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Institutional Design in Plural Societies: Mitigating Ethnic Conflict and Fostering Stable Democracy

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A fundamental challenge faced by many countries is the accommodation of ethnic and religious diversity (Diamond and Plattner 1994). Nations which are multi-ethnic in character but in which ethnic differences have been minimized in importance are commonly referred to as *pluralistic*. In contrast, *plural*, or "deeply divided," societies are those where politics is organized largely or entirely along ethnic lines, and two or more ethnic groups compete for power at the center of the political system. The potential for severe ethnic conflict is greatest in plural societies. In the worst case, in plural societies we may have civil wars between competing *ethnies*⁽²⁾ that are fought with genocidal fury, as in Rwanda. But even in pluralist societies there are many domains where ethnic conflict remains possible, even if it is confined to individual acts of intolerance or small scale protests or the occasional so-called "race riot."

In the post-WWII period, transnational migration, including an influx of people from former colonies (e.g., Algerians into France, Indians and West Indians into the UK) and international refugees (whose recent impact, relative to total population, has been especially marked in Scandinavia), has led to significant changes in the ethnic composition of a number of industrialized nations. Moreover, ethnic issues that had previously been kept off the political agenda (e.g., Quebec nationalism in Canada, Catalan nationalism in Spain, Scottish nationalism in the U.K.) have led to ongoing negotiations and/or major political reorganizations, including in many instances a large dollop of devolution/decentralization. In the U.S., changes associated with the Immigration Reform Act of 1965 and the Immigration Reform and Control Act of 1990 have led to a remarkable transformation of the ethnic landscape in the United States, with Hispanics soon to eclipse African-Americans as the nation's largest ethnically defined minority, and substantial increases in immigration from various Asian nations as well. Moreover, in "settler" nations such as Canada, New Zealand and the United States, long buried issues about land claims and other rights of "first peoples" reemerged.^{(3) (4)} In these and other pluralist nations, issues of national identity and of the meaning of citizenship have risen in political importance. Elsewhere in the world, the ending of colonial empires, including most recently the breakup of the Soviet Union, has created a multiplicity of states whose borders do not coincide neatly, or at all, with ethnic territorial boundaries, but where repressive former colonial regimes are no longer in place to suppress ethnic conflict.

In the study of the link between ethnic diversity and the prospects for democracy two key questions are debated: "Is democracy possible in plural societies?" And, if so, "What are the mechanisms by which democracy might be achieved/strengthened?" Students of ethnic conflict are deeply divided over the prospects for democracy in plural societies. One camp argues that, in plural societies, democracy is inherently unstable.⁽⁵⁾ In such societies, it is argued, conflicts over division of resources will inevitably be fought primarily along ethnic lines, and thus will be inherently unresolvable, especially if the ultimate question is "Who owns the state?".

Indeed, it can even be argued that democracy, or at least attempts at democracy, can exacerbate conflicts in plural societies. As Brendan O'Leary, Chair of the Political Science Department at London School of Economics, and an expert on Northern Ireland, observed in a panel broadcast on BBC radio in April 2000: "Democracy can cause conflict because it nationalizes territories, suggesting exclusive rights for one people, the Staatsvolk, the nation.. Unchecked democracy . can drive conflict." On the other hand, Sisk (1996: ix) observes that "democratic practices offer greater promise for long-term peaceful conflict management."

In this paper we will be interested in political arrangements in both pluralistic and plural nations, but almost all our attention will be on nations in the latter category. Our concerns in this paper are also limited in a variety of other ways. Our focus will be on the impact of ethnic conflict on the prospects for democratization, and conversely. Even more importantly, our discussion will deal exclusively with institutional arrangements that might facilitate inter-ethnic accommodation and/or might mitigate the importance of ethnicity for political decision-making so as to permit democracy to survive. Also, because the literature on ethnicity and ethnic conflict is vast, we will deal with many of the central issues in this literature (e.g. the debate about the extent to which ethnic identities are primordial in nature as opposed to manipulable at both the personal and the societal level, (6) and the debate about whether particular ethnic conflicts, such as that in the former Yugoslavia, could have been avoided) either not at all or only in passing. Similarly, we will only touch upon important questions such as when does ethnicity become politicized, or what are the conditions that lead from mere ethnic differences to actual ethnic conflicts (especially the likelihood of ethnic hostilities that lead to loss of life), or how can we best negotiate reduction in/reconciliation of ongoing ethnic conflicts. (7) Moreover, we make no claim to new major theoretical insights. Rather, we wish merely to provide a useful literature review based on a simple (2 x 2) typology of institutionalist approaches that is original with the present authors. (8)

Because we focus on institutions, a few words about how we view institutions are in order.

First we share with Madison and Hamilton the Federalist's assertion of the importance of political institutions and the notion that political institutions can be viewed as matters of explicit choices and tradeoffs.

Second, institutions may be thought of as either dependent or independent variables; sometimes used to explain and sometimes themselves in need of explanation (e.g., as to origins and continued existence). (9)

Third, when thinking about institutions as objects of choice, by and large, we share the view expressed in John Ferejohn's pithy observation (personal communication, 1981): "Preferences for outcomes condition preferences for institutions." In that context, we would emphasize how the power of different actors affects the choice of institutional rules. (10) Frequently institutions are merely crystallizations of societal power relationships. Of course, this is not always true. Like the vermiform appendix, some institutions (e.g., in the U.S., a bicameral legislature with two equally strong chambers) remain and have consequences long after the power relationships that brought them into being (e.g., concerns about the relative power of large states and small states) have little or no current importance.

Finally, sometimes, especially where there are sufficient aspects of (long-term) choice behind a veil of ignorance and/or non-zero sum problems of coordinating collective action, institutions are better viewed primarily as problem-solving mechanisms. Thus, unless we understand the nature of the problem(s) to which particular institutional solutions are being

directed, we are not likely to correctly understand the bases for the choices being made or the likely consequences of those choices.

This role of institutions as problem solving devices is neglected if we look at institutions as a set of norms or as a synonym for a set of game-rules, or if we view institutions as primarily naturally evolving entities rather than objects of choice. (11) Unfortunately, in what is the closest to definitive review of different theoretical approaches to the study of institutions, Crawford and Ostrom (1995), the problem-solving aspect of what an institution is all about is not even mentioned explicitly, despite its centrality in Ostrom's own seminal work on institutions to solve collection action problems for common pool resources. Moreover, even those economists or political scientists who see institutions as problem solvers tend to focus on only one kind of problem, e.g., how the organization of the firm provides a way to minimize transactions costs (Coase, 1937), or how choice of a particular k/n rule can solve the problem of balancing off costs and gains from collective action (Buchanan and Tullock 1962), or how institutions can solve the problem of cycling among multidimensional alternatives (Shepsle and Shepsle 1979; 1981). In contrast, earlier students of institutional design such as Madison and Hamilton, emphasized plural goals: In the Federalist, we see the notion that institutions can be the solutions to important problems: e.g., harnessing self-interest, preventing factionalism, assuring that choices reflect long-term perspectives that resist the passions of the moment.

Elsewhere, one of the present authors (Grofman 2000) has identified seven specific problems that constitutional arrangements might be directed to solving: to assure popular sovereignty, to prevent the rise of tyranny, to improve the competence of decision-making, to prevent corruption, to foster participation, to protect liberty, to strengthen the power of the polity to act collectively. (12) Here we are interested in institutions that can facilitate political stability within societies divided along ethnic or religious lines, within the context of democratic politics. (13)

Institutional Design and Ethnic Conflict in Plural Societies

In line with an insight of the noted sociologist Robin Williams (personal communication, February 2000), we believe it important to distinguish two bases for ethnic conflict: (1) fundamental conflicts over national identity, i.e., over "Who owns the state?", and (2) more focused conflicts over particular resources or competition for jobs (e.g., perceived unfair competition from immigrant Chinese vis a vis native Malays in the rubber business, or disputes about mineral or grazing or fishing rights).

For modernization theorists in political science, economic and political development is supposed to promote integration of ethnic groups based on national identities that override and displace "parochial" attachments (Almond and Powell 1966; Deutsch 1953; Huntington 1968). For Marxists, ethnicity has always represented a form of false consciousness that masks the class character of society; for them, to focus on ethnicity is to miss the "real" driving force behind political conflicts (Brown 1989). Similarly, economists who look at ethnic conflicts tend to view ethnicity as an epiphenomenon to "real" interests in which an economic calculus of greed is masked in the guise of ethnic conflict. For example, Paul Collier, of Oxford University, an economist who is presently Director of Research at the World Bank in Washington D.C., in the same April 2000 panel discussion broadcast on the BBC from which we have taken a previous quote stated: "A lot of rebellions are either directly motivated by looting of natural resources or are financed and sustained by looting of natural resources. If we look at Africa, we find a number

of rebellions, which are clearly related to diamonds. The recent rebellion in one West African country, as soon as the rebel leader was offered the Ministry of Natural Resources, he stopped the combat. He was getting what he wanted without having to fight for it."

However, it may not be possible to assuage ethnic conflict simply by bribing or otherwise coopting ethnic leaders, settling property rights disputes, or limiting economic competition between ethnies. Sometimes one group is seen by another as "polluting" by their mere presence or by virtue of the "heretical or blasphemous" nature of the ideas they espouse (Moore 2000). As Brendan O'Leary observed on the same radio program, in rejoinder to Collier: "Paul Collier's thesis that our conflicts are primarily about greed and resources rather than grievances or inequality should prompt the question 'Where are the diamonds in places like Northern Ireland or the Balkans?' Surely there, if not everywhere, what's at stake are group identities and insecurities, self-determination, sovereignty and allegiance."

A failure to reach an adequate political accommodation of how ethnic issues will be resolved may trigger the demise of democracy and/or the escalation of ethnic conflict. In societies that are ethnically divided, politics may be the continuation of war by other means. The dominant ethny (ethnies) may resort to undemocratic forms of governance to keep other ethnies in a subordinate position, and a government under the control of the dominant group may even institute (or at least do nothing to stop) an ethnically-based reign of terror directed against other ethnies.

Students in the camp who emphasize the strong impediments to stable democracy in plural society include not just the "usual suspects," i.e., anthropologists, sociologists, and other theorists who take a "cultural" perspective in which ethnicity is central to social identity, but Public Choice theorists who argue that ethnic resentments will be exploited by political entrepreneurs. Indeed, two noted Public Choice scholars, Alvin Rabushka and Kenneth Shepsle (1972) offer the clearest explication of why we ought to be pessimistic about the prospects for democracy in plural societies. In the Rabushka and Shepsle model (laid out in more detail in Appendix A), in plural societies, ethnic salience and ethnic outbidding undermine multiethnic cooperation and inevitably lead to nondemocratic, ethnically-exclusive states. The key difference between the Public Choice perspective on ethnic conflict and that of "cultural" theorists is that scholars with a more economic perspective tend to look closely at the structure of incentives (especially for elites), rather than regarding ethnic conflicts as completely foreordained. We shall be reexamining the bases for the Rabushka-Shepsle pessimism in the light of more recent work on incentive aspects of various specific features of constitutional design.

Pessimism about plural societies is empirically grounded in the large number of plural societies that have failed to sustain democracy, or suffered repeated lapses. An abbreviated list includes Burundi, Fiji, Guyana, Lebanon, Myanmar, Nigeria, Northern Ireland, Rwanda, Sri Lanka, Suriname, and Sudan, and now, of course, most of the parts of the former Yugoslavia.

Quantitative research that looks at the link between ethnic diversity and degree of democracy is generally consistent with the expectation of a negative relationship (Bollen and Jackman 1985; Diamond 1992; Hannon and Carroll 1981; Muller and Seligson 1994; Powell 1982). On the other hand, a few researchers, find no statistically significant linkage between the two variables once other factors are controlled for (Thomas, Ramirez, Meyer, and Gobalet 1979); and others, while recognizing the difficulty of achieving ethnic accommodation in deeply divided societies, reject the claim that stable democracy is impossible in such societies. In defense of their more optimistic appraisal, they point to plural societies that have achieved democratic accommodation (Austria, Belgium, Canada, India, Mauritius, the Netherlands, South

Africa, Switzerland, and Trinidad and Tobago). The case for at least partial optimism is bolstered by the fact that at least some of these plural societies lack the wealth (and substantial middle class) that are often held to be prerequisites of stable democracy. (14)

Those who hold out hope for democracy in plural societies are virtually unanimous in their belief that institutional design is the key to avoiding disaster, with constitutional engineering, particularly of electoral systems, treated as an important lever. (15) Prominent scholars of comparative politics (perhaps most notably Arend Lijphart) have asserted that *majoritarian political institutions*, especially *single member district elections* conducted under a first-past-the-post (plurality voting) rule and *presidential* (as opposed to *parliamentary*) systems, are not suited to plural societies and must be replaced. Because, in plural societies, ethnic issues are likely to be "trump" cards in the quest for votes, and radical outbidding on divisive ethnic issues is pervasive (Shepsle and Rabushka 1972; Sisk 1996: 32), majority rule in such societies often ends up in permanent control over the political process by the largest (or most war-like) ethnic group, and permanent exclusion of minority ethnic groups. The existence of a president, and the inevitable winner-take-all conflict for that office is also argued to be a factor that exacerbates ethnic tension, on the one hand, and provides a power base to the winner to use for ethnic subordination, as well (cf. Lijphart 1992; Linz and Valenzuela 1994).

This anti-majoritarian point of view is well summarized in the remarks of Brendan O'Leary (BBC Radio, April 2000): "Democracy is understood in two ways: consensually, the rule of as many as possible; or as majoritarian, the rule of the current largest number. Where majorities change frequently these rival understandings may not matter much, but where there are peoples with different ethnic allegiances, elections may become censuses, and majoritarian democracy an engine of domination and stored grievance - as it was in Northern Ireland for fifty years; and as it was in the Republic of Serbia when it included Kosovo."

The most prominent alternative to a majoritarian design is consociationalism (Lijphart 1968, 1969, 1977, 1991, 1996). Lijphart argues that stable democracy in plural societies requires power-sharing arrangements, where by *power-sharing* is meant "practices and institutions that result in broad-based governing coalitions generally inclusive of all major ethnic groups in society" (Sisk 1996: vii). To achieve this end, the most clearly articulated form of power-sharing arrangements (Lijphart 1977), *consociationalism*, has a particular constellation of institutional features as its hallmarks/defining characteristics: *grand coalitions* in parliament, *proportionality* rules for allocation of ministries and at all levels of government, *group autonomy* and *minority veto*. The consociational approach to democratic politics is one in which membership in discrete ethnic/religious/sociocultural groups is explicitly acknowledged, with a set of socially defined and governmentally recognized groups serving as the "pillars" of civic inclusion. Also, consociational arrangements for power sharing are based on arrangements for accommodation and bargaining among political elites. (16)

However, there is a fundamental dispute between advocates of communalist perspectives (of which consociationalism is perhaps the best known variant) and those of a more integrativist bent. Thus, there is dispute between those who propose electoral systems that could be expected to strengthen party elites in ethny-based parties and foster allocation rules based on ethnic identification versus those that wish to create incentives for pan-ethnic parties and/or candidates who make cross-ethnic appeals and/or to minimize the importance of ethnicity, *per se*, as a basis for allocation/redistribution of societal resources. Also, there is a cross-cutting dimension: the degree of importance to be attached to designing mechanisms affecting the nature of the

accommodations negotiated among political elites versus the need to affect the shape of broader social institutions and policies such as schools and language laws.

Even some who share Lijphart's lack of total pessimism regarding the prospects for democracy in plural societies question the wisdom of consociational arrangements. Among mainstream political scientists, the most forceful critic of consociationalism is Donald Horowitz (1985, 1991a, 1991b, 1993). Horowitz questions the consociational focus on accommodation at the elite level, and is concerned that consociational arrangements reinforce the importance of ethnic or religious cleavages. He argues for an integrative approach that seeks to deal with ethnic conflict potential through fostering political arrangements that will lead to bridging or transcending ethnic group differences. As laid out by Sisk (1996:5), the goal of the integrative approach is to structure politics in such a way as to provide incentives for inter-ethnic cooperation and the creation of pre-election coalitions between ethnic parties or broad multi-ethnic parties based on interests (e.g., region or common economic interests) that transcend ethnic identities.

Moreover, just as there is a dispute between advocates of communal and advocates of integrative approaches to mitigating ethnic conflicts, there are further divisions among those who advocate institutional solutions to mitigate ethnic conflict or reduce its political significance. In particular, even those who are sympathetic to the integrative approach do not have the same views about the specifics of choice among electoral rules. Horowitz (1985, 1991a, 1991b, 1993) has been rather insistent that the *alternative vote* is the best electoral rule to foster voting patterns and that will cross ethnic lines and parties that will have a multi-ethnic base. (17) In contrast, Reynolds (Reynolds 1999a; Reynolds and Grofman 1994; Reynolds and Reilly 1999) has argued for use of the *single transferable vote* (STV), (18) as have various authors familiar with its use in Northern Ireland (e.g., O'Leary et al. 1993).

Our discussion of strategies to foster democratic modes of accommodation/dispute resolution in plural societies leads us to four-fold (2x2) categorization, whose horizontal axis represents communalist vs. integrative perspectives and whose vertical axis is the degree of emphasis on institutional mechanisms that foster elite accommodations as compared to institutional arrangements that affect the society as a whole. (See Table 1.)

The argument over the merits of mass-centered vs. elite-centered approaches can be thought of in political economy terms as, at least in part, a debate about the optimal tradeoffs between (a) making changes in those aspects of the incentive structures that are most easily changed and (b) making changes where changes are likely to have the greatest impact. Most students of ethnic politics would agree with Suzanne Lohmann's observation (personal communication, December 1999) that "it is easier to change institutions than it is to change people." Yet, if we succeed in changing people, i.e., in leading citizens of a state to conceive of their self-interest in a different way or to see more commonalities between themselves and their fellow nationals regardless of ethnicity, this may have a far more profound effect on societal cohesion than negotiating elite deals that may, ultimately, come unglued (as in Lebanon, for example).

In contrast, the debate between integrative and communalist approaches to institutional design might seem to involve irreconcilable differences in principle, with no possibility of a middle ground. (19) In Lijphart (1984, 1999) political institutions are viewed as naturally tending toward one of the two polar ends of the majoritarian (Westminster) vs. consensus continuum; this classification subsumes that in Lijphart (1977), with consociationalism now taken to be a

particular form of consensual arrangements devised for societies with well-defined (and mutually exclusive and exhaustive) subgroup memberships.

Table 1. Categorizing Institutional Approaches to Fostering Stable Democracy in Plural Societies

	Institutions that perpetuate the importance of ethnicity but seek to minimize its negative consequences (communal institutions)	Institutions that seek to minimize the importance of ethnicity and/or foster a multi-ethnic character to the state (integrative institutions)
Mass-oriented	<p>Separate legal systems specific provisions for group rights</p> <p>Separate school systems ethnically- based allocative rules for jobs, etc. that draw on the norm of proportional representation</p>	<p>A legal system with a strong emphasis on individual rather than group rights political distributions that are not tied to ethnicity</p> <p>Requiring a single common language or requiring multilingualism of all citizens forbidding certain markers of group distinctiveness (e.g., the veil)</p>
Elite-based	<p>Ethnically rooted (territorial) federalism with considerable autonomy for subunits</p> <p>Mono-ethnic electoral constituencies (or, in the extreme, communal rolls) elite power sharing mechanisms (e.g., grand coalitions; minority veto, ethnically based political parties, or, in the extreme, ethnically designated office-holding)</p> <p>Electoral rules that foster centralized elite control (e.g., list PR) use of a parliamentary rather than presidential system</p>	<p>Forms of federalism that either do not coincide with ethnicity or that divide up ethnic blocs into multiple units so as to diminish prospects of ethnic solidarity</p> <p>STV in multi-ethnic constituencies (Reynolds & Reilly, 1999) the alternative vote in multi-ethnic constituencies (Horowitz, 1985)</p>

A somewhat different perspective in institutional design for plural societies can be derived from the views on constitutional political economy in the Calculus of Consent. (20) Buchanan and Tullock (1962) consider deviations from the pure majoritarian or pure consensus model as being deliberate attempts to reach a particular tradeoff between two competing goals: the ability of governments to reach decisions and the avoidance of negative consequences of those decisions for some members of a society. In the context of plural societies, it is easy to think of those who enjoy/suffer particular (positive or negative) consequences as being members of particular subgroups of the society. As Sisk (1996: 4) puts it: "A central challenge of managing ethnic conflict in the current era is to promote practices that successfully regulate competing group claims within a democratic framework." Thus, from the

Buchanan and Tullock perspective, it is natural to look for a mix of institutional mechanisms to deal with the problems confronted by plural societies, some of which will provide ways of strengthening the potential for collective action and others which will emphasize the protection of (group) rights/interests.

The "optimal tradeoffs" perspective on constitutional political economy in the Calculus of Consent is directly relevant too in considering some of the more specific issues in designing electoral institutions for plural societies. (21) In terms of this perspective, Buchanan and Tullock identify four basic features of the rules under which representation takes place. (22)

These four features can readily be thought of as ways to generate tradeoffs between consensus and majoritarian forms of conflict resolution.

Let N be the total number of voters; let n be the number of voters in a given constituency; let s ($= N/n$) be the size of the legislature. (23)

X_1 , the degree of agreement required to elect a representative, generally ranging from plurality to n/n (unanimity). (24)

X_2 , the degree of randomness in the specification of the constituencies from which representatives are to be chosen, ranging from maximally homogeneous constituencies (e.g., a "functional" form of representation such as election from within racial groupings or from occupational groupings, as the late Senator Paul Douglas once proposed in the 1920s) to a purely random assignment process.

X_3 , the degree of democracy, ranging from $1/N$ (dictatorship) to N/N (direct democracy).

X_4 , the decision rule for internal legislative decision-making, ranging from $1/s$ to s/s (unanimity). (25)

For Buchanan and Tullock (1962), the anticipated consequence of a given mode of representation on the magnitude of the sum of "external costs" plus "decision-making costs" is what determines an individual's preferences among alternative forms of representation, where external costs are the costs imposed on the individual by having choices made that affect him negatively, and decision costs are the costs imposed (transaction costs, perhaps also side-payments) as part of the process of reaching agreement. Each of the four variables above can be thought of in terms of its consequences for these two types of costs. For example, if we look at x_2 , as we move toward unanimity then we raise transaction costs and lower external costs. Similarly, if we have more than one parliamentary chamber, each with different modes of selection, then we increase the heterogeneity of the selection process and increase decision costs if the agreement of the two chambers is needed to pass legislation, while at the same lowering external costs by making changes from the status quo less likely.

For Buchanan and Tullock, the optimal set of rules is simply that in which the sum of "external costs" plus "decision-making costs" is minimized. Because choices that lower one of these two forms of cost tend to raise the other kind, Buchanan and Tullock emphasize tradeoffs between the two kinds of costs and complementarity across these variables, i.e., we need to look at the costs consequences of each choice in the context of the full institutional specification, that is, we need to look at "partial derivatives." Hence, the costs and benefits of a particular institutional choice can only be properly weighed in the light of the total institutional package. In the context of plural societies, as noted earlier, we may readily translate from the purely individualist language of Buchanan and Tullock to one where here we may think of (some of) those whose interests need to be protected as members of a particular ethnicity.

A potentially important implication of the Buchanan and Tullock approach is that it suggests "extreme solutions" (i.e., those in which all institutions are "of a piece" in terms of

which type of costs they are most concerned with minimizing) are probably unlikely to be minimizing of total cost (and thus optimal from the Buchanan and Tullock perspective) in that the gains to be achieved by bringing down one type of cost are likely to be paid for by raising the other type of cost to a very high level. Thus, "hybrid" sets of institutions may well prove more desirable than ones whose motivation is singularly in terms of minimizing one of the two types of institutional costs.

Before we turn to any further consideration of various of the specific mechanisms enumerated in Table 1 a few comments about the issues of secession/rectification of borders are in order.

The Secession/partition Option

'Self-determination' is the rallying cry of many aggrieved ethnic groups in every . region of the world" (Sisk, 1996: 1). In 1992 a study [commissioned by] the Carnegie Endowment for International Peace identified more than sixty states with active subnational movements seeking self-determination" (Sisk 1996: 1). Many of these groups were seeking their own state. Yet, as the political scientist, Samuel Huntington (1972; quoted in Sisk, 1996: 1) has noted, after the breakup of (colonial) empires into their component parts there has long been a strong opposition to further proliferation of nation states on the part of the major world powers. Some advanced industrial nations had minority populations with separatist leanings; to help keep the lid on at home they may have sought to keep the lid on secessionist (and even regional autonomy) movements abroad. Perhaps even more importantly, during the Cold War, any changes in national boundaries were feared as destabilizing, and those on different sides in a civil war or war for independence often sought allies from opposite sides in the Cold War.

In the U.S., of course, secession still brings up memories of the War Between the States (a.k.a. the Civil War). Among Yankees, at least, the movement to secede is associated with a desire to oppress minorities. But the strong bias among U.S. policy makers and academics against any further partition to create (more) ethnically homogeneous states has at least two other sources.

First, the U.S. is committed to the nation-state as a form of voluntary social contract, joining those with a commitment to freedom and not merely those who share ties of blood or culture. Everyone can become an American. Ethnically defined states do not leave open the possibility of choice. Moreover, the exclusivity of the "ethnic state" is thought likely to give rise to illiberal and even undemocratic policies -- policies that do not recognize natural rights and that are likely to lead to various forms of ethnic segregation, ethnic cleansing or even genocide. Here memories of Nazi Germany still shape policy preferences. [\(26\)](#)

Second, the partition of existing nations into ethnically defined segments will, if carried out to its "logical" conclusion, lead to the proliferation of mini- and micro-states. Such small-scale states are thought not to be economically viable. [\(27\)](#) And economic hardship is viewed as a near sure route to dictatorship, as well as a continuing push toward illegal immigration from these "basket cases" to the wealthier nations of the world..

Furthermore, despite clear language about "self-determination" in Article 1.2 of the UN Charter, there remains a strong "bias against secession in international law and practice" (Sisk 1996: 2). Still, recent events (including the end of the Cold War) have made secessionary movements at least somewhat more palatable (Sisk 1996:2). For example, the "clean" separation of Czechoslovakia into Slovakia and the Czech Republic, the so-called "velvet divorce," was

taken with equanimity in the West, largely because of the democratic way in which the sundering occurred and because the ethnic geography (and historic borders) allowed for partition without the gut-wrenching (and violence-ridden) movement of peoples that accompanied, say, the partition of British India into India and Pakistan. (28) Moreover, we are unaware of any argument contemporaneous with partition that the Slovakia and the Czech Republic would, separately, be any less democratic than Czechoslovakia as a whole was expected to be.

Sometime secession/partition might seem the only viable option. (29) Nonetheless, US (and UN) policy in the former Yugoslavia has exhibited remarkable naivete about the possibility of restoring a multi-ethnic character to various regions of that war-torn area and about the need to think about "rectification" of borders. (30) Certainly the Hutu-Tutsi conflict might have been mitigated by some form of ethnic partition, with an externally monitored exchange of both territory and persons (albeit complicated by the problems of specifying who is Hutu and who is Tutsi). An attempt at international mediation in Rwanda in the early 1990s was a failure. But, as far as we are able to tell from secondary sources, neither boundary adjustment nor movement of persons was "on the table" then (Kaufmann 1997: 297-298; Ganguly and Taras 1998: 241-244).

However, it is in large part a counsel of despair to think that moving borders or moving people are our only choices. There are simply too many different ethnic/linguistic groups for us to look to crafting of lines (or even movement of peoples) to be a viable solution to the "problem" of plural societies. Moreover, as Sisk (1996: 2) reminds us, "formerly internal conflicts may be transformed to international conflicts," as with India and Pakistan and the continuing controversy over the fate of Kashmir. Thus we now wish to turn to a consideration of some of the more important of the specific mechanisms proposed in Table 1 as means for mitigating ethnic conflict within existing states. We may think of these as a menu of options, but recall that, following Buchanan and Tullock (1962), we are reluctant to view institutional design as "either/or," e.g., designed exclusively with communalist aims in mind or designed to foster integration. Mechanisms of both types can coexist within the same political system, even if they fail to follow one or another "grand logic."

The discussion that follows in no way pretends to be exhaustive. We merely illustrate some of the cases where the mechanisms referenced in Table 1 have been put into use.

Territorial Federalism vs. a Unitary State

The American poet, Robert Frost, once proclaimed that "Good fences make good neighbors." (Frost, 1919). (31) Territorial mechanisms of various sorts may be employed to minimize contacts/conflicts between ethnies. While it might be thought that differences in patterns of ethnic concentration across wide territorial areas may be used as the basis for "natural" divisions into federal units, ethnic segregation is often "unnatural," i.e., fostered by both state and private action, (32) an extreme case of which would be the creation of ethnic "reservations." In such cases, "fencing off" is synonymous with oppression. In many settler states, "first peoples" were driven off valuable land and confined to reservations in less desirable parts of the country. (e.g., the Cherokee and Seminole being transported from Georgia and Florida, respectively, to reservations in Oklahoma in the 19th century, or apartheid-driven white South Africa attempting to force its black population into Bantustans occupying only 13 percent of the nation's land surface). (33)

Still "fencing-off" of ethnies via territorial federalism in settings where geography and ethnicity are highly coincident may be a sensible mechanism to maintain national unity in the

presence of strong ethnic and linguistic divisions. The model for a federal state is one in which the central government has responsibility for matters affecting the polity as a whole, e.g., national defense and foreign policy, while the states (and subunits within them) deal with more "local" matters. (34) Territorial federalism is commonly advocated as the constitutional design appropriate for plural societies -- at least in contexts where ethnies are geographically concentrated. For example, Donald Horowitz, on the same April 2000 BBC radio show from which we have taken earlier quotes assert: "I think there's very good evidence that a great many countries could benefit from federalism and regional autonomy. Regional autonomy and federalism started out in the post-colonial world as dirty words because they were thought to be latter-day versions of techniques that the colonialists used to divide and rule, but slowly over the decades many states have come to realize that there's real utility in bringing government down to lower levels where members of ethnic groups will have more of a say over their own destiny. We're slowly learning that." (35)

On the other hand, because federal arrangements are seen as concessions to (separatist) minorities that challenge the dominant ethny's perception of the nature of the state they may be strongly resisted. In Estonia, for example, with its large proportion (over 30%) of Russian "colonizers," native Estonians are unwilling to define the state in federal terms despite the geographic concentration of Russian speakers. Similarly, in Sri Lanka, history as "remembered" by the Sinhalese majority defines the Tamils as interlopers -- not entitled to a share in the state (Eller, 1999, chap. 3) (36)

At first blush there is little apparent relationship between a nation's degree of ethnic homogeneity (or even ethnic dispersion) and its likelihood of adopting federal arrangements: some federal nations are effectively mono-ethnic (e.g., Austria, Australia, Germany, Venezuela) or do not have ethnic divisions as the basis for territorial units (e.g., the U.S.), and some multi-ethnic nations are unitary in form (e.g., Mauritius, Botswana, Indonesia). Nonetheless, at least if we confine ourselves to long term democracies, a relationship between ethnicity and adoption of federal institutions does seem to emerge. As Lijphart (1999) summarizes the evidence, in long term democracies, federal arrangements are most common in societies that are geographically large and/or ethnically and linguistically diverse, while the vast majority of monolingual and mono-ethnic states are unitary in form. (37) India is perhaps the most striking example of a multilingual and multiethnic federal nation. (38) While the original division of India into states did not match that well with the linguistic divisions in the country, additional states were created along linguistic lines and there was also some realigning of state boundaries in the 1950s and thereafter (Brass 1990: 146-156). (39) Belgium (after 1993) and Switzerland also leap to mind. In both countries, language and territory tend to coincide and federal arrangements obtain.

Mono-ethnic Electoral Constituencies/communal Rolls vs. Multi-ethnic Electoral Constituencies

The greater the residential concentration of ethnic groups the harder it will be to create multi-ethnic constituencies. When there is virtually perfect residential segregation it may appear inevitable that we will end up with mono-ethnic constituencies. Still, in plural societies, if we are willing to allow for very large constituencies (in the limiting case the nation as a whole), or to engage in very creative gerrymandering, we can always create constituencies with substantial proportions of more than one ethny. However, we are unaware of any country that explicitly

mandates the creation of multi-ethnic constituencies. But, there are many countries where the opposite is true.

For example, in the U.S., as a result of recent constitutional interpretation of the Equal Protection clause of the 14th Amendment (added to protect the rights of newly freed slaves after the Civil War) and of language in the Voting Rights of 1965 and the 1982 amendments to that Act, race-conscious districting (involving the drawing of "majority-minority" districts) is mandated in situations where minority candidates of choice can be shown to regularly lose because of patterns of same-race voting and where there exists minority populations large enough and geographically concentrated enough to form the majority in a single member district (Grofman, Handley and Niemi 1992; Grofman and Davidson 1992; Davidson and Grofman 1994; Grofman 1998)

The extreme case of a mono-ethnic constituency is the *communal roll*, where only members of a given ethny may participate (Lijphart 1986), as in the Maori seats in New Zealand. Involving only a handful of seats, the Maori seats are relatively noncontroversial (although there have been proposals to do away with them). [\(40\)](#) In contrast, in Fiji, communal seats (and communal quotas) are much more controversial because what is at stake is who will control the state (Stockwell, 2001).

Ethnically Based vs. non-ethnically Based Party Systems

When territory and ethnicity coincide, at least some parties are likely to be ethnically based parties. There have been attempts to prevent the formation of ethnically-based parties, e.g., Nigeria's constitution had an explicit prohibition against such parties (Sisk and Reynolds, 1998: 37-54). [\(41\)](#) But such attempts are both anti-democratic and futile, since they may be circumvented by ethnically-based parties who officially organize around ostensibly non-ethnic issues. One of the more peculiar responses to the problem of ethnic-based conflict tied to the actions of ethnically-based party leaders came in Uganda. A June 29, 2000 referendum sponsored by President Yoweri Museveni was held on whether or not to make a multi-party system illegal, i.e., to endorse a "non-party" system. With 51% turnout, the referendum carried, with 90.7% of those voting expressing support! (Wasswa, July 3, 2000).

However, even if parties form on the basis of ethnicity, this need not be the whole story; there still may be mechanisms that allow for/foster cross-cutting cleavages. For example, in Belgium, while almost all parties are either Flemish parties or Walloon parties, by the 1980s most of the major parties can be viewed as language-based halves of a larger entity which is, at root, ideologically defined, e.g., the Greens have been split (since 1981) into a Flemish and a Walloon half (Ishiyama and Breuning, 1998: 123).

Majoritarian vs. Proportional Electoral Rules

In post-1994 South Africa, even though the ANC could have virtually eliminated any competitors if it instituted a majoritarian electoral system, it deliberately chose PR (Reynolds and Grofman, 1994) partly to reassure whites and partly because it was ideologically committed to the principle of inclusive representation.

Use of a Parliamentary rather than Presidential System

Several leading students of comparative politics (perhaps most notably Juan Linz) have argued that presidential systems are particularly pernicious in their potential for conflict, especially when coupled with constitutional arrangements that create rival centers of power. For example, ill-defined borders between presidential powers and those of the legislature can be continual irritants leading to political unrest and may trigger crises that lead to the end of democracy. These scholars call attention to the instability in presidential systems, signaled by phenomena such as the high probability of military or other coups (e.g., the self-coup by Fujimori in Peru). However, this point of view remains controversial, with some scholars (notably Matthew Shugart and John Carey: Shugart and Carey 1992) arguing, *inter alia*, that we need to take into account regional controls (a high proportion of all presidential regimes are in Latin America, as are a high proportion of all coups). Lijphart (1992) offers a collection of many of the most important essays bearing on this debate.

The same arguments that are used against presidentialism, *per se*, have been used to argue that presidentialism exacerbates ethnic conflicts. In particular, presidentialism implies a single powerful office that tends to generate a strong likelihood of winner-take-all competition between rival ethnies.

Elite Power Sharing Mechanisms

Grand coalitions

Sometimes the more comprehensive forms of power-sharing may be used only for transitional purposes. For example, in South Africa the transition from white rule took place under negotiated power-sharing arrangements that guaranteed every major (more than 5%) party with a proportional share in the governing coalition. This arrangement for a "grand coalition" was, however, only temporary (Sisk, 1995; Glickman, 1998; see also Johnston, 1994; Reynolds, 1994; 1999a, b).

Ethnically designated office-holding

Various countries have experimented with rules that specifically require that particular office-holders be of a given ethnicity or religion. In pre Civil-War Lebanon, there were power-sharing arrangements that made sure that not all major office-holders were from the same religious community. Similarly, conflicts between natives and "Indians" in Fiji led to a 1999 constitution that contained communal arrangements intended to provide guarantees of Fijian majorities in the legislature regardless changing demographic realities (Lal, 1999), (42) with 23 of the 71 seats reserved for native Fijians and only 19 for those of Indian descent.

In general, in our view, fixed quota rules are unlikely to prove stable. The problem with such rules is that they often attempt to preserve a particular status quo against changing demographic realities. Maintaining them almost invariably means refusing to permit new censuses to take place. The arrangements in Fiji, for example, have proven short-lived and the use of the alternative vote there did not have the desired consequences. In 1999, the Fijian Labor Party (FLP) not only won all 19 of the Indian communal seats but it also won 18 of the 25 geographically defined "open" seats (each filled using the alternative vote), thus controlling a majority (37 of the 71 seats) in the Fijian legislature. (43) The FLP leader was Indo-Fijian, and assumed the position of prime minister -- outraging some ethnic Fijians and leading to a

successful coup (initiated in May 2000) by a group advocating a Fiji for the Fijians policy and arguing that existing constitutional arrangements failed to provide sufficient guarantees of native Fijian political control.

We are much more optimistic about a feature of designing the British-Irish Accord of 1998 (the "Good Friday" agreement) about the future of Northern Ireland that generated political inclusion without the need to treat religious identification as the sole touchstone of political identity in Northern Ireland and without attempting to freeze into place a particular (and otherwise temporary) balance of power. The "trick" used was to require minimal representation for various parties, but to define those groupings entitled to special representation not by the religion of their supporters/representatives but by the policy positions they espouse (pro-Union, anti-Union, other). (44)

Another intriguing and unusual feature of the "Good Friday" accord that we wish to call attention to because of the potential for its adoption in other settings is the mechanism the Accord specifies to determine the allocation of ministries across parties. After the prime minister (and associate prime minister) positions are allocated, the remaining ministries are determined by using the d'Hondt rule for proportional representation. However, the rule is used to do more than just determine what proportion of the ministries each party will be entitled to -- a share proportional to its share of seats among the parties in the governing coalition. The *sequencing* aspects of d'Hondt are used to determine which party would get the first seat, which the second, etc. (45) The party that is entitled to the first seat gets first pick of the ten ministries. The party that is entitled to the second seat gets second pick among the nine remaining ministries, etc. The first use of this mechanism worked smoothly (O'Leary, 1999). (46)

To see how this sequencing works, we observe that any method for proportional representation that can be characterized as a divisor method (Balinski and Young, 1982) can be characterized by a unique vector of divisors (d_1, d_2, d_3, \dots). These divisors are (1, 2, 3, ...) in the case of Jefferson/d'Hondt, and (1, 3, 5, ...) in the case of Webster/Sainte Laguë. If there are m seats to be allocated, and the i th unit (or party) has a population (vote) share of p_i , the m highest quotients of the form p_i/d_j determine how many seats each geographic unit or party receives (Rae, 1971). For example, if 3 of the m highest quotients have p_1 in the numerator, then unit one/party one gets exactly 3 of the m seats.

Consider, for example, the allocation of 7 seats among 3 parties, with vote shares of 47%, 32% and 21%, respectively, as shown in Tables 1a and 1b. Here the d'Hondt and Ste. Laguë rules give us different allocations.

Table 1a: Illustration of d'Hondt Divisor Rule (elect 7)

D'Hondt divisor	party 1	party 2	party 3
1	.470	.320	.210
2	.235	.160	.105
3	.157	.1007	.070

Table 1b: Illustration of Ste. Laguë Divisor Rule (elect 7)

D'Hondt divisor	party 1	party 2	party 3
1	.470	.320	.210
3	.157	.107	.070
5	.094	.064	.042

The seven highest entries (highlighted in bold) in Table 1a give us three seats for party one, three seats for party two, and one seat for party three under d'Hondt; in contrast, for Ste. Laguë, while we again get three seats for party one, we now get two seats for party two and two seats for party three. If we arrange the ratios, p_i/d_j , from highest to lowest, the allocation of the m seats can be thought of as occurring in a particular sequence. If we are allocating seats to political parties, the party associated with the highest quotient from the set p_i/d_j can be thought of as being given the "first" seat; the party with the second highest quotient can be thought of as getting the "second" seat; etc. From this insight, it is easy to think of generalizing this sequencing rule to the allocation of non-interchangeable units, e.g., ministerial portfolios. Now, the party associated with the highest quotient from the set p_i/d_j can be thought of as being given the "first pick" of ministerial portfolios; the party with the second highest quotient can be thought of as getting the "second pick" among the set of (still open) ministerial portfolios; etc.

For the data shown in Table 1a, under d'Hondt, party one gets the first, third, and sixth picks; party two gets the second, fifth, and seventh picks; and party three gets the fourth pick. For the Sainte Laguë allocation rule, as shown in Table 1b, in contrast, party one gets the first, third, and sixth picks, while party two gets the second and fifth picks, and party three gets the third and seventh picks. In this example, different aggregate allocations lead to different sequencing under d'Hondt and Sainte Laguë; however, O'Leary, Grofman, and Elklit (work in progress) show that, even if the PR allocations are identical under two divisor rules, the sequencing need not be.

Minority veto

By requiring more than a simple majority or imposing especially complicated procedures, something very close to a minority veto may be implemented. For example, the transition phase of South Africa's transition to democracy imposed supramajoritarian requirements for certain kinds of decisions (Sisk and Reynolds, 1998).

Constitutional protection of rights

Many states have constitutions whose provisions regarding rights (or federal arrangements) either cannot be amended or that require super-majorities or popular referendum. In the 1999 Fijian Constitution, various quite specific safeguards pertaining to native Fijian rights and customs are written in. Moreover, amendment of these provisions required supermajorities in parliament (3/4ths approval) and with the concurrence of the Council of Chiefs (Lal, 1999; Stockwell, 2001). Similarly, amendments to rights provisions of the new Spanish constitution require a 2/3rd vote of both chambers, and automatically dissolve parliament if passed, with the proposed amendment submitted to the people for ratification by amendment (Stone Sweet 2000: 59). Writing unamendable provisions into a constitution is also not unheard of. For example, it is a relatively little known fact about the U.S. Constitution that the provision that each state must have at least one representative in the U.S. House cannot be amended." [\(47\)](#)

Citizenship and Language Policies

Lijphart (1999: 196) observes that, although the Swiss Federation has four official languages, 22 of the 26 cantons (and half-cantons) are officially unilingual, only three (Bern, Fribourg, and

Balais) are bilingual, and even the most linguistically polyglot (Graubünden) has only three official languages. In Belgium, the "natural" division of the country is three-fold, a Flemish-speaking area, a French-speaking area, and a bilingual area around Brussels. Nonetheless, in both countries, school policies encourage/require basic literacy in more than one language. In Spain, too, linguistic divisions are largely territorial in nature. A series of recent decisions there has given legitimacy to Catalan, whose speakers are concentrated in Catalonia. In a number of economically developed countries (e.g., Luxembourg, *par excellence*), virtually all citizens are, at minimum, bilingual, and many under the age of 40 are trilingual (with English as an additional language). In contrast, in Canada, while the central government has been committed since the 1960s to a policy of promoting bilingualism throughout Canada, this has been countered by Quebec insistence on French monolingualism in that province -- the province in which the vast bulk of French speakers are located.

Many countries permit schooling in a "native" language alongside schooling in the "official" language of the country, and often such provisions are constitutionally embedded. In some countries the state takes responsibility for providing such instruction. In the U.S., for example, the Supreme Court held in the 1970s (in an important and still controversial decision) that students have a constitutionally protected right to be taught in a language that allows them to learn, such as their mother tongue.

When bilingual education is seen as compromising language learning in the "official language," it is often the subject of backlash. In the U.S., "bilingualism" in the form of Spanish language instruction has been called for by some Hispanic activists, with the main pedagogical arguments being that instruction of particular topics in one's native language speeded learning and that grammatical skills developed in learning one's native language would carry over to acquisition of other languages. While there was little general resistance to "transitional bilingualism," when it appeared that some schools were requiring bilingual education for students for whom it had no compelling educational justification, and Spanish language instruction was being continued throughout the schooling process as a form of "cultural preservation" rather than being viewed as temporary, with bilingual education serving a secondary role as a jobs program for Spanish speaking teachers and paraprofessionals (a portion of whom were effectively monolingual), given the poor performance of Hispanic students on standardized exams, the backlash was great. In California, in particular, there was a recent successful referendum to end (non-transitional forms of) bilingual education.

More generally, the growing presence of large numbers of people whose English language skills are minimal to nonexistent, symbolized in the public mind by the large influx of Spanish speakers to the U.S. (a large number of whom are in the U.S. illegally) has led to a number of campaigns for making English the official language of various states (most often states with large foreign born populations), and for making English the official language of the U.S. as a whole. (The U.S. does not have an official language; and one state, New Mexico, is officially bilingual.)

Similar phenomena are found throughout the world. For example, in post-Soviet Bulgaria, where Article 36 of the 1991 Constitution guarantees that "citizens whose mother tongue is not Bulgarian shall have the right to study and use their own language alongside the compulsory study of the Bulgarian language," demands by the Turkish minority for "the recognition of Turkish as an official language [in addition to Bulgarian]. . . have enraged xenophobic Bulgarian nationalists." (Ishiyama and Breuning, 1998: 25)

In many countries some level of demonstrated competence in the "official" language is required for an immigrant seeking citizenship. Sometimes this language requirement is used as a barrier to limit naturalization; often it is used as a litmus test of a willingness to "assimilate." It plays both roles in parts of the former Soviet Union where there are "leftover" Russian-speakers.

In Latvia, for example, knowledge of spoken Latvian is required as a prerequisite of naturalization. In 1994, Latvia also sought to set quotas on naturalization that would dramatically slow the rate at which Russians living in that country could gain citizenship. However, protest from within and outside the country led to an elimination of the quota, and in 1995 the language provisions of the citizenship law were further eased to allow those who had obtained language instruction in Latvian only schools or schools with Latvian language classes to automatically satisfy the language competence requirement (Ishiyama and Breuning, 1998: 95). [\(48\)](#)

Discussion

Even if one believes that institutional solutions can mitigate ethnic conflict and foster stable democracy, the fact that such mechanisms exist does not mean that they will be adopted. Shepsle and Rabushka (1972) warn about the incentives for elites to engage in ethnic outbidding; even the much more optimistic Sisk (1996: xiii) warns about the likelihood that there will only be certain brief windows of opportunity. [\(49\)](#) On the other hand, integrative solutions may take decades before they shift political attitudes and reduce ethnic tensions, and there may be sparks that trigger ethnic conflicts long before these integrative solutions have had an opportunity to work. Gurr (1993) has identified 275 "politically significant" ethnic groups, in the "Minorities at Risk" project that he headed. Fifty-seven of the 275 groups were in open rebellion, with 21 fighting medium- to large-scale guerrilla war, like the KLA in Kosovo (2000b).

Still, not all plural societies fail. Democracy has been multiply interrupted in Fiji and nonexistent in Guyana, but there have been clear democratic successes in Mauritius and Trinidad. Perhaps most importantly for optimism, India, despite a period of presidential rule under Indira Gandhi, clearly deserves to be labeled a democracy. Indeed, Lijphart (1999) treats it as one his 36 major long term democracies.

In the view of Stockwell (2001), democracy in plural societies depends upon the existence of cross-cutting class cleavages that mitigate ethnic divisions and the actions of ethnic elites who pursue inclusive, multiethnic coalitions and policies that promote relative equality in representation, appointments, and distribution. He emphasizes the choices made by ethnic elites in deciding whether or not to pursue a policy of multiethnic inclusiveness or ethnic exclusion. In addition to these social structural/class and elite-driven explanations of the democratic successes and failures of plural societies, here we would add the importance of good institutional design. [\(50\)](#)

But, alas, there does not seem to be a single royal road to success, nor does there even appear a royal road to failure vis-a-vis institutional design. Democratic success in Mauritius and Trinidad has been based on modified majoritarian institutions. Thus, power sharing is not a necessary condition for ethnic accommodation and relatively stable democracy in plural societies. Democracy has succeeded in Mauritius and Trinidad to the extent that it has [\(51\)](#) because cross-cutting class cleavages provided the foundation for moderate, nationalistic ethnic elites to pursue inclusive, multiethnic strategies, which mitigated the centrifugal force of ethnicity and contributed to the development of civic (national) identities that tempered ethnic attachments and deepened commitment to the democratic process among all ethnic groups. [\(52\)](#) Moreover, Fiji,

which possessed semi-consociational arrangements and made use of the alternative vote, illustrates that even attempts to mix integrative and communal solutions may not overcome historical feelings of displacement generated by ethnic in-migration.

Still, we do not wish to end on a negative note. Roughly 80% of the ethnic groups identified in Gurr (1993) only pursued "ordinary" politics ,or at most engaged in non-violent protests such as mass demonstrations, to achieve their goals. For example, it was through ordinary politics that Inuits in Canada were given their own territory (Gurr, 2000b). Also, we would call attention to the incredibly complex yet very well-thought out institutional design aspects of the British-Irish Agreement of 1998 for Northern Ireland (O'Leary 1999). In the end, this agreement may not work, but at least it offers hope. [\(53\)](#)

APPENDIX A

The Rabushka and Shepsle (1972) Model

The plural society perspective is grounded in the work of J.S. Furnivall (1948) and M.G. Smith (Kuper and Smith 1969), but its most systematic application to understanding the problem of achieving democracy in plural societies is Alvin Rabushka and Kenneth Shepsle's (1972) *Politics in Plural Societies: A Theory of Democratic Instability*. Writing in the early 1970s, and trying to explain why a large number of African and Asian plural states failed to maintain democracy following decolonization in the 1950s and 1960s, Rabushka and Shepsle make three simplifying assumptions regarding ethnic preferences. The first is intracommunal consensus: "the members of an ethnic community perceive and express preferences about political alternatives identically. Thus all members may be represented by identical 'ethnic preference functions'" (67). The second assumption is intracommunal conflict: "...ethnic communities are in disagreement on all issues that face the collectivity" (67). The third assumption is perceptual consensus: "alternatives are viewed according to a perceptual frame common to all actors...[A]mong the various communities, and especially among elites, there is agreement as to what constitutes the set of available alternatives. Moreover, how these alternatives benefit or harm each community is readily apparent" (69).

Rabushka and Shepsle (1972) construct a five-stage paradigm to demonstrate why democracy is inherently unstable in ethnically-divided societies. The first stage (pre-independence) is marked by elite-level interethnic cooperation. Throughout this period, ethnic differences are submerged by colonial rule (a common enemy) and common aspirations for independence, which explains the early successes of African and Asian democratizing states (74-5). It is during stage two (post-independence) that strains begin to develop in the multiethnic coalition over the distribution of resources. Politicians respond by generating demand for national issues (e.g., development) and remain intentionally ambiguous on communal issues (76-80). If they do this successfully, the multiethnic coalition remains in power.

Stage three (the early period of democratic rule) marks a critical turning point in the democratization process. The state's ability to manage the pressures created during this stage determines whether or not it spirals into a deeply divided society or evolves to become more pluralistic in orientation. During this period, national issues lose their salience, politicians "fan the flames" of ethnic chauvinism, and ethnic appeals made by outbidders strain the unity of the multiethnic governing coalition (80-2).

According to Rabushka and Shepsle's theory, multiethnic coalitions can not be sustained during stage three because of the actions of outbidders. Outbidders are ethnic entrepreneurs who adopt extremist ethnic positions designed to advance the interests of a particular ethnic group. The success of outbidders depends on their ability to convince ethnic group members that ethnic extremism is necessary to protect the group from domination by other groups. If their appeals resonate, then outbidders can pressure moderate ethnic leaders to become more extremist by accusing them of "selling out" their ethnic group. If the ethnic appeals of outbidders do not find a receptive audience, then outbidders will have little impact on the direction of politics in plural societies.

Rabushka and Shepsle suggest that, in most plural societies, outbidders are successful in pushing ethnic elites toward more extreme ethnic positions. The force that underlies their success

is the ever-increasing salience of ethnicity. It is during stage four, when ethnicity becomes the defining political division, that the governing multiethnic coalition disintegrates. In plural societies that have become hyper-ethnicized (where ethnicity defines all political matters), multiethnic appeals no longer find an audience. Ethnic elites have difficulties cooperating with each other when forced by outbidders to mend fences in their ethnic communities. When ethnic elites can no longer appeal to multiethnic constituencies, they end up falling back on ethnically-based parties, which furthers the "security dilemma" inherent in a situation of low social trust and intense ethnic division.

During stage four, ever-increasing ethnic salience, the divisive impact of ethnic outbidders, the consolidation of ethnically-exclusive parties, and the breakdown of trust and cooperation among ethnic groups inevitably leads to the creation of an ethnically-exclusive state, where public goods become the preserve of the advantaged ethnic group and ethnicity the criterion for their distribution. The state's inability to insure the nonexcludability of public goods reinforces ethnic attachments and drives a spiral of deligitimation. Individuals seek out alternative sources of public goods and bases of statehood in their ethnic community. In a vicious cycle, ethnic communalism breeds attitudes of illegitimacy that reduce the states' effectiveness and thereby contributes to greater illegitimacy (82-6).

For Rabushka and Shepsle, the creation of an ethnically-exclusive state inevitably leads to the fifth and final stage, where democracy collapses and ethnic conflict ensues. Given ever-increasing ethnic salience and deepening ethnic divisions, the actions of outbidders, and the breakdown of multiethnic parties, ethnic movements emerge that demand total control over the state. Driven by concerns for communal self-preservation, ethnic elites exploit the state to secure and maintain ethnic group advantage. Democracy collapses because the temptation for majorities to enhance their power and minorities to seize power by nondemocratic means is overwhelming. The end of democracy is ushered in either shrewdly, through the exploitation of voting rules and methods of representation, franchise qualifications and vote counting, and gerrymander, or blatantly, through disenfranchisement, jailing opposition leaders, deregistration of political parties, forced emigration, militarist interference, and violent intimidation (86-8).

In addition to empirical support, (54) an obvious strength of the above approach is its delineation of process. By identifying key stages in the democratization process, it focuses our attention on critical junctures and forces that operate to bring about nondemocratic outcomes. Nevertheless, a critical weakness of plural society theory is the fact that it predicts only one outcome: instability and the end of democratic rule. Therefore, plural society theory cannot explain successful democracy outcomes. For example, it cannot explain how Mauritius and Trinidad (defined as plural societies by Rabushka and Shepsle) have managed to sustain stable democratic rule since independence.

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Endnotes

1. Prepared for delivery at the University of Messina Conference on "The Political Economy of Institutional Development, September 14-17, 2000. Portions of this paper draw heavily from the unpublished Ph.D. dissertation of the second author. We are indebted to Clover Behrend for bibliographic assistance and the first-named author is indebted to helpful conversations over the years with Arend Lijphart, but the views expressed in this paper are solely those of the authors.
2. We use the term "ethny" to designate groups that are viewed both by themselves and by non group-members as having a defined identity that allows members of the group to be clearly distinguishable from other citizens in terms of genotype, or phenotype, or language, or religion, or other cultural markers. This terminology is common in the sociological literature on ethnicity (personal communication, Robin Williams, February 2000).
3. In Canada, in 1999, 20% of the country's land was used to create a new territory Nunavut, for first peoples -- with a considerable measure of self-governance and control over the area's rich natural resources for the 22,000 Inuits who reside there (Gurr, 2000). This land area is rich in natural resources, so the decision to turn its resources over to native control did not come easy.
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5. To observers concerned with the expansion, consolidation, and deepening of democracy around the world, the second half of the twentieth century presents a mixed picture. On the positive side, more states than ever before have made transitions to democracy (Huntington, 1991). The recent wave of democratization has seen the end of dictatorships in Greece, Portugal, and Spain; democratic openings in Eastern Europe associated with the end of the Cold War; and births and rebirths of democracy in Africa Asia, the Pacific, as well as North and South America. These developments support a cautious optimism about the prospects for the furtherance of human rights, increased economic development, and peace. But there remain a large number of states securely locked in authoritarian rule-- half or more depending on how lenient a definition of democracy is used. Also, many democratizing states subsequently reverted back to authoritarianism. Moreover, most democratic transitions remain frail, unstable, and restricted; and many face severe economic and social problems that make democratic consolidation highly unlikely (Diamond 1999; Huntington 1996; Schmitter 1994; Sorensen 1998).
6. An immense amount of energy has been spent on the "primordial" vs. "constructed/ instrumental" debate about the meaning of ethnicity. The use of the term "primordial" to refer to ethnic and kinship attachments that are thought to be virtually impossible to change and providing fundamental social identity is commonly attributed to Shils (1957). Eller (1999: 78-79) suggests that primordial theorists attribute three features to ethnicity: apriority, ineffability and affectivity. *Apriority* means that ethnicity is "just there, ascribed or founded upon characteristics that individuals are born into and cannot deny." *Ineffability* means that "primordial ethnic givens are inexpressible, inexplicable, overpowering and coercive in their social force." *Affectivity* emphasizes "the essentially emotional nature of ethnicity (with constant reference to ties, bonds, attachments and sentiments)." For primordialists, the combination of these aspects of ethnicity makes ethnicity something whose effects can best be thought of as "irrational or at least nonrational." Some primordialists even offer a sociobiological basis for the intensity of ethnic attachments (van den Berghe, 1967).

7. Thus, in the terminology of the Carnegie Commission on Preventing Deadly Conflict, we are interested in aspects of "structural prevention," rather than in the "immediate operational tasks to defuse a crisis" (Hamburg and Solomon, 1996: xviii). Important treatments of many of the general theoretical issues involving ethnic conflict include Smith (1981), Horowitz (1985), Montville (1991), McGarry and O'Leary (1993), Sisk (1996), Brown (1997) Eller (1999) and Gurr (2000a).

8. Our typology has a strong resemblance to that in Sisk (1996: x-xi), but we have added a second dimension to better structure the discussion about alternative perspectives.

9. I take this point from discussions with Edwin Winckler (personal communication, 1996). See Grofman (1999a) for further elaboration.

10. This perspective is closely related to that common in the political economy "new institutionalist" literature, in which institutions are viewed as game-theoretic equilibria, but we would pay far more attention to considerations of political, military and economic power and considerably less to formal definitions of equilibrium than most game theorists do.

11. There are many variants of new institutionalism in addition to that familiar to economists. While the narrative historical approach, with its emphasis on institutions as organic growths whose understanding requires "thick description," tends to be insensitive to our view of institutions as problem solvers, there is a sociological literature on organizations that includes the "garbage can model" of Cohen, March and Olsen (1972) in which problem solving is key, but this literature also tends to emphasize nonsystematic and unanticipated consequences of organizational choice and to emphasize the ways in which preferences are shaped by institutions more than the ways in which institutions are shaped by preferences (March and Olsen, 1989).

12. Grofman (2000) matches these problems (not intended to be an exhaustive list) with institutional solutions offered by three different schools of thought: the classic Athenian approach to direct democracy, the Madisonian approach to representative democracy, and contemporary Downsian and neo-Downsian approaches. Each of these traditions tends to address only some of the seven problems identified above.

13. One of the present authors is completing a dissertation that involves a comparative analysis of ethnic conflicts and democratization in Fiji, Guyana, Mauritius, and Trinidad (Stockwell, 2001).

14. In its classic articulation, Seymour Martin Lipset (1959: 75) writes, "[t]he more well-to-do a nation, the greater the chances that it will sustain democracy." High levels of wealth provide resources that mitigate the tensions produced by political conflicts. Economic development brings about higher rates of literacy and education, urbanization, and the development of mass media, factors conducive to democracy. A large number of empirical studies have generally supported Lipset's thesis (Diamond 1992; Lipset 1994). The strength of the association led Robert Dahl (1971: 65) to conclude that it is "pretty much beyond dispute" that the higher the socioeconomic level of a country, the more likely that it would be a democracy. However, one of the present authors (Grofman) has work in progress casting doubt on this conclusion: arguing that the degree of inequality in the distribution of wealth (and related factors such as levels of citizen literacy) are more important in predicting sustainable democracy than mean GDP per capita. *per se* (cf. Bollen and Jackman, 1985).

15. However, even scholars who disagree with what my colleague, A Wuffle (personal communication, April 1, 1999), has referred to as the "doom and gloom" view of the potential for democracy in plural societies would be likely to recognize the importance of other conditioning factors: perhaps, most notably, overall economic productivity and growth, degree of income inequality across ethnic groups, and the

demography of ethnicity -- with highly fractionalized plural societies generally regarded as having more hopeful prospects for democracy than those in which there is a single dominant ethny and one (or more) major contender(s). For example, work by one of the present authors, Stockwell (2001), argues that there are two critical factors can operate in plural societies to prevent the consolidation of a unidimensional ethnic politics. The first is demographic/socioeconomic, and has to do with the existence of cross-cutting class cleavages that mitigate the effects of ethnicity, by providing the material basis for ethnic elites to forge and sustain multiclass and multiethnic coalitions and strategies. The second is the actions of ethnic elites themselves. Also, students of international relations (see e.g., Ganguly and Taras, 1998) have looked at the role of external (uninvolved) players in either helping to resolve or helping to exacerbate ethnic conflict (consider, for example, the present role of the United States in Northern Ireland vs. past U.S. involvement in ethnic conflicts in parts of Africa, such as Mozambique, that became proxies for Cold War conflicts between the U.S. and the Soviet Union).

16. We take the key distinction between power sharing and majoritarian approaches to be the former's emphasis on consensus and full inclusion. We take the key elements of consociationalism to specify a particular form of power sharing (cf. Sisk, 1996: 5-6).

17. Under the *alternative vote*, best known for its use in Australia (Wright, 1986; see also various essays in Bowler and Grofman, forthcoming), voters must rank order their preferences for candidates. If no candidate receives a majority of first preference votes, the candidate with the fewest first preference votes is eliminated and, for those ballots where she was first choice, votes are reallocated to the next candidate on the voter's list. This process continues until some candidate receives a majority of first-place preferences.

18. The *single transferable vote*, also know as the *Hare* system (and, in Australia, as the *Hare-Clarke* system) requires that voters must rank order their preferences for candidates. If there are m seats to be filled and n voters then winning candidates much receive a *Droop quota* of votes (the greatest integer bound of the quotient $n/(m + 1)$). If no candidate receives a Droop quota of first preference votes, the candidate with the fewest first preference votes is eliminated and, for those ballots where she was first choice, votes are reallocated to the next candidate on the voter's list. This process continues until exactly m candidates have received a Droop quota, or until the pool of eligibles is down to as many candidates as there are seats remaining to be filled.

19. Sisk (1996: ix) refers to this dimension as the "integrative versus consociational" dimension. We prefer the term 'communal'--viewing consociationalism as a particular form of communal arrangement.

20. Parallels between the perspectives of mainstream political science specialists on democracy such as Arend Lijphart and the approach in Buchanan and Tullock are discussed in Grofman (2000).

21. This book is rich in ideas about institutional design, but despite the fame of the book, a number of these ideas have largely been lost sight of in subsequent research. In our discussion we draw primarily on chapters 15-17 in Calculus, in our view the most neglected section of the book. Most of these chapters heavily reflect the ideas of Gordon Tullock.

22. Grofman (2000) suggests that four variables not directly considered by Buchanan and Tullock in Calculus are especially good candidates for addition to their select list of key representational variables: equality of treatment of voters, committee structure within the legislature, ease of constitutional amendment, and degree of legislator/legislative accountability. In addition, the domain of governmental action, a central concern of the early chapters in Calculus in our view, ought, we think, to be explicitly identified as one of the key variables in determining an optimal form of representation.

23. For convenience we may let N , n , and k be odd.

24. Buchanan and Tullock suggest this variable can take on values as low as $1/n$. These would be minoritarian processes of selection such as use of, say, the d'Hondt list PR method, with its *threshold of exclusion* for a national election of $1/(s + 1)$. (Grofman, forthcoming).

25. Contrasts in approach between Buchanan and Tullock and Lijphart can be overdrawn. For example, Lijphart (personal communication, 1995), is also concerned about interaction effects, e.g., the interaction between the first and third of the variables in Buchanan and Tullock (1962), and takes the view (following the line of argument of John Stuart Mill, as elucidated by Duff Spafford (1985) that PR is a more truly majoritarian institution than plurality (see discussion of this point in Grofman, 2000).

26. 0 Even Israel remains suspect when Americans are reminded about the second-class status of its Arab citizens and its theocratic self-definition. Only the notion that Israel has been at war with its Arab neighbors (and the despotism of those neighbors) has served to (partially) shield Israel from the natural preference for "universalism" among American intellectuals. (This preference for universalism is widely shared among the academics who write about ethnic conflict, regardless of their country of origin. For example, a book on the Baltic states by several Danish social scientists (Norgaard, 1996: 188-220) takes Estonia and Latvia to task for failing to integrate the substantial number of Russophones living in those nations, without any recognition of the perspective of the "natives" that the Russians came there only as "occupiers," who lived in Russian-speaking enclaves without ever being part of the "nation."

27. We would note, that in today's "wired world," with the widespread use of English as a lingua franca, and the remarkable economic success of states such as Taiwan and Singapore, claims about the economic non-viability of very small states seem much less plausible than they once did. But to pursue this topic would take us too far afield from our central concerns in this paper.

28. On the other hand, secession may be chosen even if a compelling case for it cannot be made. In Czechoslovakia, for example, while potential ethnic conflicts were avoided by the famous "velvet divorce," many area specialists regard this as an outcome which was driven more by the relatively self-serving motivations of Czech and Slovak political elites than by strong voter preferences for an ethnically based separation of the two parts of the country.

29. As Brendan O'Leary put it in one of his comments on the 1999 BBC radio program from which we have previously quoted: "If borders cannot be adjusted, peoples may be adjusted instead - through genocide or expulsion."

30. Paul Collier, on the 1999 BBC Radio program from which we have previously quoted, observes: "Raising the question of borders with me is of course like a red rag to a bull in a sense because I argued in 1992 onwards in Yugoslavia that you would never get a resolution until you opened up the regional borders of the former Yugoslavia. Simply making their regions international borders and claiming that they were now independent countries could not resolve the basic fundamental problems that lay beneath it, and it was a great mistake not to do that. I argued publicly and even more strongly privately, well before the Kosovo war, that there was a deal available to exchange part of Bosnia-Herzegovina, that part round Pale which has simply not become integrated at all in Bosnia-Herzegovina in exchange for letting go the Kosovo Albanians."

31. The most extreme form of such a fencing-off of ethnies is, of course, ethny-based partition. This was attempted by the British in dividing British India into (primarily Hindu) India and (almost entirely

Muslim) Pakistan -- with the latter nation having non-contiguous borders that eventually resulted in a successful secession movement that split west and east Pakistan into Pakistan and Bangladesh.

32. 0 In many countries, ethnic territories are "defended" by tactics ranging from legal enforcement of restrictive covenants to the cross-burnings, beatings and lynchings carried out by "white-hooded" self-proclaimed protectors of ethnic purity or their latter day equivalents, to (militarized) state-sanctioned ethnic cleansings.

33. As Muir (1975: 103) observed: The Bantustans are best interpreted in a political rather than an economic context, and the authorities hope that they will create an illusion of Bantu independence [and] reduce the dangerously high levels of Bantu in the four major South African cities." According to Muir (1975: 103), it was anticipated that "new industries will be established in white towns bordering the Bantustans, and that the Bantu, leaving their families behind, will live in segregated satellites where they will be deprived of political rights."

34. However, as Morton Grodzins, one of the leading students of U.S. federalism, once observed: Responsibilities across units in federal systems more nearly resemble a "marble cake" than a "layer cake," (Grodzins, 1963) i.e., domains of responsibility tend to overlap rather than be clearly assigned to either central or state units. Also, we must be careful about reading too much into designations of states as unitary or federal. For example, the Soviet Union purported to be a federal state, yet operated in a centralized manner; the United Kingdom, even before recent devolution of authority to parliaments below the Westminster level, although classified as a unitary state, had in place (albeit suspended) provisions for home rule for Northern Ireland and permitted a separate legal system in Scotland.

35. For more general discussion from a Public Choice perspective of the reasons for choosing federal arrangements see Mueller (1996: chapter 6).

36. For example, the Ceylon Citizenship Act No. 18 of 1948 deprived all Indian Tamils of citizenship in Ceylon, even if they had been born or had lived for a long time on the island (Eller, 1999: 124).

37. See Lijphart (1999: Table 10.1, p. 189).

38. But India also has majoritarian electoral rules and certain provisions that allow the central government to assume local power in "emergencies."

39. Of course, the plethora of linguistic groups and their geographic dispersion makes it impossible to create "one language, one state" federalism in India.

40. Also, Maoris may choose whether or not to participate in the communal roll or be enrolled in a geographically-defined constituency.

41. For more general discussion of the Nigeria case see Diamond, 1991; Nnoma, 1995).

42. Many countries, including those not commonly thought to be communal in character, use proportional allocation rules that implement a kind of "spoils system" --either formally (as in the Netherlands rule for TV time), or informally (as in the Italian practice of reserving government jobs for those nominated by party representatives of the various parties, in a fashion that was roughly proportional to party strength).

43. In addition, there were 3 communal seats reserved for groups other than native Fijians and Indians, and 1 seat for Rotuma.

44. For details see O'Leary (1999). For discussions of the background to the British-Irish accords see McGarry and O'Leary (1990), O'Leary and McGarry (1993, 1996), O'Leary et al. (1993).

45. In the 1999 BBC Radio Program from which we have previously taken material, Donald Horowitz observes that a constitutional framework should structure incentives and, at the same time, "leave open an area of uncertainty about exactly how those are going to be pursued.." This sequencing rule for proportional allocations has that feature.

46. The London School of Economics political scientist, Brendan O'Leary, who has served as an adviser to the Labor Party on Northern Ireland was the first to suggest this mechanism (O'Leary et al., 1993) although he proposed using the Sainte Laguë method rather than that of d'Hondt. Subsequently, he (and one of the present authors) learned that this exact mechanism was not original with O'Leary but had actually been used since the 1950s in allocating ministerial offices to parties in local governments in Denmark (O'Leary, Grofman, and Elklit, manuscript in progress).

47. "Rights provisions in the German constitution are considered to be possessed of 'supraconstitutional' status, a natural law position" (Stone Sweet, 2000: 59).

48. 0 Many western scholars have criticized the insistence on language competence in the "official language" as a prerequisite for naturalization in countries like Latvia and Estonia as "illiberal" and "undemocratic."

49. When "ethnic conflict is at a nascent stage of tensions, parties may be unwilling to embrace power-sharing practices because they are not sufficiently desperate [for solutions]" (Sisk, 1996: xiii), or because they see their own side triumphing at relatively little cost to themselves." At a late stage of conflict, after significant violence, enmities may be too deep for parties to share power for mutual benefit" (Sisk, 1996: xiii).

50. For example, according to Stockwell (2001) democracy has failed to take clear hold in Fiji not only because insufficient cross-cutting class cleavages among Fijians militated against multiethnic strategies, but because ethnic Fijian elites sought to achieve exclusive Fijian control over the state. Similarly, he argues that democracy failed in Guyana despite the existence of cross-cutting class cleavages because ethnic elites, locked in a power struggle, pursued strategies of ethnic exclusion that provoked ethnic conflict.

51. 0 There remain important discontents among darker-skinned citizens in both Mauritius and Trinidad. In Mauritius, skin color matters even among Afro-Mauritians, in that discontent is greatest among the Africans who are locally referred to as having "no milk in their coffee," i.e., darker-skinned blacks. Discontent among this group was evidenced by rioting in 1999 following the death in police custody of Kaia, an Afro-Mauritian reggae singer. Afro-Creoles felt marginalized and excluded from three decades of economic growth. They remain the most economically disadvantaged group in Mauritius (News Report on Mauritius, "The World" National Public Radio, February 25, 1999). Similarly in Trinidad, Afro-Trinidadians (especially those of darker skin) feel that they remain marginalized economically and socially. Demonstrations of discontent came with the Black Power movement of the 1970s as well as the Muslimeen insurrection of 1990 (Stockwell, 2001).

52. 0 Democracy in Mauritius is aided by the fact there is no single majority bloc: the native population is in the minority and the Indian population is divided among Hindus and Muslims. (The country is 68.0% Indo-Mauritian, 27.0% Creole [African Creole, Coloured Creole], 3.0% Chinese and 2.0% White [Franco-Mauritian]. Mauritians are largely tri-lingual, speaking French, English and a nativity language .) In Trinidad, there is also arguably no single majority bloc (The country is 40.3% Indo-Trinidadian [East Indian or Indian], 39.6% Afro-Trinidadian [African, Black], 18.4% Mixed [Coloured, Doogla, etc.], and 0.6% White, 0.4% Chinese, and 0.7% Other.)

53. We may think of this agreement (in the spirit of the Oliver Wendell Holmes poem) as a "wonderful one hoss shay." It may last for a long time or it may fall apart early, but if it is implemented it is likely to be implemented "all of a piece." Remove one part and the whole may collapse.

54. This model appears to be supported by the large number of plural societies that failed to maintain democracy and avoid ethnic conflict from the 1950s to the present. For example, it describes Guyana's democratization process quite well: ever-increasing ethnic salience created a unidimensional politics based on deep ethnic divisions; Guyanese elites played the ethnic card, contributed to increased ethnic salience, turned away from multiethnic accommodation, and constructed an authoritarian regime based on ethnic exclusion and repression (Stockwell, 2001).