Focus #3: Constitutional Design

Constitutions in multi-ethnic societies can be structured to reduce risks of inter-group violence, but only some strategies are both ethical and effective. Esman (2004) identifies three main historical approaches. First, the government can de-pluralize, meaning diminish all ethnic identities except the country's nationality. This approach includes genocide and mass expulsions, but also lawful means such as incentivized assimilation. A second path is to reduce the political salience of ethnic identity by prohibiting or disincentivizing ethnic politics in favor of crosscutting politics. The third option legitimizes pluralism by dividing power among existing ethnic groups, aiming to reduce grievance and competition that could spiral into violence. This issue brief focuses on strategies in the latter two categories (Figure 1).

Tradeoffs

Power-sharing, including a prominent approach known as *consociationalism* (Lijphart, 2002), promotes peace by guaranteeing each ethnic group a share of political power, while also protecting them against encroachment on their basic rights by other groups. Features may include autonomy for groups or regions where they are concentrated, electoral systems based on proportional representation, veto power over constitutional reform, and quotas in schools, civil service, and the military.

Key Points

- The two main constitutional approaches to preventing civil war rely on opposite strategies: promoting either separate ethnic identities or a unified national one.

- *Power-sharing* reinforces separate identities by guaranteeing each group a share of government power and benefits, to reduce grievance and fear. However, this also increases the groups' ability to mobilize, and weakens the central government, potentially fostering rebellion in the long run.

- *Centripetalism* promotes a unified national identity by increasing incentives for candidates to campaign for the votes of other ethnicities. However, if an election results in an ethnic group being excluded from power, it could fuel grievance leading to violence.

- To create durable peace, the best strategy may be a two-step constitutional reform, starting with power-sharing to end civil war, then switching to centripetalism to promote a unified national identity.

Power-sharing is common in peace agreements to end civil war, when the priority is to reduce inter-group political competition and fear to disincentivize violence. However, power-sharing also has downsides in the long-run: reinforcing separate ethnic identities, facilitating ethnic mobilization, undermining a common national identity,

and hindering collective action for the common good. These can contribute to inefficiency at best or violence at worst. For example, under autonomy, educational institutions in different communities may teach opposing nationalist histories, thereby perpetuating conflict.

Centripetalism aims to reduce such risks by incentivizing cooperation between different identity groups during political campaigns. Electoral rules can encourage politicians of one ethnicity to appeal to voters of another – for example, by requiring candidates to obtain a threshold level of votes from multiple regions. Another mechanism is ranked-choice voting, which motivates ethnic candidates to try to be at least the second choice of voters of other ethnicities. Alternatively, the constitution can simply require political parties to be multiethnic. Centripetalism, unlike power-sharing, may reduce the salience of ethnic identity that can contribute to conflict. However, centripetalism is not without risks, including that political campaigns could rely on deals between ethnic elites that foster corruption. Another danger is that some identity-based groups could end up excluded from political power, fostering grievance and potentially violence.

Picking a Strategy

The ideal constitutional design for conflict management depends in part on timing. During and immediately after a civil war, when fear and distrust are heightened, power-sharing is the safer choice. Later in the peacebuilding phase, however, centripetalism can promote government efficiency and unified national identity. Thus, peacemakers in civil war should consider a constitutional two-step: power-sharing to end the war, followed by centripetalism to build the peace (Kuperman, 2015a).

Optimizing constitutions to manage conflict may also depend on the number, relative strength, and territorial distribution of ethnic groups. Centripetal mechanisms are more effective when many ethnic groups are roughly the same size and geographically interspersed. By contrast, where ethnic minorities fear the dominance of a majority group, or where ethnic groups are concentrated geographically, power-sharing may work better (Reilly, 2012).

Figure 1. Two Constitutional Strategies

	Power-Sharing	Centripetalism
Goal	Reducing fear & grievance	Strengthening cooperation & national identity
Mechanism	Proportional representation & benefits	Electoral incentives for inter-group campaigns
Strength	Helping achieve peace deals	Promoting national identity & government efficiency
Drawback	Undermining national identity & government efficiency	Potential grievance of electoral losers