



Building Democratic States after Conflict: Institutional Design Revisited

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Building States to Build Peace. Edited by Charles T. Call with Vanessa Wyeth. Boulder, CO: Lynne Rienner, 2008. 438 pp., \$24.50 paperback (ISBN-13: 978-1-58826-480-0).

Constitutional Design for Divided Societies: Integration or Accommodation? Edited by Sujit Choudhry. New York: Oxford University Press, 2008. 474 pp., \$100.00 hardcover (ISBN-13: 978-0-19-953541-5).

From War to Democracy: Dilemmas of Peacebuilding. Edited by Anna K. Jarstad and Timothy D. Sisk. Cambridge, UK: Cambridge University Press, 2008. 290 pp., \$29.99 paperback (ISBN-13: 978-0-521-71327-6).

Driving Democracy: Do Power-sharing Institutions Work? By Pippa Norris. Cambridge: Cambridge University Press, 2008. 306 pp., \$24.99 paperback (ISBN-13: 978-0-521-69480-3).

Few debates have engulfed the literatures of comparative politics and international relations for as long and as intensively as that between advocates of different schools of thought on how to build stable and democratic polities in divided societies. Especially when such societies emerge from often long and vicious conflict, the task is formidable at the best of times, and the track record of success patchy. The question, therefore, is which approach is the most promising to attain the twin goals of peace and democracy is not merely academic navel-gazing but of immediate and lasting relevance to the countries embarking on state-building after conflict and is, by extension, often also significant in its implications for regional and international security more broadly.

It is, thus, to be welcomed that scholars of political science and international relations, as well as relevant related disciplines, such as constitutional and international law, continue to engage with the issue of democratic state-building after conflict and that they do so in an increasingly constructive fashion. This is not to suggest that any of the enduring rivalries in the field of conflict settlement have been resolved, but rather that the debate has become more sophisticated in the conclusions it offers. This is partly because of the growing interdisciplinarity of the engagements (in particular the contributions made by legal scholars), and partly because of the richer empirical basis from which arguments are derived. All four books reviewed for this essay display these characteristics in one way or another and make important contributions to what remains an ongoing debate far from conclusion.

The existing literature on state-building more generally, and the four recent contributions to it reviewed here more specifically, do not dispute the importance of designing institutional frameworks within which disputes between different conflict parties can be accommodated such that political compromise becomes preferable to violent struggle. In fact, there is wide agreement that “it is [...] in divided societies that institutional arrangements have the greatest impact [and that] institutional design can systematically favor or disadvantage ethnic, national, and religious groups” (Belmont et al. 2002:3). Consequently,

while there is agreement that institutions matter because they can provide the context in which differences can be accommodated and managed in a nonviolent, political way, the existing literature on post-conflict state-building offers no consensus view about which the most suitable institutions are to achieve this. While much of the state-building debate (cf., for example, Noel 2005; O'Flynn and Russell 2005; Roeder and Rothchild 2005a; Taylor 2009) is consumed with normative and pragmatic arguments of the desirability and feasibility of consociational institutions in particular, the task of building democratic states after conflict is more wide-ranging, and the four volumes examined here properly acknowledge this in both their conceptual framing and empirical analysis. The first section of this essay will therefore explore what might be called a "task list" of post-conflict democratic state-building. At the center of this task list, and, perhaps more crucially, at the center of state-building as such is the design of the state's political institutions. Hence, inescapably, the question, as posed by Norris, do power-sharing institutions work, figures prominently in all four volumes. Section 2, consequently, weighs the different answers given by the various authors. A similar question is implicit in Jarstad and Sisk's and Call and Wyeth's volumes: are peacebuilding and democratic state-building in post-conflict societies compatible strategies? The third section of this review considers how different authors in this debate seek constructive and affirmative answers to the variety of dilemmas posed by the simultaneous requirements of peace maintenance and institution building. The review concludes with some observations about future research needs at the nexus of peacebuilding and state-building.

The State-Building "Task List"

All the volumes reviewed here acknowledge the complexity of the process of building democratic states after conflict and illustrate this in a variety of case studies. As Charles T. Call puts it in the conceptual opening chapter of his edited volume, the key issue is "the state and its relationship to peace" (Call 2008:2). As noted above, however, sustainable peace and sustainable states are related to each other within a broader context than merely the design of political institutions and their impact on society. Security, including the issues of disarmament, demobilization and re-integration of former combatants (DDR) and, linked to this, security sector reform (SSR), a functioning system of law and order, including questions of redress for past crimes, sound economic and fiscal policy, and the incorporation of local and civil society actors all form part of the state-building process and have an effect on both the nature of the state that is being built and the sustainability of peace within it. Put differently, there is a clear realization in the state-building and conflict settlement literature now that there are obvious "limits of constitutional engineering alone" (Norris 2008:220) in achieving peace after conflict. While Norris problematises this in relation to broader questions of development and the role of the media (see below), contributors to Call and Wyeth's volume offer detailed conceptual and empirical perspectives on a range of state-building tasks.

Rubin, for example, notes that security is more than just a state of affairs which individuals perceive, but that it implies a political claim of legitimacy, that is, "the transformation of coercion into security through the rule of law" (Rubin 2008:30). Security and political legitimacy are thus very closely connected: a post-conflict state's capacity to provide security will crucially determine its legitimacy, and vice versa the political legitimacy it has (in terms of elections, participation of key stakeholders and elites) conditions the degree to which security is seen by citizens as protecting them or as merely the continuation of conflict by other means. Moreover, as Rubin points out, coercive capacity, legitimized or not, is often in short supply, necessitating international provision which in turn might create problems because different domestic and

international actors do not share the same priorities (Rubin 2008:35ff.). This is quite obvious, for example, if one considers external actors' preoccupation with their own (national) security interests, such as the fight against transnational organized crime and international terrorism, with the interests of the states being rebuilt, and their elites and citizens, including, among others, fear of continuing political and criminal violence associated with the original conflict. As Reno demonstrates in the same volume, statebuilders need to consider carefully their options in this context—between confronting local power-brokers who may have provided a semblance of security in areas under their control during conflict and integrating them in the state-building effort. While the latter strategy of “integrating vigilantes and exclusionary sub-state groups into post-conflict orders...poses considerable problems,” such compromises have a historical record of aiding the “legitimacy of the new democratic order” (Reno 2008:159). Fortna (2008:62), Höglund (2008:97), and Söderberg Kovacs (2008:144), in their respective contributions to Jarstad and Sisk's volume, generally echo this sentiment, but point out that there is, of course, no one-size-fits-all approach to provide security. McGarry and O'Leary's case study of Northern Ireland (in Choudhry's volume), similarly, demonstrates the context dependence of treating security issues but also fills an important gap in traditional consociational literature, which, in its relatively narrow focus on political institutions tended to neglect “a number of crucial sectors in violently divided places, such as the design of the police and security forces; the handling of paramilitary offenders; demilitarization of both state and paramilitary forces; the interaction of former paramilitaries; ...and provisions for monitoring cease-fires” (McGarry and O'Leary 2008a:383).

Broadly speaking, the state-building literature recognizes the importance of security, and concomitant tasks such as DDR and SSR, for achieving democracy, but equally accepts that a narrow focus on security will not suffice in achieving democratic outcomes in the post-conflict state-building process. In terms of sequencing, “security first” is, therefore, by now an accepted paradigm of state-building (cf. also Paris 2004), but there is equally a realization that “security only” cannot succeed in achieving the twin outcomes of peace and democracy after conflict. Building effective structures and institutions of governance, implementing policies for economic development, and fostering the participation of civil society activists and the media in the state-building effort are part and parcel of the state-building task list which are ignored at state-builders' peril. As Carnahan and Lockhart, as well as Collier, observe in their respective contributions to Call and Wyeth's volume, a secure environment and international assistance are crucial factors to rebuild public finances, create a climate in which economic growth can be fostered, and gradually enable states recovering from conflict to become less aid-dependent and provide a range of public services that, in turn, will contribute to greater legitimacy of their institutional framework. McGarry and O'Leary in their two case studies of Iraq and Northern Ireland, respectively, note the traditional neglect that consociational theory has espoused toward economic reconstruction and the centrality of fair wealth sharing arrangements in institutional design (McGarry and O'Leary 2008a:383, 2008b:356). An equally important link between security and effective, legitimate state institutions is established by Belloni in his chapter on the role of civil society in post-conflict states in Jarstad and Sisk's volume. Noting that civil society organizations can “promote cooperation and trust among its members and society at large, but also...foment discord and violence,” Belloni finds that “the best avenue to favor the emergence and development of domestic civil society in war-to-democracy transitions is to strengthen the state by establishing stable and efficient social and political institutions” (Belloni 2008:187, 208).

Do Power-Sharing Institutions Work?

There is no escaping the reality that the nature of political institutions is at the heart of post-conflict state-building. Not only does the nature of institutions established determine which, if any, kind of democracy will emerge, but the political institutions that are built also are among the most significant factors to shape the outcome of post-conflict *peace*-building. If they are endowed with a sufficient degree of legitimacy across the former conflict parties, peace is more likely to be sustained over time. Hence, much of the debate in the existing state-building, democratization/transition, and conflict settlement literature centers on the question, so aptly phrased by Norris, “Do power-sharing institutions work?” While clearly important conceptually and philosophically, there is also an empirical urgency to this question that goes well beyond the often emotionally and ideologically charged controversies over power sharing: most peace negotiations, and a large number of actual peace treaties, are in essence about which share of power former conflict parties will retain, and thus about the degree to which they will be comfortable in a political process where decisions are no longer forced at gun point and determined by military might (and ruthlessness). Yet, this poses an obvious dilemma: negotiations, and settlements, to bring a conflict to an end are about just that, not about the building of a *democratic* state. I will return to this issue in more detail in the next section in more detail, but I now turn to the arguments for and against power sharing, and more generally in favor of one or another model of institutions.

The four volumes reviewed here, and their contributors, can be grouped into three categories: those who are deeply sceptical of power sharing as an appropriate tool of state-building, those who accept that it is a useful mechanism for a transition period after the end of the conflict, and those who are cautiously optimistic that power sharing offers a viable institutional model that allows conflict-torn societies to build effective, democratic state institutions.

The first category, made up of those who generally reject power sharing, comprises Jarstad (2008) and Ghai and Cottrell (2008). Jarstad’s criticism is conceptually narrowly focused on corporate consociations but extrapolates from their shortcomings into a broader rejection of power sharing more generally. Thus, the claim that “all power sharing systems have to settle the difficult issues of defining which groups should be represented and the share of seats for each group” (Jarstad 2008:127f.) is empirically not generalizable. It is true, to some extent, for the arrangements in Bosnia and Herzegovina (under the 1995 Dayton constitution) and Sudan (under the 2005 Comprehensive Peace Agreement), but not as far as other prominent examples of power sharing go, such as Iraq (2005 constitution), Northern Ireland (1998 and 2006 Agreements), or South Tyrol (1972 Autonomy Statute). These latter cases, among others, are essentially liberal consociational institutional arrangements (in the terminology of McGarry and O’Leary 2008a,b) which also represent a significant further development of power-sharing theory beyond Lijphart, who is Jarstad’s main reference point (cf. Jarstad 2008:110). Moreover, Jarstad’s reading and interpretation of existing literature in this field is hardly comprehensive, leading to such a stunning claim that “previous research on power sharing has underestimated the long-term negative consequences of power-sharing on both democracy and peace” (Jarstad 2008:106) as if there had not been a decades-long debate on the virtues, or lack thereof, of power-sharing arrangements.¹

¹Prominent contributors to the debate include Barry (1975a,b, 2000); Bogaards (1998, 2000, 2003); Horowitz (1985, 1990, 1991, 1993, 2008); Lustick (1979); contributions in Noel (2005) and in O’Flynn and Russell (2005); Reilly (2001, 2006); Wimmer (2003). For more recent manifestations of the debate see contributions in Taylor (2009), and Wolff (2007a, forthcoming).

Even if one leaves these shortcomings in the conceptualization of power-sharing aside, Jarstad's reservations about the long-term suitability of power-sharing need some qualification. First, the claim that "moderate actors are often excluded from a share of power" (Jarstad 2008:107) may be empirically true in a number of cases, but it is far more difficult to demonstrate causality here: especially in cases where power-sharing governments emerge from an electoral process, the fact that power is to be shared in the executive is at best an indirect cause of the success of hardliners (cf. Mitchell, Evans, and O'Leary 2009). Lack of popular support, Jarstad's (ibid.) second reservation, is also rather more context-dependent. In Bosnia and Herzegovina, for example, Serbs are strong supporters of the power-sharing arrangements created under the Dayton constitution, Bosniaks are more likely to advocate for re-centralization and integration, while Croats to some extent would like to see a different set of reforms, namely those that would give them a greater share of power at the state level than they currently have. Jarstad's (ibid.) claim that power-sharing necessitates external intervention in order to become viable and thereby minimizes local ownership is of significant substance. Heavy-handed international intervention and long-term presence may, indeed, not be conducive to building a locally legitimate democratic state after conflict, but as Sisk notes in the same volume, "extended commitments [by the international community] to war-torn societies need to be the norm, not the exception" if "bringing about lasting peace through democratization in societies shattered by war" is to succeed (Sisk 2008:257, 256). Jarstad's final reservation, that power-sharing "freezes ethnic division by group representation" (Jarstad 2008:107) has been well-rehearsed in the literature, but applies only to corporate consociations and thus cannot be generalized across the variety of power-sharing regimes established in post-conflict societies.

Ghai & Cottrell's critique of consociational power sharing, while drawing largely on the experience of Fiji, offers similar observations. It is less generalized in terms of the broader viability of power-sharing institutions, but it resonates well with some established critiques in their general concern, including the "degrading of human rights," the downgrading of "citizenship rights...in favour of group rights, with an emphasis of community and custom prevailing over the rights of the individual" (Ghai and Cottrell 2008:314). In the same way in which Jarstad acknowledges that "in many cases, the alternatives to power-sharing are worse" (Jarstad 2008:133), Ghai & Cottrell offer a significant caveat to their critique when accepting that it would be "difficult to tell how Fiji would have fared under a different kind of dispensation, one emphasizing a non-racial approach and providing incentives for cooperation across racial boundaries" (Ghai and Cottrell 2008:314). But perhaps such a counter-factual already exists in the consequences of the introduction of the Alternative Vote system (AV) in 1999 which resulted in the two most radical parties in each community (indigenous Fijian and Indo-Fijian) taking the largest share in every election since then. AV, generally hailed by centripetalists like Horowitz (1985, 2003, 2004) and Reilly (2001) as inducing moderation and cross-ethnic cooperation has clearly not functioned in Fiji as predicted by its proponents.² Having said that, this still leaves the question of whether non-power-sharing institutions would have led to more conciliatory political outcomes in Fiji. While Ghai & Cottrell cannot offer a conclusive answer to this question, their implicit endorsement of doing away with the corporate aspects of power-sharing in Fiji, especially the communal electoral rolls, is consistent with the critique that liberal consociationalists like McGarry and O'Leary, as well as centripetalists like Horowitz have leveled against corporate

²The broader debate on AV and the implications of the case of Fiji has been carried for the past five years by Fraenkel and Grofman (2004, 2006) and Horowitz (2004, 2006, 2008:1235-1236) but remains far from resolved.

consociational designs (cf. McGarry and O’Leary 2009a,b; Horowitz 1985: 566–576, 1991:167 ff.; Horowitz 2003:119).

The second category—power-sharing as a transitional mechanism—includes above all Sisk (2008), Murray and Simeon (2008), and Papagianni (2008).³ This approach is based on the realization that power-sharing, especially if internationally guaranteed, assures conflict parties that it is safe to commit to resolving remaining, and potentially new, disputes by political rather than military means. At the same time, however, the acceptance of power sharing as a transitional mechanism reflects concerns on the part of the advocates of this strategy that power-sharing in the long term may not be suitable for building democratic states. Equally, however, this approach is predicated on the assumption that it is in fact possible to make this transition from a period in which decisions are made in power-sharing institutions to one in which these institutions have been abrogated. Sisk (2008:254) sees two possible options. The first is a built-in sunset or expiry clause according to which power-sharing institutions are limited to a specific period of time after the conflict. Here the primary success case is South Africa, which is analysed in great depth by Murray and Simeon (2008), arguing that the Interim Constitution of 1993 not only provided for power-sharing in the period toward the eventual Constitution of South Africa agreed in 1996 but also included a set of constitutional principles to govern the negotiations of the Constitution, thus providing a double assurance to the parties that their essential concerns would not be neglected.

While South Africa provides empirical evidence that sunset clauses can work and maintain stability beyond the end of formal power-sharing arrangements, such agreements may not always be acceptable, especially to the politically weaker parties in such a deal. Sisk and Papagianni, in their respective contributions, offer alternatives. Sisk (2008:254) recommends “to encourage national dialogue processes on democracy that can allow for supplementary consensus building to occur outside formal institutions” and argues that “such dialogues have the benefit of creating consensus first on possible institutional or procedural reforms following which implementation of reforms can be less controversial.” In a similar vein, Papagianni (2008:63) sees instrumental value in transitional power-sharing arrangements beyond merely assuring weaker parties in peace settlements: “the goal of inclusion and elite bargaining in the transitional period is to secure the engagement of key political actors in the process and to channel differences among them through agreed-upon institutions and procedures.”

The third category—cautious optimism about the principal viability of power-sharing institutions—comprises predominantly Norris (2008) and McGarry and O’Leary (2008a,b). Sisk and Papagianni, as well as others accepting the necessity of power-sharing in post-conflict settings, albeit only in a transitional period, do so in part also because power-sharing settings are, in a sense, a safe way for formerly warring parties to “learn” democratic politics in an environment in which the consequences of the decision-making process do not create (permanent) losers and winners. They would still prefer that such “democracy-constraining elements of peace agreements such as power-sharing” (Sisk 2008:254) eventually wither away. There is nothing inherently permanent or entrenching in the kind of liberal consociational principles as advocated, among others by McGarry and O’Leary, and thus “withering away” is an

³In the wider literature, Philip Roeder and Donald Rothchild’s theory of power dividing also assumes the frequent necessity of transitional power sharing arrangements as a step toward democratic institutions without power-sharing arrangements (cf. Roeder 2005; Roeder and Rothchild 2005a; Rothchild and Roeder 2005a,b). Similarly, Horowitz (2007:1220) has observed that “[c]ivil wars [...] can sometimes be brought to an end with consociational arrangements, but the desirability and durability of such agreements are often in doubt.”

in-built *option* if circumstances change. This in itself is a significant advancement of consociational theory that goes to the heart of some of the more viable critiques of corporate consociational arrangements. Yet, there is another point worth making here. Sisk notes the “democracy-constraining elements” of power-sharing without specifying either how these constraints operate or what kind of democracy they constrain. It is just as, if not more, legitimate in the context of post-conflict, and more generally divided societies, to argue that majoritarian democracy (which is constrained by power-sharing arrangements) poses as much an obstacle to democracy in the sense that it is likely, and in fact probable, that without power-sharing arrangements non-majority communities will find themselves permanently disenfranchised, socially and economically excluded, or culturally discriminated against (none of which is conducive to peace-building). Rather than democracy-constraining, liberal-consociational power-sharing institutions would appear as democracy-enabling (as well as being conducive to peace-building).

Consequently, those cautiously optimistic about the principal, that is, long-term, viability of power-sharing as a form of democratic governance argue on the basis of empirical evidence that “power-sharing arrangements are the best chance of success for sustaining democracy” and “that reforms which promote and implement power-sharing constitutional arrangements should be more widely recognized as one of the most promising avenues to contribute toward lasting peace settlements and sustainable democracy” (Norris 2008:222, 223). Defining power-sharing regimes “as those states which are characterized by formal institutional rules which give multiple political elites a stake in the decision-making process” (Norris 2008:23), Norris conceptualizes four formal institutional features to measure the degree of power-sharing in any regime: the electoral system, the degree of horizontal concentration of power in the type of executive, the degree of vertical concentration of power in unitary or federal states, and the structure and independence of mass media (Norris 2008:5). In a well-conceived and executed research design, combining large-n quantitative analysis with small-n in-depth qualitative examination, she finds that power-sharing arrangements based on proportional electoral systems, leading to coalition governments, decentralization, parliamentary monarchies, and independent pluralistic news media “increase the probability of democratic governance’s succeeding even after controlling for factors such as economic development, ethnic heterogeneity, and colonial background” (Norris 2008:214). She is cautious, though, in one respect: not claiming “that power sharing will guarantee the end of prolonged conflict or prevent its future recurrence,” but rather that the chances of peace and democracy will improve under power-sharing arrangements (*ibid.*).

Norris’s findings are complemented well by the large body of writings by John McGarry and Brendan O’Leary, including their two contributions to the volume edited by Chaudhry in which they examine the power-sharing arrangements in Northern Ireland and Iraq (McGarry and O’Leary 2008a,b).⁴ Where Norris offers large-n quantitative analysis combined with paired case studies, McGarry and O’Leary examine the institutional design of two individual cases in great depth, while also offering more general insights into liberal consociational power sharing. What distinguishes their two cases is that for Iraq liberal consociation is a prescription for settling the multiple conflicts in this country, while for Northern

⁴Consociational power sharing is originally most prominently associated with Arend Lijphart (1968, 1969) who continued to remain a prolific contributor for the decades to follow (for example, Lijphart 1977, 1985, 1995, 2002a,b, 2004, 2007). Subsequent developments of consociational theory by John McGarry and Brendan O’Leary include McGarry (2006); McGarry and O’Leary (2004a,b), McGarry and O’Leary (2009a,b); O’Leary (2005a,b). For an overview of the history and contemporary manifestations of the power-sharing debate, see, for example, Wolff (forthcoming) and Wolff and Cordell (forthcoming).

Ireland it has become a reality since 1998/2006 that has offered significant promise for a stable and democratic political process in a post-conflict setting. Preceding from the assumption that individual and group identities in divided societies, especially those who experienced violent conflict, are “resilient, durable and hard,” liberal consociationalists seek group accommodation qua four (simultaneous) strategies: “(a) by involving all sizable communities in executive institutions provided they wish to participate; (b) by promoting proportionality throughout the public sector, not just in the executive and legislature but also in the bureaucracy, including the army and police; (c) through autonomy of either the territorial or non-territorial variety; and (d) through minority vetoes, at least in those domains the minority communities consider important” (McGarry and O’Leary 2008b:343). What superficially might appear as a refinement of classical consociational theory, as developed by Lijphart in the 1960s and 1970s (Lijphart 1968, 1969, 1977) is in fact a significant theoretical advancement derived from careful empirical analysis (see also McGarry and O’Leary 2004a,b; McGarry and O’Leary 2009a,b and O’Leary 2005a,b). Liberal consociation in this perspective combines different accommodation strategies, including also multiculturalist and territorial approaches to post-conflict statebuilding (cf. McGarry and O’Leary 2008a:369).

This is perhaps most obvious when it comes to what McGarry, O’Leary and Simeon refer to as territorial pluralism.⁵ The specific emphasis on territorial autonomy in consociational theory is an important innovation in itself, but becomes more significant in McGarry and O’Leary’s exploration of cross-border mechanisms and institutions of state-building as examined in the case of Northern Ireland (McGarry and O’Leary 2008a:375ff.). While the idea of regional integration as one possible avenue to accommodate minority groups in one state with significant affinity links to groups in neighboring states has been noted elsewhere in the past (for example, Danspeckgruber 2005; Nauc ler 2005), McGarry and O’Leary’s (2008a:375ff.), analysis of Northern Ireland offers a welcome attempt to integrate such approaches formally into the repertoire of liberal consociational theory, which has obvious (prescriptive) applicability to a number of cases: Cyprus, Kosovo, Transnistria, Kashmir, and Sri Lanka to name but a few.⁶ Moreover, McGarry and O’Leary’s two in-depth case studies, and the comparative references they make to a vast array of other consociational institutional designs in post-conflict settings, demonstrate that liberal consociation works best when its institutions are designed in an open and flexible way—open toward prescriptions not part of core consociational theory, and flexible in not casting in stone the exact share of power that pre-determined communities have in a state rebuilt after conflict. Pildes (2008:201) makes a similar point: “To the extent that democratic institutions being designed today must accommodate ethnic differences for practical reasons, institutional designers must avoid thinking only in terms of the structure of those differences at the immediate moment. The aim should be to accommodate those differences, while building in as much flexibility as possible to enable democratic institutions to be responsive to changes in ethnic identifications over time.” And this is, in different words, exactly the point about, and the major innovation of liberal consociationalism—to protect the interests and identities of self-determined groups, regardless of whether their basis of identification is ethnicity, religion, ideology, etc. The broader applicability of power-sharing institutions to societies in which differences of identity between groups have become politically salient is a useful corrective to a debate that has

⁵McGarry and O’Leary have developed this idea elsewhere in greater detail: McGarry and O’Leary (forthcoming). On the relationship between liberal consociation and territorial approaches to conflict settlement, see also Wolff (2009b) and McGarry and O’Leary’s response (McGarry and O’Leary 2009b:343–347).

⁶Northern Ireland is not the only case in which such mechanisms exist already. Other cases, which also in part confer paradiplomatic powers on sub-state entities, include, among others, Bosnia and Herzegovina, South Tyrol, Crimea, and Bougainville. Cf. Ilievski and Wolff (2009), Turner (2007) and Wolff (2007b, 2009a,b).

centered for too long on the viability of consociationalism to situations of ethnic conflict.⁷ Rather, as Norris points out, power-sharing arrangements “are also potentially important for countries deeply divided by types of deep-rooted civil conflict which are not ethnically based, such as the Nepalese peace settlement with the Maoist rebellion or an end to violence in Colombia between the state and outlawed armed groups and drug cartels” (Norris 2008:23).

Yet, conceptual relevance to one side, Norris, McGarry and O’Leary remain cautious about the likelihood of success under the difficult conditions that characterize most post-conflict settings, noting that “constitutions, even fair ones,... cannot guarantee peace” and emphasizing that “[p]eace requires not just a balanced constitutional order but a disposition on the part of all sizable communities to accept compromise” (McGarry and O’Leary 2008b:368). While the debate over whether power-sharing institutions work may, thus, not be resolvable at an abstract level of high generalization, it might be possible to resolve it on a case-by-case basis by examining which compromises are acceptable and over time sustainable in post-conflict state-building.

Peacebuilding OR/AND Democratic State-Building

While there is no universal agreement among the authors contributing to the four volumes reviewed here on the compatibility of peacebuilding and state-building, there is a tangible trend among authors who view them as compatible that the sources of such compatibility can be found in the flexible application of a wide range of different tools of state construction beyond the divides and sub-divides of integration and accommodation. These views are theoretically conceptualized in the work of Norris (2008), McGarry, O’Leary, and Simeon (2008), and Pildes (2008), and empirically best illustrated by Ejobowah (2008), and McGarry and O’Leary (2008a,b).

McGarry et al. (2008) give a comprehensive overview of different strategies of state-building in divided societies. Distinguishing principally between integration and accommodation—a distinction based on different underlying assumptions of the rigidity or fluidity of ethnic (or more generally group or communal) identities—they identify a range of different institutional preferences associated with either perspective, and differentiate integration and accommodation respectively from assimilation and secession. While the integrationist/accommodationist divide is clearly at the heart of the contribution by McGarry et al. (2008), they do not create yet another unhelpful dichotomy of thinking about state-building. Integration and accommodation as strategies of building democratic states in divided societies and after conflict share more common ground with one another than with either assimilation (which they both reject, especially its forced variations) or secession (which they also both reject, albeit by offering different alternatives). In other words, integration and accommodation aim at building stable and sustainable institutions in demographically diverse settings. Moreover, McGarry et al. (2008) also emphasize that there are important debates within the integrationist and accommodationist camps. Liberal, republican and socialist integrationists are driven by very different motivations in their efforts to establish homogeneous public identities, and go to different institutional lengths to achieve them. The intra-accommodationist debate is at its core the debate between centripetalists and consociationalists, yet there are also important differences between advocates of liberal and corporate consociational designs. Multiculturalism and territorial pluralism, the other two strategies of accommodation noted by McGarry et al. (2008), offer specific approaches to territorial and non-territorial self-governance,

⁷Jarstad (2008:110) makes a similar observation, overlooking, however, that of Lijphart’s four original European cases two (Austria and the Netherlands) were clearly not ethnically divided societies.

often as part and parcel of broader consociational and centripetalist designs, a point similarly emphasized by Norris (2008:5) who argues that territorial self-governance is an integral part of power-sharing institutions. The kind of disaggregation into different normative preferences and their corresponding institutions proposed by McGarry et al. (2008:70–71) is conceptually useful to understand the subtle and not-so-subtle differences between them. In turn, it offers an excellent framework for empirical investigation of specific cases.

Such theoretically-driven empirical analysis of institutional design is most obvious in Choudhry's well-organized volume in which most case study contributors find that real-world constitutions and peace settlements espouse a mixture of integrationist and accommodationist mechanisms. Case studies on Bosnia and Herzegovina, East Timor, and Afghanistan in Call and Wyeth's (2008) collection, while differently focused, also reflect to varying degrees this kind of "institutional mix", which is also echoed in the broader comparative work by Norris (2008), Jarstad (2008), Söderberg Kovacs (2008), Papagianni (2008) and Reno (2008).⁸ Empirical findings of such an "institutional mix," however, do not equate with a simultaneous viability of constitutions that try to bridge, for whatever normative or, more likely, pragmatic considerations among its negotiators and designers, theoretically well-grounded distinctions between different strategies of state-building. McGarry et al. (2008:71–84) examine different claims that integrationists and accommodationists make about the impact of specific approaches on stability (that is, peace), distributive justice, and democracy, finding that, while immigration may work in very specific circumstances (such as dispersed minorities or immigrant communities), accommodationist strategies, including liberal consociation, not only do not seriously harm the prospects of maintaining peace and building democratic states after conflict but also that it is "preferable to integration, and a workable and normatively acceptable alternative to partition or break-up" (McGarry et al. 2008:78). This broad generalization is echoed in several case studies in Choudhry's volume. Ejobowah, for example, finds that where Nigeria experienced constitutional failure it had its source in integrationist mechanism (Ejobowah 2008:246ff.). Bertrand's (2008) analysis of Indonesia similarly explains success and failure of conflict settlement in relation to integrationist and accommodationist strategies of state-building, while Tierney's (2008) examination of Scottish devolution indicates that accommodationist and integrationist devices can, under certain circumstances co-exist and promote, rather than undermine stability, distributive justice, and democracy.

Conclusion

The big theoretical and empirical question underlying most of the contributions reviewed here, as well as elsewhere in the literature, is what institutions offer the best prospect for peace and democracy in divided societies recovering from conflict. While not denying the obvious—that each case is individual and no one-size-fits-all institutional model is possible—the strengths and weaknesses of the volumes under review here point out several necessary and promising avenues for future research.

The first such avenue is in-depth comparative study of outcomes and the processes from which they originated to understand what drives different institutional bargains, identify crucial junctures in peace/constitutional negotiations, and offer recommendations about how outsiders can best assist local elites in achieving a deal that is broadly acceptable and holds the promise of keeping the peace and building a democratic state. This will require collaboration among

⁸Beyond the four volumes under review here, similar points have been made by Brancati (2009); Hartzell and Hoddie (2008); Weller and Metzger (2008); Weller and Wolff (2005); and Wolff (2008a,b, 2009a).

country specialists and experts in post-conflict state-building, including political scientists and constitutional lawyers to retrace carefully processes of constitution-making in order to understand individual cases and establish whether there are any regularities or trends underlying such processes that could be fused into more general conclusions about how different institutional outcomes are achieved. A second avenue of research could be further investigation into the conditions under which constitutions succeed in building democratic states in divided societies that are recovering from conflict. Again, the emphasis here should be less on large-n studies that often operate, by necessity, at a level of generality that is not conducive to understanding the how and why of constitutional failure and success. To be sure, statistical analysis is a valuable tool in the portfolio of social science research, precisely because it can identify broad trends that can then be investigated further qua in-depth case studies.

Alternatively, and this is the suggestion here, in-depth study of a few representative cases could inform the large-n testing of hypotheses generated from smaller-scale analysis. This second avenue would in particular benefit also from careful analysis of the more structural dimensions of post-conflict democratic state-building. For example, one might ask about the relationship between the geographic extent of a country, its geopolitical location, its internal political, social and demographic complexity and the chances of achieving a durable peace and sustainable democracy. Without being simplistic, Bosnia and Herzegovina, Sudan, Kashmir, and Sri Lanka are all confronted by different factors in each of these dimensions. Note that the implication here is not that some of these (and other cases) may be immune to peace *and* democracy, but that they may require a different mix of integrationist and assimilationist strategies. And this leads me to my final observation—the role played by external actors in the negotiation, implementation, and operation of the institutions of the states built in divided societies after conflict. With much invested by third parties in post-conflict reconstruction and a mixed track record of success at best, the question should not be whether external actors are to blame for failures that have occurred in the past, and are likely to occur again, but rather what interventions, by what actors, at what time, and with what resources and strategies can be linked to desirable outcomes of post-conflict democratic state-building. Even if answers to this question will again most likely be highly context sensitive, at a minimum we might learn more about the strengths and weaknesses that specific third parties have in dealing with the choices that are all too often seen as an either-or between the requirements of peace and democracy. To enable third-party actors to look beyond such a dichotomy would be valuable in preparing them better for the challenges of post-conflict state-building ahead.

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