

Consociationalism revisited: Democracies with deep divisions

By **Frank Vibert**, Oxford Global Society Fellow and Associate of the Centre for the Analysis of Risk and Regulation (CARR) at the London School of Economics

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It has long been recognised that democracies struggle when deep internal divisions or cleavages exist within their societies. Unresolved divisions lead to backsliding from democratic norms to potential violence and, in the worst cases, to failed states. Modern democratic societies have diversified populations holding many different views about what constitutes well-being. Dissensus on many matters is to be expected. But where deep divisions exist, no group will be able to protect their most important values, or advance any of their aims, if the divisions lead to a situation where the state hovers constantly on the brink of disintegration. Deep internal divisions may also mean that there is no willingness or agreement on how to cooperate with others.

In recent times, probably the most widely accepted answer to the problem of how democracies can function in the face of deep social divisions has been provided by the empirical and theoretical work of Arend Lijphart on consensus democracy and on consociationalism. According to Lijphart, consociation and consensus institutions ‘have the potential of making an initially adversarial culture less adversarial and more consensual’.[1] Research provides some statistical evidence that a lack of meaningful representation leads to political violence.[2] Consociational democracy is about how to provide that meaningful representation. This note looks briefly at the model.

Consensus and the acceptability of policy making

In political science the relationship between societal beliefs and political culture is a contested one.[3] Lijphart’s account of consensus and consociational democracy maintains that segmented societal beliefs can be converted into a consensus-seeking political culture with the help of particular types of rules. The account aims to demonstrate how certain types of institutional arrangements are likely to encourage a political culture conducive to consensus on policies even in the face of deep social divisions. According to the model, consociational arrangements create incentives for those with deep differences to cooperate with others and to find common ground on policy making.

When deep social divisions exist, the key question democracies face is how to arrive at a structure of authority that arrives at policy outcomes reasonably acceptable to all. There must be a reasonable degree of acceptance both for public policies and for the rules through which those policies have been made. In the absence of acceptable public policies, it is unlikely that the rules for making those policies will be accepted for any length of time. Conversely, if the rules for making policies are not seen to be acceptable then it is unlikely that policy outcomes will be accepted without challenge.

According to Lijphart, when deep social divisions exist in a democracy, the key benchmark for what will make the rules and policy outcomes acceptable is consensus. Consociationalism and consensus forms of democracy are contrasted by Lijphart with majoritarian democracy. The conceptual difference between the two is that they give two different answers to the question in representative democracies about who will govern and in whose interest. [4]The majoritarian

answer is that the majority will govern on behalf of majority opinion and preferences. By contrast, the consociational answer is that as many people as possible should participate in government, and as many people as possible be included in the size of the majority deciding on policies, in order to make those policies acceptable. The UK illustrates the majoritarian end of the axis and Switzerland the consensus end.

Majoritarian democracy and consociationalism approach how to achieve acceptability in different ways.[5] Majoritarianism depends largely on alternations in power and what is known as 'losers' consent'. [6] Consociationalism offers guarantees on power sharing. In the case of deeply divided societies, Lijphart regards consensus as the key test rather than a simple majority because guarantees are needed to assure important groups that policy outcomes will not be damaging to their interests. His twin concepts of consensus democracy and consociationalism are 'not coterminous' but are closely related. Lijphart regards both as 'highly suitable' for divided societies.[7]

Consociationalism rests on four broad principles: grand coalitions, cultural autonomy, proportionality, and minority veto. Each principle can be applied in different ways. Consensus democracy is defined by ten detailed institutional arrangements that can more easily be measured and quantified such as whether the system of government is unitary or decentralised. Lijphart asserts that 'consociationalism is the stronger medicine' because it requires power sharing, rather than power sharing arising simply as the likely outcome of institutional arrangements.[8] He recommends combining the four broad principles of consociationalism with the ten more detailed institutional characteristics of consensus democracy. Paradigm cases of consociationalism usually cited, in addition to Switzerland, are Belgium and the Netherlands.

An important omission in Lijphart's typology of institutions is the role of referendums whose use has been growing. Traditionally, they have been seen as adding to the roster of majoritarian tools. Lijphart views them in that category. However, there is a case for saying that they allow for the expression of voices that would be excluded in politics otherwise dominated by elites.[9] They also may add an additional veto player into relationships that even a majoritarian system may have to take into account (as in the case of the UK's Brexit vote). [10] The category into which they should be placed depends on the rules around their initiation, the framing of the question, the status of the vote and the decision majority required.

Defining 'deep' difference

One of the immediate difficulties that stands in the way of analysis is to define what constitute 'deep' divisions or cleavages. Language, religion, ethnicity, history recounted and recalled from a different perspective, the bitter legacies remaining from the past treatment of others by a ruling group, each and all can mark significant and long-standing social and political divisions. They are often grouped together under 'culture'. But what defines difference may be factors such as attitudes towards the role of women, or towards authority, or to the future, that cut across other divides such as those of language and religion. 'Culture' is too sweeping and general a label to identify the critical pressure points at which perceptions of 'otherness' constitute a major obstacle to achieving social and political consensus. Lijphart acknowledges the problem. He tries to get around it by leaning in favour of systems of government where minority groups self-define and manifest themselves rather than where they are predetermined along, say, ethnic lines. In Lijphart's view, one advantage of proportional representation is that it permits the self-definition of minority groups. It avoids invidious and discriminatory choices made by those in positions of authority.[11]

The main contention of consociationalism is the proposition that whatever the sources of 'otherness' within a society, decision-taking by democratic majorities is less likely to produce acceptable policy outcomes and overcome deep social differences than the institutions of consociational democracy. Moreover, standard modifications to majority rule may not work either.

The rejection of majoritarianism

In Lijphart's analysis, political parties are crucial for explaining the difference between majoritarianism and consociational democracy because parties are the aggregators of opinion. In particular, 'Political parties are the principal means for translating segmented cleavages into the political arena'. [12]

In parliamentary systems, parties select the government. In the simplest form of decision taking by majorities in democracies, the party that obtains half of the seats plus one in the main elected assembly can use its majority in the legislature to choose the government and to pass the public policies it wants. It is a 'winner take all' system familiar from Westminster models of democracy.

Lijphart regards the difference between the single party rule of majoritarian forms of government as compared with the multi-party rule characteristic of consensus government as 'the most important and typical difference'. [13] What accrues to the party with a majority are not only the policies it wants but also other rewards of office, such as the power of appointment and patronage. The more the democracy is vulnerable to corruption, the greater the spoils.

Models of democracy that involve a separation of powers, for example, with a President elected under a different electoral system from that of the assembly, potentially provide a safeguard for a broader spectrum of interests. However, this safeguard only works if the Presidency and assembly rest in the hands of different parties. Lijphart regards Presidential systems as more likely to be consistent with majoritarian forms of democracy than consensus democracy because only the largest parties have a possibility to win the Presidency. [14] A second chamber elected on a different basis can also provide a safeguard. However, again, a second chamber safeguards broader interests only if the two chambers are differently constituted so that they achieve a dissimilar pattern of party representation. Thus, without these further safeguards, a majoritarian form of government and 'winner take all' system may still prevail despite traditional ways of dividing up power. Unless these further conditions are met, the minority will still feel excluded from the powers and perks of office. Unless there is a reasonable prospect of alternations in power, excluded minorities will feel permanently resentful. By contrast, the consensus model offers guarantees of inclusion and 'is characterized by inclusiveness, bargaining and compromise'. [15]

The four components of consociationalism

Consociationalism, as set out by Lijphart, offers four distinctive features that distinguish it from majoritarian democracy. The first is a requirement that governments rule through a coalition of parties that includes minority parties. This requirement can be met in different forms, from a voluntary inclusion of minorities in cabinet formation, to predetermined representation in cabinets, and includes power sharing in other sites of government that may be labelled 'advisory' but in practice wield real power. Consensus is made possible because the gains of office are shared. There is a necessity to bargain. 'The prospect of participating in government is a powerful stimulus to moderation and compromise'. [16]

The second class of remedy involves provisions that allow considerable autonomy for minority groups. The autonomy may be expressed in territorial terms along federal lines. There is a family connection between consociationalism and classical theories of federalism. Both consociationalism and federalism try to connect the general principles of self-rule with shared rule within the same political system.[17] However, in modern mobile and urbanised societies, territory may not be a good marker of difference or congruent with the differences that count. In this case, autonomy can be expressed in terms of policy domain. For example, different schooling may be permitted, different languages recognised as 'official', or degrees of legal pluralism permitted that allows for different courts for the adjudication of some classes of dispute, such as over family law.

The third class of remedy involves a requirement for proportional representation in elected assemblies. This aims to correct for two kinds of imperfection that can arise in electoral systems and that lead to the exclusion of minorities. One type is when the number of seats won in an assembly does not reflect the proportion of votes won by the parties across all constituencies. This is the typical result under the UK's 'first past the post' system of voting. Not only does the first past the post system result in underrepresentation of minorities, compared with their share of the vote, but typically, in the UK, the party with the majority in parliament represents a minority of the vote taken as a whole. The second kind of imperfection arises when seats are malapportioned in relation to the distribution of population and result in large differences in constituency size, for example between urban and rural areas.

Proportional representation does not guarantee that a minority party or constituency will obtain a share in power. However, it increases the likelihood of coalitions and power sharing and the formation of a policy consensus that includes otherwise excluded minorities. Lijphart regarded the choice of electoral system as the most important decision facing constitution writers, with the next most important decision being the choice between a parliamentary or presidential system.[18]

The fourth class of remedy involves some form of mutual veto system. For example, a very high decision threshold (for example 5/6ths) might be required to pass certain types of legislation, or to approve certain classes of measures such as a foreign treaty. A high qualified majority in order to amend constitutions is particularly important. In majoritarian systems a parliament may be able to decide on the legality and constitutionality of its own laws, or to amend the constitution with a simple majority. Other forms of mutual veto include where legislative power is divided between two differently constituted houses. Lijphart asserts that only the power of a minority to exercise a veto 'can give each segment a complete guarantee of political protection'.[19]

The limitations of consensus

While each, or all, of these consociational techniques may force a consensus on policies they come at a cost. Consensus is not always possible, so change does not happen. A consensus requirement thus tends to favour the status quo. In order to address the potential costs of consociationalism, Lijphart accompanies his theoretical insights with extensive empirical research into the performance of democracies along the majoritarian/consociational axis and into the relationship between consociationalism and policy outcomes. He cites evidence that, contrary to conventional belief, majoritarian forms of government are not superior to consensus democracies in terms of providing effective government and that consensus democracies are 'kinder and gentler'.[20] But at the same time, Lijphart acknowledges that 'the gravest problem is immobilism'.[21] The techniques of consociationalism may encourage parties to focus on their

core support and may not provide sufficient incentives for groups to venture out of their entrenched attitudes. Minority groups may be able to exploit their position and gain a 'hold-out' advantage until their own special demands are met.[22] Agreements on policy may be reached at very minimum levels leaving possibly 'better' policy options beyond reach.[23]

In his discussion of the effectiveness of consociationalism Lijphart recognises a difference between the negative aspects of consociation in achieving a minimum form of coexistence and positive political exchange where political association can reach for the 'better' and achieve more.[24] He argues that minorities will recognise the dangers of immobilism and thus be reluctant to exploit the use of their veto or hold-out power. Nevertheless, he concludes that 'consociational democracies are always threatened by a degree of immobilism'.[25] In the final analysis he argues that for many societies the choice is not between majoritarian democracy and consociationalism but between consociationalism and no democracy.

EU membership has arguably provided the way to counteract the 'immobilism' of consociationalism within member states such as in Belgium and the Netherlands. The ideal of an 'ever closer' European Union provides a pathway to the 'better' through the promotion of a 'super' value that overrides other political values. The effect of the European ideal is to enlarge the arena for democratic contestation, to widen the number of participants, to create new possible alliances and to change the payoffs from participation and alliance building so that consensus can be achieved at a new level in new forms.

The case of the Ukraine

Consociationalism offers both a descriptive typology of the varieties of democratic government along a key dimension and a normative model of how it should be in divided societies. Lijphart aimed to encourage the leadership of divided societies to engage in institutional engineering. Switzerland and the Netherlands are usually held up as successful examples of the consociational approach, while Belgium and Italy might be held up as examples of the limitations of consociationalism. However, it is difficult to find any form of democracy, majoritarian or consociational, without blemish. One important test case of the consociational claim to help overcome deep social differences might be provided by Ukraine.

In the case of the Ukraine, unresolved differences in societal beliefs and how to express them politically provided a pretext for Russia to invade. In this case, divergent attitudes towards the future seem to have played a key role in divisions with part of the population seeming to look to Russia for its future and most towards the West.

In a theoretical continuum between a pure case of majoritarian government at one end of an axis and a fully consociational form of government at the other, under its 1996 constitution, Ukraine lies closer to the majoritarian end. Under Arts. 75, 83 and 85 it provides for a parliamentary system of government where a simple majority in the assembly is sufficient for a Prime Minister to be selected, a cabinet government to be formed and legislation passed as well as amendments to the constitution introduced. Although the constitution envisages that coalitions will be the norm, it also allows for the possibility that a single faction will command a majority in the assembly. (Art.83). The President is also elected by direct majority vote. (Art.103). Among other responsibilities, the President is charged as guarantor of the strategic course of the state towards full membership in the EU and NATO. (Art.102).

Elements of consociationalism are introduced with an independent Constitutional Court with the right of legislative review (Arts 125,126, 147, 149 & 150) together with an independent central bank (Arts 99 &100). Also consistent with consociationalism are the provisions of Art. 10 & 53 protecting the status of languages other than Ukrainian and education in minority languages. In addition, there are elements of minority veto rights in relation to legislative amendment procedures (Art.94) and the calling of referendums (art. 72) where a popular initiative requires to be approved in 2/3 of the regions. In the next election, scheduled for 2023, the system will entirely be based on party lists within a single national constituency. A single national constituency makes it more likely that minorities can gain representation. However, with the exception of recognition to the autonomy of the Crimea, the Ukraine is a centralised state under Chaps IX and X. Art 2 states flatly 'Ukraine is a unitary state'.

In the case of the Ukraine, further elements of consociationalism that would guarantee minorities a share in power might help inform any lasting democratic political settlement.

Conclusion

Consociationalism can be criticised from both empirical and normative perspectives.[26] From a normative perspective there is a case for saying that in democracies, generally, institutional arrangements should aim to avoid the dangers of immobilism and a bias towards the status quo. They need to offer not just safeguards against a society pulling itself apart, but a pathway to a better future, in whatever way 'better' is articulated.[27] However, in some fragile democracies, guarantees to minorities that they will be included in power sharing arrangements may be necessary even at the cost of immobilism. The institutional engineering of consensus is vastly preferable to non-democratic alternatives, or to state disintegration, or excuses for outside powers to intervene.

Endnotes

[1] Lijphart (1999/2012: 302).

[2] Qvortrup (2018).

[3] See Dahl (1971: 166)

[4] Lijphart (1999/2012: 2).

[5] Dahl (1971: 118-9).

[6] Anderson et al (2005).

[7] Lijphart (2008: 8).

[8] Ibid.

[9] See Qvortrup (2018).

[10] See Guénette (2021).

[11] Lijphart (1994: 140).

[12] Lijphart (1977: 83).

[13] Lijphart (1999/2012: 60).

[14] Lijphart (1994: 130-1).

[15] Lijphart (1999/2012: 2).

[16] Lijphart (1977: 31).

[17] Guénette (2021).

[18] Lijphart (2008: 79).

[19] Lijphart (1977: 36-7).

[20] Lijphart (1999/2012: 273-5).

[21] Lijphart (1977: 51).

[22] Olson (1971: 41).

[23] Ostrom (2003: 20).

[24] Lijphart (1977: 49).

[25] Lijphart (2008: 34).

[26] From an empirical perspective see Lustick (1997) and Taagepera (2003). See also Dookenspleet & Maleki (2018).

[27] Vibert discusses three concepts: democracy as 'authoritative resolution', democracy as accommodation and democracy as the pathway to acceptable 'improvement' (2018: 153-64).

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