Constitutional Reform for Conflict Management

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Abstract of the Module

Can political instability and violence in ethnically divided societies be prevented, or at least significantly reduced, by changing a country’s domestic political institutions?

This course module addresses a longstanding debate, among both academics and practitioners, regarding two opposing strategies of constitutional design. The first, “accommodation,” provides guarantees to societal groups based on their distinct identity or geographic location, via institutions such as proportional representation, federalism, autonomy, quotas, economic redistribution, and veto power. The opposing strategy, “integration,” aims to erode the political salience of groups that are distinguished by identity or location, via centralized institutions that promote a single, unifying nationality. Between these two ideal-types lies a spectrum of constitutional design strategies, including “centripetalism.” Many experts recommend accommodative constitutional design on grounds that it directly appeases dissatisfied groups and therefore should reduce political conflict. But a growing minority of scholars warns that accommodative institutions are inefficient and may perpetuate societal divisions, thereby exacerbating conflict. Constitutional reform also is hampered by the stickiness of existing institutions, which may result in incomplete reform that actually increases the risk of conflict. Empirical studies reveal that both accommodative and integrative constitutional design can produce political stability, if properly institutionalized, but may lead to instability if improperly institutionalized. Constitutional reformers should first assess the benefits and risks of various paths, based on factors including the following: a country’s existing political institutions, the prospects of successful reform, the dangers of incomplete reform, and the ability of various constitutional designs to promote democracy and political stability.

Rationale for the Sequencing of this Module

The first session presents an overview of constitutional strategies – including integration, accommodation, and centripetalism – and the electoral systems that may be used to promote each. The next three sessions delve one at a time into these three strategies, including the institutions and logic of each, and how proponents critique the opposing strategies. The final session explores empirical findings on constitutional design and conflict management, especially in Africa, and strategies of constitutional reform to promote both democracy and political stability. By the end of the module, students should be conversant in the mechanisms, logic, and pros/cons of various constitutional strategies and their impact on conflict management, both in theory and practice.
Session 1 - Overview

Learning Objectives:

1. The spectrum of constitutional strategies, including integration, accommodation, and centripetalism.
2. Various electoral systems and how in theory they promote the alternative constitutional strategies.

Discussion Questions:

1. What are the three main constitutional strategies for conflict management in divided societies?
2. How in theory does each strategy work to reduce conflict?
3. Which electoral institutions promote each strategy, and how?

Readings:


Session 2 - Accommodation

Learning Objectives:

1. The tactics and logic of accommodation.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does accommodation reduce the risk of conflict in divided societies?
2. What electoral institutions promote accommodation, and how?
3. What other political institutions promote accommodation, and how?
4. What are the four pillars of “consociationalism,” and how in theory do they reduce conflict?
5. According to proponents of accommodation, what are the shortcomings of the alternative constitutional strategies of integration and centripetalism?

Readings:


Session 3 - Centripetalism

Learning Objectives:

1. The tactics and logic of centripetalism.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does centripetal constitutional design reduce the risk of conflict in divided societies?
2. What electoral institutions promote centripetalism, and how?
3. What other political institutions promote centripetalism, and how?
4. According to proponents of centripetalism, what are the shortcomings of the alternative constitutional strategy of accommodation?
5. Under what special circumstances do proponents of centripetalism say that accommodative political institutions may be advised, at least temporarily, and why?

Readings:


Session 4 - Integration

Learning Objectives:

1. The tactics and logic of integration.
2. Critiques of other strategies.

Discussion Questions:

1. How and why in theory does integration reduce the risk of conflict in divided societies?
2. What electoral institutions promote integration, and how?
3. What other political institutions promote integration, and how?
4. According to proponents of integration, what are the shortcomings of the alternative constitutional strategy of accommodation?
5. According to proponents of integration, what is the ultimate consequence for a country with a divided society of not pursuing this strategy?

Readings:


Session 5 - Constitutional Reform in Practice

Learning Objectives:

2. Develop a prudent approach for constitutional reform in divided societies.

Discussion Questions:

1. What constitutional strategy is typically recommended by scholars and practitioners, and why?
2. What are the obstacles to full implementation of constitutional reform?
3. What are the risks of incomplete or inequitable accommodative reform in divided societies?
4. What political institutions may help promote democracy and stability under an integrative constitutional strategy?
5. What determines the prudent path for constitutional reform?

Readings:


