appropriate when one or two ethnic groups are mobilized, aggrieved, and territorially concentrated but other groups are more integrated; those territorially concentrated groups can be given special status or recognition while a nonethnic hue is preserved for the remainder of the polity. Noncommunal federalism can be especially appropriate when groups are not territorially concentrated or where significant minority communities will reside in all of the subunits. Dangers occur in mixed federations when special status is conferred on one territory but not others, and in noncommunal federations when some groups strive for greater territorial autonomy and such autonomy is not forthcoming.

7. *Establishing a single inclusive unitary state.* In some situations, it may be best to avoid the territorial division of power by working at the central and local government levels to develop conflict-regulating practices. In small states, states where economic integration is especially high, and states where grants of autonomy will lead to violent secessionist attempts, it may be best to centralize power but exercise it equitably. Unitary states are useful when a well-integrated elite exists and when efficient decision making is a premium, for example, to implement difficult structural adjustment economic policies.

Integrative Practices: Decision Rules

8. *Adopting majoritarian but integrated executive, legislative, and administrative decision making.* When political elites are integrated and when cleavages crosscut ethnic divisions, majoritarian decision making in the executive, legislative, and administrative fields is more efficient than reliance on consensus. Moreover, a host of integrative options are more demanding than simple majority rule but less demanding than consensus. The use of special majorities on key issues in both cabinet and legislative institutions (for example, through innovative parliamentary rules) can serve this aim without reliance on grand coalitions or minority vetoes for named groups. Inclusive, legitimate, and authoritative arbiters of conflict such as broadly accepted commissions and judicial bodies are good examples of integrated administrative decision-making practices.

9. *Adopting a semimajoritarian or semiproportional electoral system.* As a conflict-regulating practice, semimajoritarian electoral systems have traditionally been difficult to implement, but they nevertheless hold great promise. Electoral systems that are essentially majoritarian but that may, under certain conditions, have proportional effects (such as the alternative-vote system) or that are proportional but still have a majoritarian element (such as the single-transferable-vote system) advance conflict regulation by providing concrete incentives for candidate moderation across group lines. The principal problem with such systems is their complexity (either for voters or for understanding vote-to-seat formulae). However, sophisticated and complex electoral systems such as these may be effectively used in other decision-making fora, such as parliamentary elections for prime ministers or presidents.

If semimajoritarian or semiproportional systems can facilitate vote pooling, their conflict-regulating effects can be realized. In some instances, when group mutual security is of less particular concern, the plurality or simple majoritarian system is expected to be the most integrative electoral system. It should

also be kept in mind that majoritarian and proportional systems can be combined, such as Germany's double ballot system. As with PR, a critical issue is how the electoral system relates to the territorial division of power.

10. *Adopting ethnicity-blind public policies.* When there is no particular pattern of historical inequality or no clear economic base to group mobilization, an ethnicity-blind public policy approach may serve integrative aims. When the rights of a group are protected through essentially individual rights (of association and nondiscrimination), group preferences can be avoided and the principle of individual equality can emerge as paramount. Practices such as adopting a lingua franca and eliminating ethnic traits in the overarching national identity are examples of such conflict-regulating practices.

The ten conflict-regulating practices identified here are offered as a general menu that, when applied, may well have different effects under different conditions. As in any engineering enterprise, there are risks of unanticipated consequences. Moreover, some of these practices—such as grand coalitions—are extraordinary measures that carry significant risk. When a party withdraws or threatens to withdraw from such a coalition as a tactical move to extract compromises from other parties, a constitutional crisis can easily be precipitated; coalition governments can mean chronic political instability. Precisely because many conflict-regulating practices are sometimes extraordinary and inefficient measures, it is important to consider under what conditions power sharing may be appropriate and when it can have adverse effects.