

## Consociationalism

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All constitutions tell a story of the political community and a story of the regime (Nicolaïdis 2012, pp. 250–251). The story of the political community specifies who is included within the community, what political values and commitments citizens are expected to hold, as well as their rights, duties and perhaps some mention of historical legacy. The story of the regime outlines the institutional framework, the values upon which it is based and how it is expected to relate to the political community. This chapter will be concerned with societies where a central part of the story of the political community is that of deep diversity, while a central part of the story of the regime is the recognition and accommodation of this diversity by institutional means.

Deep diversity refers to a society divided by differences that are salient enough to consistently polarise groups over time in ways that make governing together difficult or, to quote John Stuart Mill (1977 [1861]), ‘next to impossible’. Put differently, a political community is characterised by deep diversity when the differences between well-defined groups are strong enough to risk destabilising the political system. While societies with a particularly entrenched ideological cleavage on the traditional left-right scale have been identified as cases of ‘extreme polarisation’ (e.g., post-war Italy; Bogaards 2005, p. 504), the paradigmatic cases are forms of identity and belief systems that are less amenable to change and persuasion than those associated with political ideologies. Examples include countries segmented along racial, religious, ethnic, and/or linguistic lines (e.g., Belgium, Bosnia, Lebanon).

The varieties of instability that deeply diverse regimes threaten range from extreme difficulty in forming governments and making collective decisions to civil unrest and, at worst, civil war. A regime that seeks to address its problems of deep diversity in a *just* manner will typically give an important role to the value of equal recognition (Patten 2014). However exactly the meaning of equal recognition is defined (see De Schutter, this volume for various accounts), it will typically involve the affirmation that no group constituting the political community’s deep diversity is superior to another, regardless of the nature of their identity or beliefs, or indeed their relative size as groups. Such recognition is generally institutionally expressed by ensuring

some form of adequate political representation and safeguards to protect the fundamental interests of the core conflicting groups in the political community.

In some societies, a federal polity has been adopted as a (partial) solution to the problem of deep diversity. This involves the devolution of powers to territorially concentrated social groups with salient common identities in addition to a fair scheme of representation for these sub-federal units at the federal level (see Stephen Tierney, this volume for an account of federalism). Belgium (since 1994) and Canada (since 1867) are two powerful examples of the federal model.

Consociational regimes are different to, but not incompatible with, federal regimes. Their defining goal is social and political stability in a manner consistent with democratic values, while the unifying feature of the means to achieve that goal is the pursuit of measures that protect salient social groups (or segments) from blunt majority rule, especially in areas of particular concern for those groups. The problem of stability is central to consociational theory (Lijphart 1977, p. 1; McGarry and O'Leary 2009, pp. 47–69). Indeed, consociational theory's original progenitor, Arend Lijphart, has repeatedly underlined that the main goal of consociationalism is to show that it is possible to build and maintain peace and a 'stable' democracy in contexts of 'deeply divided societies' (Lijphart 1996, p. 258). As such, it stands in sharp contrast to theories that suggest that multi-ethnic countries are doomed to instability (e.g., Mill 1977 [1861]; Rabushka and Shepsle 1971). But can a consociational regime become sufficiently stable over time?

In this chapter, we claim that, despite its mission to secure social and political stability, consociations are themselves inherently unstable regime-types. We make our case in three steps before concluding with some reflections on an alternative to consociationalism, namely centripetalism.

In the next section, we define consociationalism and its ambiguous relationship with constitutional theory. Following this, we explore how the value of recognition is central to consociationalism and, as such, serves to structure the place of other democratic values within the consociational regime. The way in which recognition tends to be prioritised in consociations, we argue, results in democratic deficits that provide some of the resources to actors who would seek to challenge the regime from within. In the penultimate section, we build on this account, explaining that consociations are inherently unstable in the sense that they face the permanent risk of evolving into regimes dominated by the majority, or into a spiral of progressive disintegration. This brings us to the concluding section where, without making prescriptions, we outline the contours of the centripetal approach to the problem of political stability caused by deep diversity. The latter approach 'eschews consociational formulas and, instead, advocates institutions which encourage inter-communal moderation by promoting multi-ethnic parties, crosscutting electoral incentives and intergroup accommodation' (Reilly 2012, p. 260). In other words, the aim of centripetalists is 'to create incentives, principally electoral incentives, for moderates to compromise on conflicting group claims, to form interethnic

coalitions, and to establish a regime of interethnic majority rule' (Horowitz 2014, p. 5). Even though there could (or should) be certain complementarities between the two approaches in the real world (see Bogaards 2019), it is important to note that, from a theoretical (ideal-type) viewpoint, centripetalism is not a sub-type of consociationalism but, rather, its main competitor in the contemporary literature on constitutional design for deeply divided societies.

## I DEFINING CONSOCIATIONALISM

A consociational regime is typically defined in terms of four core features (Lijphart 1969, 1977, 1996). First, the main segments of the society should, via their representatives, share power in the executive. Second, these segments need self-rule, generally speaking but especially in certain policy areas that are especially salient. The segmental autonomy can be both territorial (most notably via federalism) and non-territorial. Third, the principle of proportionality should guide decisions regarding the distribution of seats and resources. In particular, each segment should have (with regard to their population numbers) a proportionate share of seats in parliament and public administration. Consociationalists firmly believe that the former is to be achieved via an electoral system based on proportional representation. For the latter, the most straightforward tool is the adoption of formal or informal quotas. Finally, the fourth feature is minority veto. The idea here is that the first three features are necessary but still not sufficient to protect minorities, if the majority is determined to impose its will without taking into account the concerns of minorities. Typically, the veto right does not extend to all policy domains but regards only vital minority interests (e.g., the language rights of a linguistic minority).

While there have been some controversies on the exact definition of a consociational regime – for instance, critics have claimed that its key concepts have been defined with 'vagueness and elasticity' (Andeweg 2015, p. 693; see also Halpern 1986; Dixon 2012) – the general account we have provided has been standardly deployed since Lijphart first identified consociationalism as a distinctive way of organising a regime (Lijphart 1968). Furthermore, it should be underlined that the four core features of consociationalism represent an ideal-type institutional model with both descriptive and normative dimensions (Lijphart 1977, p. 1). Originally, the idea of consociationalism was formulated as a purely descriptive category, attempting to identify the logic of a peculiar institutional configuration in states like The Netherlands, Belgium, and Switzerland (Lijphart 1968, 1969). With time, however, the concept gradually took on normative weight. That is to say, its main features have been seen by many constitutional designers in deeply diverse societies as a legitimate way of addressing the problem of stability. As such, we have seen a spread of consociational regimes, or at least consociational practices, in some of the most diverse political systems and some of the most high-profile cases of political conflict over the last number of decades. Some of the most well-studied cases in recent times

include Bosnia and Herzegovina, Belgium, Northern Ireland, Lebanon, and the European Union.

In many of these and other key cases in the consociational literature, the traditional four consociational features will be constitutionalised to some degree. Among other things, this means that they are recognised as forming an important part of the rules of the game that define the polity, while making them more difficult to change than ordinary legislation. Some regimes, however, do not necessarily go down the route of constitutionalisation, at least not on every dimension of consociationalism. In some instances, consociational ‘practices’ have emerged over time through civil compromises, while in other instances a regime struggling to maintain stability may experiment with elements of consociationalism initially, without necessarily committing to a grander constitutional project. A fitting example of the former is in the formation of the seven-person Swiss executive (the Federal Council), whose long-standing practice includes having one to three French-speakers and, occasionally, one Italian-speaker, in addition to German-speakers from the majority group. This is one significant way of giving recognition to all the main language groups in the country. Iraq (2005–2010) is a good example of a (unsuccessful) consociational experiment, where the constitution laid out a roadmap for the future adaptation of consociationalism, during which time the transitional power-sharing executive was constituted by representatives of the country’s three largest ethnic groups (McGarry 2019, p. 1).

In recent years – as a response to certain critiques of the model, most notably those concerning practices deemed inimical to liberal democracy (e.g., ethnic quotas) – consociationalists have proposed the distinction between ‘corporate’ and ‘liberal’ consociations. In the corporate type, the groups entitled to power sharing, autonomy, proportional representation and veto are determined in advance. Rigid rules, entrenched in constitutions and other legal documents, regulate the distribution of seats and resources among the various segments. As an example, take the provision of the Belgian Constitution stipulating that Dutch and French speakers are entitled to the same number of ministerial positions in the federal executive.

In the liberal type, which today consociationalists prefer, informal rules and/or indirect mechanisms achieve the objectives of the four defining consociational features without necessarily fixing in advance the ratio between the groups (McCulloch 2014, p. 502; see Arendt 1963; McGarry and O’Leary 2009, p. 72). The central reason for this is a normative one. Essentially, wherever possible, it is widely agreed that consociations should stay as true as possible to familiar liberal democratic principles. The liberal model is viewed as being more attuned to the democratic ideas that political representation should be proportionate, in the sense of being as sensitive as possible to the weight of preferences and identities across the population. Rather than locking-in a fixed number of political representatives in perpetuity, for example, the liberal model allows for the electoral system to be sensitive to changing voting preferences and any related demographic shifts. For an example of this,

we can return to the example of the Swiss Federal Council with a historical twist. Established in 1848, and elected by the Parliament by majoritarian rules, in its first decades, care was taken that two seats be given to the Catholics and the remaining seats to the Protestant majority. But as the religious divide became less salient, this informal quota gradually faded away and has no significance anymore. Hence, it has been argued that the absence of rigid and explicit quotas has helped to facilitate the disappearance of (rather than solidify) the Catholic-Protestant cleavage in Swiss society and politics (Stojanović 2020, p. 33). As we have seen, this informal religious quota has been outlasted by a linguistic one.

It is important to underline that the four features of a consociational regime are predominantly defined in terms of *outcomes* – that is, in relation to what we want to see in such a polity. Hence, consociationalists want to see an executive with representatives of all the main segments and a parliament where all groups are represented roughly in proportion to their demographic presence. They also want a degree of segmental autonomy and for minorities to have certain veto rights.

Now, despite the fact that consociationalism is defined by the observable outcomes, the literature has increasingly come to associate the idea of consociationalism with a particular set of *procedures*. The most prominent example is the choice of electoral system. Here, consociationalists clearly advocate the use of proportional representation and reject majoritarian electoral systems. The idea is that PR systems are better able to produce electoral outcomes that reflect the political diversity of the population, and thereby make coalition government more likely, as opposed to more majoritarian systems (e.g., first-past-the-post), which are more likely to produce overall electoral winners capable of governing without coalition partners. While there is a certain logic to this argument, this focus on procedures for a theory defined in terms of its outcomes can lead to dissonance. In particular, the consociational literature has largely neglected the fact that consociational outcomes can be and have been produced by a variety of procedural means. Continuing with the example of electoral system choice, the Swiss case illustrates how majoritarian (i.e., non-consociational) electoral rules can reliably produce outcomes that are in line with consociational theory.

Switzerland is one of Lijphart's original empirical cases of consociationalism (Lijphart 1969) and it remains an acclaimed example for consociationalist authors. O'Leary (2019, p. 569), for example, notes the first chamber of the Swiss federal parliament 'is elected by proportional representation' whereas the second 'represents the cantons'. The author omits to specify that the second chamber – one of the strongest second chambers in the world – is elected by *majoritarian* rules (with electoral competition taking place within each canton for two seats each, except for six cantons – formerly known as 'half-cantons' – that are entitled to one seat). He also omits to mention that, until 1919, even the first chamber used to be entirely elected by majoritarian rules. But most importantly, none of this was relevant for the desired outcome – that is, a more or less proportional representation of linguistic (and

formerly also religious) groups in the Swiss parliament. In fact, linguistic groups have always been fairly represented in the second chamber as well as in the first chamber both before and after 1919 (Stojanović 2006). Group representation in the Swiss Parliament is entirely ensured by the geographical concentration of groups and the fact that electoral districts follow more or less the frontiers of these groups. Under such conditions, the choice between PR or a majoritarian system is next to irrelevant for ensuring group representation in Parliament.

To be sure, consociationalists are aware that the desired outcomes have been achieved also via non-consociational procedures – or, in Lijphart's words, that it is possible to have 'proportionality by non-PR methods' (Lijphart 1986) – but there is still an insistence on recommending the use of PR even in places where (e.g., Northern Ireland) the geographical concentration of groups together with a careful design of electoral districts would allow for the use of majoritarian rules without undermining proportionality within the assembly. More troubling for consociational theory, however, is when the desired outcome is achieved *thanks to* a method that is not prescribed or is even explicitly rejected by the theory. For example, consociationalists often praise the general practice that 'still accomplishes (informally) proportionality among German and non-German speakers [and] among Protestants and non-Protestants' in the Swiss Federal Council (O'Leary 2019, p. 569; see Lijphart 1977). Yet the rules governing the election of the Swiss executive by Parliament are not only majoritarian (to be elected, a member of the executive must gather the absolute majority of votes in the joint sessions of the two chambers of Parliament) but are actually quite close to the Alternative Vote system advocated by centripetalists and criticised by consociationalists (Stojanović 2016).

To sum up, consociationalism is a specific kind of regime, primarily associated with and defined by a particular set of outcomes such as executive power sharing and group autonomy. But consociational theory also purports to provide guidelines for the procedures that are supposed to bring about such outcomes, especially with regard to the choice of the electoral system. This can be misleading, though, as at least in some cases consociational outcomes are achieved via non-consociational procedures. With this brief overview of consociational regime we now proceed with a normative analysis of the values undergirding this regime type.

## II THE VALUES OF CONSOCIATIONAL DEMOCRACY

As we have seen, consociationalism has developed from an empirical category into more than that: it is also a particular way of ordering values as a legitimate institutional response to the problem of stability in deeply diverse societies. To more fully understand consociationalism, therefore, we must be able to clarify what values it prioritises and how these values relate to one another.

The first thing to note is that consociationalism is better understood as an adverb than a noun. For consociations are always, or at least claim to be, consociational

democracies. According to Mark E. Warren (2017), there are three problems internal to the idea of democracy that a society must resolve if it is to approach the democratic ideal. These problems are how to empower citizens in an inclusive manner; how to form collective agendas and wills; and how to make collective decisions. Furthermore, he identifies seven primary values or activities of self-government (as we shall call them) that are the essential tools required for political institutions and civil society to resolve these problems: voting, joining, resisting, representing, *recognising*, deliberating, and exiting. Warren believes that, in order to solve the three problems internal to democracy, it is necessary to ensure that all the activities of self-government are brought to bear on the organisation of political life and optimally employed across the regime and the political community. He resists the tendency to prioritise one value above others – such as the way in which deliberative democrats emphasise the value of deliberation (e.g., J. Cohen 1997) or aggregative democrats emphasise the value of voting (e.g., Downs 1957). Such an approach, according to Warren, will lead advocates to diminish or ignore entirely the potentially crucial role that other values can play in resolving the problems of self-government. And so, we find some deliberative democrats criticised for neglecting the importance of voting and others for neglecting the value of resisting (Mansbridge et al. 2012), while aggregative democrats have found themselves similarly criticised for failing to pay heed to the importance of values like deliberation and joining (e.g., B. Barber 1984).

Warren, however, does not develop his account to consider some of the problems that are *external* to the idea of democracy as self-government and which democracy may nevertheless be expected to resolve. One such problem is the problem of stability. And, as we have seen, this problem arises in a specific form in deeply divided societies. If a polity cannot take stability for granted, due to the conflictual identities characterising its political community, then we may expect some adjustment to how we might otherwise seek to mix democratic values across the regime and political community. In particular, it may be necessary to prioritise some values over others, leading to a diminishment in how other values find their expression in attempting to address the internal problems of democracy identified by Warren.

We posit that consociationalism, in its efforts to deal with the problem of stability in deeply diverse societies, amplifies the value of *recognition* dramatically. Though the way in which it does so will vary from context to context, this move will typically have some common consequences for other democratic values, potentially burdening consociational societies with specific kinds of democratic deficits as a result. As we shall argue, the peculiarly elitist manner in which consociations tend to emphasise the value of recognition leads to a narrow elevation of the values of representation and deliberation at the expense of the values of voting, joining, resisting, and exiting. As a result, consociations tend to find themselves hampered in their potential to reach high standards in solving the internal problems of democracy: of empowered inclusion; collective agenda and will formation; and collective decision-making.

From our definition of consociationalism above, it should be clear how recognition is the central structuring value. Grand coalitions and proportionality ensure that the voices of as many salient identities as possible are recognised and heard in collective decision-making. Meanwhile, segmental autonomy and vetoes ensure that the values and interests fundamental to the identities of these communities are recognised and protected. How then does this form of recognition impact upon the other activities of self-government identified by Warren?

*Representing:* The manner of representation in consociations risks being narrow in two primary ways. First, there is the narrowness of the constituency which representatives see themselves as representing. Under the normative ideal of partisanship, political representatives are expected to aim at the common good for all in their society, albeit from a committed ideological perspective (Muirhead 2006; White and Ypi 2016). In consociations, given the preference for PR electoral systems and segmental autonomy, political parties are more likely to be segmentally arranged such that they aim to represent one segment only, rather than building mutual relations with the whole of society. Second, in order to peacefully resolve conflict over potentially contentious issues, it is widely recognised in the consociational literature that political elites must be willing to depoliticise the most contentious issues dividing the segments as much as possible. Similarly, there must be a corresponding will among the segmented electorates to acquiesce in giving their representatives substantial leeway in reaching a negotiated compromise (Deschouwer 1994, p. 81; Andeweg 2019). As a result, at least on the depoliticised issues in question, the capacity for unelected representatives (such as civil society organisations and protest groups) to exert public pressure on the political system is substantially diminished. Representation, therefore, tends to take on an unusually narrow praxis in consociations, focused as it is upon the electoral arena at the expense of civil society.

*Deliberating:* The narrowness of representation that tends to affect consociations naturally impacts the nature of deliberations in such regimes. In the first instance, deliberation means being willing to engage in a process of reason-giving with others with the goal of reaching an accord that is mutually acceptable to all parties. It is a form of discourse entirely distinct from bargaining and negotiation. In these latter forms of discursive interaction, parties are not open to persuasion by the force of the better argument, but rather enter into discussions with a fixed position and the aim of achieving maximum concession from the other groups in order to advance that position (Mansbridge et al. 2010). In consociations, when representatives view themselves segmentally, they are equally likely to think of themselves as negotiators for their segment rather than deliberators for the wider good of the society. This phenomenon has the potential to enter a vicious and destabilising cycle commonly referred to as ‘ethnic outbidding’ (Zuber and Szöckick 2015).<sup>1</sup> According to G. Moore et al. (2014, p. 159):

<sup>1</sup> For examples in point see Belgium (Swenden 2015) and Bosnia (Jesse and Williams 2010, chap. 4); for partial counter-evidence, see the case of Northern Ireland (Mitchell, Evans and O’Leary 2009).



Ethnic outbidding occurs in the context of electoral politics when political parties compete for support within an ethnic group, having few incentives to cultivate support from other ethnicities. Each ethnic party seeks to demonstrate that it is more nationalistic than its competitors by raising its 'bid', protecting itself from claims by intra-group opponents that it is 'soft' on ethnic issues.... Once this auction-like scenario begins, the ethnic outbidding thesis predicts that the resulting extremist discourse will destabilise and ultimately prevent conflict regulation in divided societies.

Secondly, in consociations, civil society may also find itself at a deficit when it comes to deliberation. On the one hand, the division of society into segments means that citizens from different groups are less likely to encounter one another in deliberative contexts. This is particularly true when the segments are linguistically divided or constitute their own segmented mediatised public spheres (Lacey 2017).<sup>2</sup> On the other hand, due in large part to narrow representational focus on the electoral arena, and the depoliticisation of certain issues, we tend to find the ideal of mass deliberative politics at least partially abandoned in consociations (Dryzek 2009). In other words, the more citizens see politics or a particular set of issues as 'up to their elites', the less likely they are to become deliberatively engaged themselves. If deliberation is taking place, then it tends to be unusually concentrated at the elite level in consociations.

*Joining:* Naturally enough, if salient issues are depoliticised or at least left to elected officials to resolve, then citizens are less likely to perform one of the paradigmatic democratic functions of joining with one another to exert pressure on the political system. However, what may be even more problematic is that these are the lines along which citizens tend to become active. Depending on how entrenched and all-encompassing we find segmental division within the societies, to the extent that citizens do seek to self-organise politically or join political parties, they are likely to do so by joining with others who belong to their own segment only. This phenomenon has been observed most starkly in the Netherlands and Belgium, where a system of 'pillarisation' kept citizens from different segments isolated from one another as individuals were expected to organise politically (and indeed, socially and even economically) according to Christian, socialist, and liberal segments, overseen by the corresponding political parties (Lijphart 1969).

*Resisting:* The stability of any political system requires citizens at large to willingly obey the laws. However, democratic systems are typically expected to be able to endure some forms of resistance, like protest against or non-compliance with a particular policy. However, just as joining to exert influence on the political system may politicise an issue in destabilising ways, so will resisting the conclusions

<sup>2</sup> When concerted efforts have been made to bring citizens from distinct segments together under 'good deliberative conditions' – for example, through coordinated citizens assemblies – the capacity for citizens to deliberate together on contentious issues has been impressive. An example is the G1000 pilot in Belgium (Caluwaerts and Reuchamps 2018).

of negotiations by coalition government between social segments. The passivity required of the electorate for consociationalism to work, therefore, reduces the role of resisting in the political community, just as it reduces the role of joining.

*Voting:* As we have indicated, some form of PR is almost universally advocated as the electoral system appropriate to consociational democracies. As already noted, the major advantage of PR is that it ensures a wide representation of perspectives in parliament and makes coalition governments more likely and often also indispensable. While this may have its own advantages, especially to the extent that it requires rival parties to negotiate or even deliberate with one another, it has several disadvantages when it comes to voting. In particular, the more likely a coalition is, the less likely it is that the standard promissory model of representation applies (McCall Rosenbluth and Shapiro 2018). On this model, a party makes promises at election time and is then held to account for how well they have kept these promises. Electoral promises, however, become far less meaningful when coalition government is projected or guaranteed. In consociations, where grand coalitions rather than the bare minimum to form a majority are typical, the promissory model becomes especially weak. Consociations ensure that political representatives must be seen to be far more engaged in compromise and negotiation than in making and carrying out concrete electoral pledges. As such, we may expect consociations to be especially reliant upon what Jane Mansbridge (2003) has referred to as 'gyroscopic' (good-types) or 'descriptive representatives' (those that are 'like me' in some way). In the latter case, citizens select their representatives, not primarily on the basis of any promises that might be made, but rather by virtue of the fact that they share the same kind of social or cultural background. As a result, in such contexts the act of voting risks being dominated by 'ethnic voting' and in most extreme cases elections become mere ethnic headcounts.

*Exiting:* A general assumption of democratic systems is that citizens have meaningful choices in terms of self-government – if they don't like some policy or officeholder, they should have the option to change it. Voting for a different party in an election or to change the constitution in a referendum are just some ways of exiting previous political decisions. In one sense, consociations are remarkable for how they allow segments to have their own autonomy in entire policy areas, or at least for accommodative derogations from aspects of certain policies. These major exit options, as we have seen, are indispensable for the stability sought by consociational arrangements. However, there are important respects in which consociations may place strict limits on exit options. This is especially evident in the case of constitutionalising veto points. Once a veto is granted to a social segment as a matter of constitutional right, it thereby traps the other segments into the policy preferences of the former within the range of policies covered by the veto. Similarly, when the electoral system all but guarantees grand coalitions so that certain kinds of policy preferences are effectively locked-in, citizens' capacity to exert the electoral pressure for policy change that comes with standard electoral exit options are significantly reduced.

With this brief, and incomplete, overview of how values and the activities of self-government manifest themselves in a system designed to produce stability, we can more clearly see how consociations may have a more difficult time in resolving the three problems internal to democracy identified by Warren. Most significantly, through its emphasis on elite actors and its dependency on a relatively passive public, consociations are limited in their capacity to solve the problem of *empowered inclusion*. Through its narrow forms of institutional representation and deliberation, and its requirement that citizens forego some ordinary practices of joining and resisting, the participatory values undermining the ideal of self-government are somewhat relegated to the background. A consequence of this is that the second problem of self-government, concerning *the formation of collective agendas and wills*, is only partially resolved, namely, through the agenda and will-formation of the elite parts of segmented collectives.

A major achievement of consociations, when they are operating successfully, is their capacity to go some way towards resolving the third problem of democracy, which is *to reach collective decisions*, in particularly difficult circumstances. However, in contexts like consociations where there are veto players (whether formally specified or *de facto* through grand coalitions), the capacity to make collective decisions can be hampered (Warren 2017, p. 46). Deadlock, as consociationalists since Lijphart have recognised, is a perennial risk of institutionalising high consensus hurdles (Lijphart 1977, pp. 50–51). As a result of these veto points, citizens lack the capacity to contribute to collective decision-making by translating popular votes into clear outcomes, while they are limited in their ability to exit previous decisions and policy choices.

Pointing out these democratic deficits is by no means to undervalue the potential benefits of consociational arrangements. And it is not to say that all consociations will suffer from the same deficits in the same way. Indeed, as we have pointed out, some regimes are more consociational than others. It is, however, to acknowledge that there are democratic trade-offs associated with doing democracy consociationally. Most importantly, for our purposes in this chapter is the effect that such deficits may have on the stability of consociational regimes.

### III THE INSTABILITY OF CONSOCIATIONAL DEMOCRACY

In attempting to explain the social conditions required for the stability of a just regime, defined as a fair system of cooperation over time, John Rawls (1993) introduced the idea of an overlapping consensus. Simply put, an overlapping consensus is achieved when, for their own reasons based on their worldviews, citizens endorse the core (constitutional) values and principles upon which political institutions are built and designed to deliver upon. It is this kind of consensus that Rawls believes gives stability to contemporary liberal democratic regimes, characterised as they are by a plurality of comprehensive doctrines and ways of life.

Rawls also underlines that stability in overlapping consensus is superior to a *modus vivendi*, that is, a mere balance of power among citizens who hold contending beliefs and perspectives on the world. 'After all, power often shifts, and when it does the social stability of a *modus vivendi* may be lost' (Wenar 2017). In Rawls' words, in a *modus vivendi* 'social unity is only apparent, as its stability is contingent upon circumstances remaining such as not to upset the fortunate convergence of interests' (Rawls 1993, p. 147).

In this section, we argue that a typical consociational regime is an *ethnoi-cracy*<sup>3</sup> closer to a *modus vivendi* than to a true overlapping consensus. Hence, its stability is fragile. Interestingly, what is called into question is not typically the liberal democratic norms that Rawls focused upon in explaining the conditions of a stable and just regime. It's perfectly feasible for all segments in a consociation to subscribe to the same liberal democratic norms. What is most likely to be the source of destabilising conflict are the (often constitutionalised) principles, institutions, and practices that give the regime its specific consociational flavour.

There are various ways in which particular actors within the segments may prevent the forging of a consociational overlapping consensus. As we shall now see, the common thread linking these actors is the claim that consociationalism is somehow at odds with the kind of liberal democratic principles that are often the sole focus of an overlapping consensus in the kind of non-consociational liberal democracies that Rawls had in mind.

One set of actors will typically arise from within the majority segment. They will highlight the democratic deficits of consociation (such as those outlined above) and try to capitalise on the democratic mantra 'one person, one vote' which amounts to an intuitively powerful demand for majoritarian electoral and decision-making rules, thus eschewing the philosophy of recognition behind such constitutional provisions that ensure power-sharing or special vetoes. When consociational compromises are loudly and continuously called into question by political actors in the majority segment and against the wishes of minority segments, consociationalism is under threat. When such calls are successful, leading to the (re)introduction of an unjust or oppressive majority-minority dichotomy, consociationalism fails.

A second set of actors will tend to push for an ever-stronger parity of segments (instead of citizens) in joint institutions and an ever-deeper segmental autonomy, especially via territorial federalism. These demands may come from a majority segment as an alternative strategy to making their own decisions, without reintroducing a majoritarian logic at the national level. Or these demands may come from the minority segment who do not believe that their interests are adequately protected through power-sharing at the national level. While federalism is compatible with

<sup>3</sup> Or, at best, it may be considered a *demosi-cracy* (in the sense of having multiple *demosi*), rather than a *demos-cracy* (in the sense of having a singular *demos*). See Stojanović (2020) for further discussion on this point.

consociationalism, we may expect that the more power is devolved to the segments, the less significant (and constraining) power-sharing at the federal level will be perceived. However, as exponents of ‘the federal paradox’ observe, federalisation tends not to sate demands for autonomy, but rather emboldens them to the limit of seeking complete secession (Erk and Anderson 2010). After all, as the logic goes, why would a segment continue to share any amount of power with another segment when they have already attained large amounts of autonomy, and full sovereignty no longer seems to be such a large step? When demands for secession are strong, consociationalism shows signs of faltering. When secession is achieved, consociationalism fails.

Summarily, rather than endorsing the non-majoritarian principles and the value of recognition upon which consociationalism is based, some groups may see it as a temporary compromise or *modus vivendi* to be eventually abandoned at an opportune moment. An illustrative example of this claim is a declaration made by Milorad Dodik, the leader of Bosnian Serbs: ‘[The Serbs’ entity within Bosnia, called Republic Srpska or RS] will exist forever, Bosnia and Herzegovina as long as necessary’.<sup>4</sup> That declaration was made in the campaign for the 2010 elections. As we write these lines (October 2023), Mr. Dodik is still the leader of Bosnian Serbs. In February 2020, he addressed the Parliament of the Republic Srpska with the opening sentence (pronounced in English): ‘Goodbye BiH [Bosnia and Herzegovina], welcome RSexit’, thus unleashing the debate on a possible secession of the Serbs’ entity from Bosnia.<sup>5</sup>

Belgium, another paradigmatic case of a consociational regime, provides a further illustration of the democratic impulse being exploited to challenge the consociational settlement (Lacey 2017, chap. 5). From 1970 to 2011, this consociation has seen six state reforms, with each one granting further autonomy to the Walloon and Flemish segments (including greater autonomy for the German-speaking community). This, however, has not put a stop to demands for the break-up of Belgium. The New Flemish Alliance, the largest party in the country (as of 2014 and 2019 federal elections), continues to draw attention to and exploit the democratic weaknesses of Belgium’s consociational regime to build support for an independent Flanders.

Indeed, a cursory overview of the history of consociational regimes will reveal a large number of cases that have lapsed from consociational practice in favour of more or less majoritarian practices. Most significantly, two of Lijphart’s original cases have been identified as consociations for periods of their history only: Netherlands (1917–1967) and Austria (1945–1966). Other ‘experiments’ with consociationalism have had a relatively short life-span. We have already seen this in the case of Iraq. Other examples include South Africa (1994–1999), Sudan (2005–2011), Fiji (1997–2006), and Kenya (2008–2013) (McGarry 2019).

<sup>4</sup> Source: European Forum ([www.europeanforum.net/headlines/news\\_update\\_bosnia\\_and\\_herzegovina\\_18\\_24\\_september](http://www.europeanforum.net/headlines/news_update_bosnia_and_herzegovina_18_24_september)), accessed 6 March 2020.

<sup>5</sup> Source: [www.youtube.com/watch?v=HiqaiMdqivM](https://www.youtube.com/watch?v=HiqaiMdqivM), accessed 11 October 2023.

This said, we should not exclude the possibility that a consociation could over time develop an overlapping consensus, instead of a mere *modus vivendi*. In fact, it is imaginable that citizens across segments support their constitutional settlement based on an overlapping consensus ‘and will continue to do so even if their group gains or loses political power’ (Wenar 2017). But how can this be achieved?

We believe that an important element in this debate is the question of *demos*. In our view, societies that used to be deeply divided but have gradually succeeded in construing an overarching political identity – that is, an ‘effective and viable’ *demos* (Miller 2018, p. 126) – have approximated an ideal of overlapping consensus. To put it differently, the common *demos* can be seen as the motivating force behind an overlapping consensus. As in the Rawlsian ideal, in such a regime, citizens are not required to abandon their various worldviews (stemming, for example, from their different languages and religions) in order to be part of the common *demos*. Abiding by basic laws of the *demos* ‘is not a citizen’s second-best option in the face of the power of others; it is each citizen’s first-best option given her own beliefs’ (Wenar 2017).

What does it mean in reality? It means that – given that citizens have a strong sense of belonging to the same political community or *demos* and not just to their social segment – it is more likely that citizens will accept majoritarian decision-making typical of liberal democracies. In other words, *if a consociation succeeds in developing a sufficiently strong common demos, then such a polity no longer needs to rely only on consociational institutions*: they can be abandoned altogether or combined with centripetal institutions based on a majoritarian logic (see Section IV). Examples in point are Austria, the Netherlands, and Switzerland. Each of these political systems have developed a strong common *demos* over time, such that they are no longer reliant upon consociational practices for their stability, even if certain vestigial consociational identifiers may remain (see Barry 1975).

On the surface, this might resemble one possible transformation of a consociational regime based on the *modus vivendi* approach (discussed above) that favours the majority segment. But that is not the case. In reality, the common *demos qua* overlapping consensus is superior precisely because it is *not a modus vivendi* based on the current balance of power and the ‘us vs. them’ logic. It is superior also because it is far more inclusive of a vast array of identities and worldviews that citizens have, whereas the typical consociation recognises and institutionalises only one dimension of people’s identity (e.g., ethnicity or religion). The practical consequence of this is that in such a polity there is not ‘the’ majority vs. ‘the’ minorities. Of course, there are still majorities and minorities in a purely descriptive-statistical sense, but they are not closed and homogenous segments. Each is divided into various sub-groups. Hence, cross-cutting cleavages reinforce the overlapping consensus associated with the common *demos*.

To sum up: consociations – especially those belonging to the ‘corporate’ type (McCulloch 2014) – are inherently unstable as long as they remain ethno-cracies

based on a *modus vivendi* of clearly defined and homogenous segments, with a permanent risk to evolve either into regimes dominated by the majority or into a spiral of progressive disintegration. It is, however, possible that more 'liberal' consociational regimes provide stability for long enough that citizens begin to develop shared intentions or a common sense of purpose (O'Flynn 2017) and the corresponding sense of belonging together as a political community. Over time, as the polity matures and social and demographic shifts take place, identities once salient may recede or become entirely non-salient. In these cases, consociational practices may no longer be required: the need for robust forms of recognition subsides as the overarching demos becomes strong enough to handle a more majoritarian politics.

#### IV THE CENTRIPETAL ALTERNATIVE

In this regard, it is worth briefly mentioning another approach to the problem of stability in deeply divided societies, often referred to as centripetal democracy (Reilly 2012; Horowitz 2014; Lacey 2017). The overarching point of contrast between consociational and centripetal democracy is the emphasis they place on the value of recognition in their account. While centripetalists agree on the importance of providing diverse groups with institutional recognition, they aim to achieve that recognition through means that enable demos-formation across groups while softening the intensity of the segmental identities dividing the society in question. In other words, while consociationalism tends to recognise deep diversity by the way it institutionally entrenches segmental identities, centripetalism is more explicit in its attempt to incentivise the creation of a common identity among the segments, while not seeking to eliminate their distinctiveness.

Perhaps most intriguingly, centripetal democrats believe that the problem of stability in divided societies can be best achieved by adopting nuanced forms of majoritarianism. Among the centripetal tools that adherents of the approach advocate, depending on the specific society in question, are (a) certain types of majoritarian rather than PR systems (Reilly 2001, 2020; Horowitz 1991, 2004), (b) presidential instead of parliamentary regimes with provisions ensuring nationwide and cross-ethnic support for the elected president (Horowitz 1985, pp. 635–638; Reilly 2012), and (c) forms of direct democracy (Stojanović 2011; Lacey 2017).

One of the main goals of such institutional proposals is to provide incentives for ethnically moderate parties and/or for multi-ethnic parties (Reilly 2001, p. 11) and, related to this point, to encourage cross-ethnic voting behaviour (Reilly 2020). Ethnically moderate parties are less likely to engage in ethnic outbidding. And, more promisingly, multi-ethnic parties will necessarily have a prior commitment to represent the whole rather than merely a part. A large part of the point of centripetal institutions is to make, via cross-ethnic voting, electoral victory and policy progress contingent on securing support from more than just one segment in society. In other words, political parties must be incentivised to run acceptable candidates with

broadly appealing policies in constituencies across social segments. As Rabushka and Shepsle (1971) put it, centripetalists hold that:

Candidates who can attract widespread support alone or as part of broad-based multi-ethnic parties or coalitions are seen as the best way of avoiding the tendency towards outbidding and extremism inherent in polarized electoral politics and ethnically exclusive party systems (quoted in Reilly 2000, p. 1).

Let us give just one example of how this might be achieved, by relying on the example of Indonesia, ‘probably the best example of such a [strongly centripetal] system amongst contemporary democracies’ (Reilly 2020, p. 5). While some elements of its democratic system are closer to the consociational model, many of them are clearly centripetal and in particular its presidential regime and the fact that direct presidential elections (introduced in 2004) require successful candidates to attain ‘both a nationwide majority *and* at least 20% of the vote in over half of Indonesia’s 34 provinces to avoid run-off election’ (Reilly 2020, p. 7; see also Horowitz 2013, pp. 148–153).

Also, the procedure for the nomination of candidates requires collations of cross-national parties, and the parties themselves are legally obliged to have branches spread across most Indonesia’s provinces (Horowitz 2013, pp. 178–179). Although it is not easy to establish direct causalities, Reilly observes that ‘the more moderate presidential candidate has triumphed over sometimes much more extreme opponents in every election to date, greatly aiding the consolidation of Indonesian democracy’ (Reilly 2020, p. 8). As for parties, Indonesia’s party system has ‘proved remarkably adept at encouraging cross-ethnic bargaining and in minimizing the role of ethnicity in politics’ (Aspinall 2011, p. 311; quoted in Reilly 2020, p. 8).

To be sure, majoritarian institutions (electoral system, presidentialism, direct democracy) are not immune to abuse. For example, they can be misused by populists, either by facilitating their access to power or by augmenting the chances that populist proposals win the popular vote in referendums (e.g., the minaret ban in Switzerland). Hence, it is important that the risk of abuse be limited as much as possible by a system of check and balances and especially by entrenching fundamental rights in the constitution. But it is critical to remind the reader that our focus is on deeply divided societies. It is in such societies that, in our view, consociational solutions are also (and possibly even more) prone to abuse, because they are more likely to entrench group identities and promote radical (and, for that matter, populist too) ethno-nationalists.

This said, centripetalism should not be seen as a full-fledged alternative to consociationalism (see also Bogaards 2019). It is likely that building and sustaining democracy under conditions of deep societal diversity could benefit from both elements of equal recognition (emphasised by consociationalism) and institutional incentives for nationwide cross-communal parties, cross-ethnic voting and moderation (emphasised by centripetalism).



## CONCLUSION

In this chapter we have discussed the problem of stability faced by deeply divided societies. We have critically assessed consociationalism, the most common institutional approach used to build and sustain democracy in such societies. Our analysis shows that the specific set of institutions put forward in the consociational democracy is highly problematic from the point of view of values that any democratic regime should convey and that it does not offer a fully satisfying response to the problem of democratic stability. We have concluded by discussing an alternative to consociationalism: centripetalism. Its normative underpinnings and institutional solutions are, in our view, more promising for tackling the problem of stability in deeply divided societies. At the very least, constitutional design should find ways to combine consociational insights based on the value of equal recognition with centripetal institutions that more explicitly aim to develop a common overarching political identity through democratic institutions.

## RECOMMENDED READING

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