

NEW CONSTITUTIONS AND MODELS OF DEMOCRACY: THE PROBLEM OF THE MAJORITY¹

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A constitution establishes the basic structure of a nation's government. Radically new forms of government require the writing of entirely new constitutions or substantial rewriting of existing ones. The collapse of Communism in 1989 sparked the writing of new constitutional documents in all countries of Central and Eastern Europe,³ as political leaders sought to replace single-party rule with democratic government. But "democracy" means different things to different people. David Held, a specialist on democratic government, says that "nearly everyone today says they are democrats no matter whether their views are on the left, center or right."⁴ Even people with the same ideology can hold competing conceptions of democracy. Held identified nine different models of democracy, not counting their variations. One needs to know which model of democracy the constitutional framers have in mind in order to evaluate the nature of their efforts.

This paper distinguishes between three prominent models of democratic government. Two of these fit the "procedural" conception of democratic theory--the view that democracy refers primarily to the procedures followed by government and not to the nature of its policies. The third model reflects a "substantive" conception of democracy--the view that a government is judged to be democratic mainly according to the substance of its policies rather than its procedure.⁵ Although most Anglo-American scholars may differ as to which specific model they favor, they evaluate governments with a procedural conception in mind. In contrast, Agh contends that "The European approach contains a substantive definition of democracy, specifying a large number of social and political rights that facilitate the exercise of democracy by the people."⁶

In explaining the underlying model of democracy embraced by constitution-makers in Central and Eastern European countries, this paper hopes to advance understanding of the governments they have designed.

Two Models of Procedural Democracy

If nations want democracy, they must achieve it through some form of representative government, in which officials are elected to make government decisions. Even then, democratic government is not guaranteed. Governments must have the means for determining what the people want, as well as some means for translating those wants into decisions. In other words, democratic government requires institutional mechanisms--established procedures and organizations--to translate public opinion into government policy. Elections, political parties, legislatures, and interest groups are all examples of such institutional mechanisms in politics.

Some democratic theorists favor institutions that tie government decisions closely to the desires of the majority of citizens. If most citizens want laws against the sale of pornography, then the government should outlaw pornography. If citizens want more money spent on defense and less on social welfare (or *vice versa*), the government should act accordingly. For these theorists, the essence of democratic government is majority rule. In a representative form of government, majority rule is interpreted as government that is responsive to opinions of the majority. Other theorists place less importance on the principles of majority rule or responsiveness. They do not believe in relying heavily on mass opinion; instead, they favor institutions that allow groups of citizens to defend their interests in government decisions.

We summarize these theoretical positions by using two alternative models of democracy. As a mode, each is a hypothetical plan, a blueprint, for achieving democratic government through institutional mechanisms. The majoritarian model values participation by the people in general, the pluralist model values participation by the people organized in groups. We will illustrate these models with specific references to American politics.

The Majoritarian Model of Procedural Democracy

The majoritarian model of democracy relies on the classical, textbook theory of democracy. It interprets government by the people as government by the majority of the people.⁷ The majoritarian model tries to approximate the people's role in a direct democracy within the limitations of representative government. To induce government to respond to public opinion, the majoritarian model depends on several mechanisms that allow the

people to participate directly in the political system. The popular election of government officials is the primary mechanism for democratic government in the majoritarian model. Citizens are expected to control their representatives' behavior by choosing wisely in the first place and by re-electing or defeating public officials according to their performance. The prospects for re-election or defeat at the polls are expected to motivate public officials to be responsive to public opinion and thus produce majoritarian government.

Elections fulfill the three major principles of procedural democratic theory: universal participation, political equality, and majority rule. That is, elections allow virtually all adult citizens to affect government by voting (universal participation), they count each citizen's input equally (political equality), and they choose officials according to popular preference (majority rule). This last point deserves clarification. Some electoral systems implement a strict interpretation of majority rule, requiring that candidates win an absolute majority of the vote cast, while others implement the concept more loosely, giving the office to the candidate who wins a plurality of the vote (which may be less than 50 percent plus one). Both the strict and loose interpretations of majority rule are usually included under the principle.

Usually people think of elections only as mechanisms for choosing between candidates for public office. Majoritarian theorists also see them as a means for deciding government policies. An election on a policy issue is called a referendum. When a policy question is put on the ballot by the action of citizens circulating petitions and gathering a required minimum number of signatures, it is called an initiative. Twenty-one of the states in the U. S. allow their legislatures to put referenda before the voters and give citizens the right to place initiatives on the ballot. Five other states make provision for one or the other mechanism.⁸ Statewide referenda have been used to decide a wide variety of important questions, many of which have national implications.

In the United States, there are no provisions for referenda at the national level, but other countries do allow policy questions to be put before the public. In heavily Catholic Italy, national referenda were used to make both divorce and abortion legal. In an election in 1990 in Italy, voters cast ballots on a referendum that would have banned hunting. Although a majority of those who voted favored the ban, it was not enacted because turnout fell below the 50 percent required by Italian law.⁹ Similarly, Russian citizens had two opportunities in 1993 to vote on referendum questions concerning the country's leadership and the new constitution. In Czechoslovakia, however, neither Czechs nor Slovaks had the opportunity to vote on the dissolution of their country in a referendum, and various polls showed that dissolution was not strongly favored in either republic.¹⁰

Americans are strongly in favor of a system of national referenda. A recent survey showed that 76 percent of the public felt that voters should have a say on some national issues. Only 18 percent felt that all policy decisions should be left to elected representatives.¹¹ The most fervent advocates of majoritarian democracy would like to see modern technology used to maximize the government's responsiveness to the majority. Some have proposed incorporating public opinion polls, first used regularly in the 1930s, into government decision-making. More recently, some have suggested that computers could be used in the referendum process. For instance, citizens could vote on an issue by inserting plastic identification cards into computer terminals installed in all homes.¹² People disagree on the merits of "video voting," but it certainly is technically possible--and would be a logical extension of strict majority rule.

The majoritarian model contends that citizens can (and should) control their government if they have adequate mechanisms for popular participation. It also assumes that citizens are knowledgeable about government and politics, that they want to participate in the political process, and that they make rational decisions in voting for their elected representatives. If these factors are truly necessary to the functioning of majoritarian democracy, then the majoritarian model in the United States is in trouble. Only 22 percent of a national sample of voters said that they "followed what's going on" in government "most of the time." More (40 percent) said that they followed politics "only now and then" or "hardly at all."¹³ Further, voter turnout in United States presidential elections has fallen to just half of the eligible electorate. And those who do vote often choose candidates more for their personal characteristics than their policy positions.

An Alternative Procedural Model: Pluralist Democracy

Americans are fond of quoting Abraham Lincoln's characterization of democracy as "government of the people, by the people, and for the people." For years, political scientists in the United States struggled valiantly to reconcile the majoritarian model of democracy with polls that showed a widespread ignorance of politics among the American people. If most voters do not know enough to make rational political judgments, why pretend that they should govern at all? In short, why argue for democracy? In the 1950s, an alternative interpretation of democracy evolved-- one tailored to the limited knowledge and participation of the real electorate in the United States, not the perfection of the ideal one. It was based on the concept of pluralism--the notion that modern society consists of

innumerable groups of people who each share some economic, religious, ethnic, or cultural interests. Often people with similar interests organize formal groups: the Future Farmers of America, the Junior Chamber of Commerce, and the Council of Churches, are American examples. Many of these social groups have little contact with government, but occasionally they find themselves backing or opposing government policy. When an organized group seeks to influence government policy, it is called an interest group. Many interest groups regularly spend a great deal of time and money trying to influence government policy. Among the most powerful interest groups in the United States are the AFL-CIO (the national organization of labor unions), the American Hospital Association, the Associated Milk Producers, the National Education Association, the National Association of Manufacturers, the National Organization for Women, and the National Rifle Association (NRA). All these groups have worked for their own interests often against public opinion, and the NRA has successfully limited government efforts to control the sale and use of handguns--despite a clear public preference for handgun control.

Government according to majority opinion is not central to the pluralist model of democracy. The pluralist model interprets government by the people to mean government by people operating through competing interest groups. According to this model, democracy exists when many (plural) organizations operate separately from the government, press their interests on the government, and even challenge the government.¹⁴ Pluralist theory shifts the focus of democratic government from the mass electorate, which is emphasized by majoritarian thinking, to organized groups. It changes the criterion for democratic government from responsiveness to mass public opinion to responsiveness to organized groups of citizens.

The two major institutional mechanisms for successful operation of pluralist democracy are the widespread existence of interest groups and a decentralized structure of government that provides ready access to public officials and is open to hearing the groups arguments for or against government policies. In a centralized structure, decisions are made at one point, the top of the hierarchy. The few decision makers at the top are too busy to hear the claims of competing interest groups or to consider those claims in making decisions. But a decentralized, complex government structure offers the access and openness necessary for pluralist democracy. The ideal is a system that divides government authority among numerous institutions with overlapping authority. Under such a system, competing interest groups have alternative points of access through which to present and argue their claims.

The U. S. Constitution approaches the pluralist ideal in the way it divides authority among the branches of government. When the National Association for the Advancement of Colored People (NAACP) could not get Congress to outlaw segregated schools in the South, the NAACP turned to the federal court system, which did what Congress would not. According to the ideal of pluralist democracy, if all opposing interests are allowed to organize, and if the system can be kept open, so that all substantial claims have an opportunity to be heard, then the diverse needs of a pluralist society will be served when an issue is decided.

Although many scholars have contributed to the model, pluralist democracy is most closely identified with political scientist Robert Dahl. According to Dahl, the fundamental axiom of pluralist democracy is that "instead of a single center of sovereign power there must be multiple centers of power, none of which is or can be wholly sovereign."¹⁵ Some key concepts of pluralist democracy, therefore, are divided authority, decentralization, and open access.

The Majoritarian Model Versus the Pluralist Model

In majoritarian democracy, the mass public--not interest groups--controls government actions. The citizenry must be knowledgeable about government and willing to participate in the electoral process. Majoritarian democracy relies on electoral mechanisms that harness the power of the majority to make decisions. Conclusive elections and a centralized structure of government are mechanisms that aid majority rule. Pluralism does not demand much knowledge from citizens in general. It requires specialized knowledge only from groups of citizens, in particular their leaders. Unlike majoritarian democracy, pluralist democracy seeks to limit majority action, so that interest groups can be heard. It relies on strong interest groups and a decentralized government structure--mechanisms that interfere with majority rule, thereby protecting minority interests. We could even say that pluralism allows minorities to rule.

If pluralist democracy allows minorities to rule, how does it differ from elite theory--the view that a small group of people (a minority) makes most important government decisions? According to elite theory, important government decisions are made by an identifiable and stable minority that shares certain characteristics, usually vast wealth and business connections.¹⁶ Elite theory contends that these few individuals wield power in America, because they control its key financial, communications, industrial, and governmental institutions. Their power derives from the vast wealth of America's largest corporations and the perceived importance of the continuing success of those

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corporations to the growth of the economy. An inner circle composed of top corporate leaders provides not only effective advocates for individual companies and for the interests of capitalism in general but also supplies people for top government jobs--from which they can further promote their interests.¹⁷

The key difference between elite and pluralist theory has to do with the durability of the ruling minority. Unlike elite theory, pluralist theory does not define government conflict in terms of a minority versus the majority, instead, it sees many minorities vying with one another in different policy areas. In the management of U. S. national forests, for example, many interest groups--logging companies, recreational campers, environmentalists--have joined the political competition. They press their various interests on government through group representatives who are well informed about the issues as they affect group members. According to elite theory, the financial resources of big logging companies ought to win out over the arguments of campers and environmentalists, but this does not always happen. In fact, the most divisive issue in the heavily forested northwestern states of Oregon and Washington is the fate of the Northern Spotted Owl, a bird threatened by extinction by logging operations. So far, the federal courts have sided with those who want to protect the bird and have restricted logging in millions of acres of forests. The decision has led to the closing of many logging companies and to the loss of thousands of jobs.

The pluralist model holds that this type of competition among minority interests also takes place in other policy arenas, such as transportation, agriculture, public utilities, and urban housing. Although some groups with "better connections" in government may win more often in individual arenas, no identifiable elite wins consistently across a broad range of issues. The pluralist model, then, rejects the primary implication of elite theory: that a single group dominates government decisions.¹⁸ Indeed, pluralist democracy makes a virtue of this struggle among competing minority interests. It argues for government that accommodates this struggle and channels the result into government action. According to pluralist democracy, the public is best served if the government structure provides access for different groups to press their claims in competition with one another.

Notice that pluralist democracy does not insist that all groups have equal influence on government decisions. In the political struggle, wealthy, well-organized groups have an inherent advantage over poorer, inadequately organized groups. In fact, unorganized segments of the population may not even get their concerns placed on the agenda for government consideration, which means that what government does not discuss (its nondecisions) may be as significant as what it does discuss and decide. This is a critical weakness of pluralism, and critics relentlessly attack this theory because it seems to justify great disparities in levels of political organization and resources among different segments of society. Pluralists respond by saying that as long as all groups are able to participate vigorously in the decision-making process, the process is democratic.

Minority Rights and the Problem of the Majority in Procedural Theory

Because main criticism of the pluralist model of democracy is that it smacks of elitism, its advocates never argue for "minority rights." Indeed, they must defend their theory against charges of "minority rule." As we have seen, the standard defense for pluralist democracy is to stress that "minorities rule", that the "ruling" minority is not durable, for it shifts from issue to issue. To appreciate this argument, we must return to the meaning of pluralism in the context of the theory. Dahl points out that the theory of pluralist democracy refers to "organizational pluralism, that is, to the existence of a plurality or relatively autonomous (independent) organizations (subsystems) within the domain of a state."¹⁹ Once again, this theory refers primarily to organized groups, not social minorities. So minority rights pose no particular issue for pluralist theory.

In contrast, minority rights pose a major problem for the majoritarian model. According to this model, the principle of responsiveness is absolute. The government should do what the majority wants, regardless of what it is, and minorities have no special rights. Of course, democratic theorists acknowledge problems with strict majority rule. Consider the case of religion. At present, the U. S. constitution prohibits laws that establish a religion. Christians account for more than 90 percent of the U. S. population. Suppose that the Christian majority backed a constitutional amendment to require Bible reading in public schools, that the amendment was passed by Congress, and that it was ratified by the states. From a strict procedural view, the action would be both democratic and constitutional.

But what about freedom of religion? What about the rights of minorities? To find the limits to the government's responsiveness to public opinion, we must look outside procedural democratic theory to substantive democratic theory.

A Model of Substantive Democracy

Substantive democratic theory focuses on the substance of government policies, not on the procedures followed in making those policies. It argues that in a democratic government, certain principles must be embodied in government policies. In defining the principles that underlie democratic government--and the policies of that government--most substantive theorists agree on a basic criterion: government policies should guarantee civil liberties (for example, freedom of expression) and civil rights (for example, protection against discrimination in employment and housing). According to this standard, a country's claim to be a democracy rests on its record in ensuring all its citizens these liberties and rights.

Substantive theorists may not agree on what the package of civil liberties should be. Most substantive theorists in the United States would reject a law that requires Bible reading in schools, because it would violate freedom of religion, which they would include as a basic civil liberty in their definition of "democratic" policies. Some other countries (for example, Israel and Poland) do not demand such a strict separation of church and state, and thus some foreign theorists may not prize freedom of religion as highly as those in the U. S. Agreement among substantive theorists breaks down even further when discussion moves from civil rights to social rights (adequate health care, quality education, decent housing) and economic rights (private property, steady employment). They disagree most sharply regarding the issue of social equality to qualify as a democracy. They ask, for example, whether a state must guarantee unemployment benefits and adequate public housing to be called democratic. Some insist that policies that promote social equality are essential to democratic government.²⁰ This viewpoint is more prevalent in Western Europe than in the United States, and far more prevalent in Central and Eastern Europe.

What is special about Central and Eastern Europe, however, is the link between substantive democracy and protection of minority rights. Kiss puts the case most succinctly:

It is obvious that the issue of national minorities is closely connected with democracy, with the implementation of a legal state, the acknowledgment of a minority's special rights, the guarantee of these rights are in a certain sense the criteria of democracy."²¹

His view is reflected by Kovac: "Doubtless, one of the main criteria of democracy in our region is the extent to which minority rights are provided. Where no means for the development of a minority education system are provided, where no minority deputies are admitted into the Parliament, there can be no democracy."²² According to Agh, this region needs: "

a new type of democracy and not just a new democracy. The narrow "definition" of democracy as electoral or procedural one can work in consolidated or well-established politics like the United States, although I have my doubts The peoples of our countries need a clear commitment by the new democratic state to all citizens to enable them by providing them with all the necessary social and economic preconditions to exercise really and fully their democratic political rights."²³

In a separate publication, Agh alludes to the type of democracy that he has in mind, a government of "organized minorities," which is commonly described the literature as the consensus model of democracy.²⁴

The Consensus Model of Democracy

The foremost exponent of consensus democracy is Arend Lijphart.²⁵ Lijphart contrasts the consensus model with what he calls the Westminster model, which is essentially majoritarian government as implemented in Britain, New Zealand, and Canada. Under the Westminster model, government should be responsive to a majority of the people. Assuming that the country is not divided into durable groups that repeatedly conflict on critical issues, the issue of minority rights is not crucial to the majoritarian model. On a given issue, the majority wins and the minority loses. Majority vote, even by a small margin, can often settle controversial issues. Consider the referendum on November 26, 1989 in Hungary, in which 50.3 percent voted for parliamentary election of the new president and against popular election.²⁶

Majority rule may work well even for major issues if they are not structurally tied to specific minority groups within the country. However, if a country is divided into what Dahl calls a "permanent" majority and one or more permanent minorities, the majoritarian principle can produce "highly dissatisfied minorities."²⁷ Accordingly, the majoritarian model is not well-suited to what Lijphart calls plural societies: societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually separate subsocieties with their own political parties, interest groups, and media of communication. Under these conditions, majority rule is not only undemocratic but also dangerous, because minorities that are continually denied access to power will feel excluded and discriminated against and will lose their allegiance to the regime.

In plural societies, therefore, majority rule spells majority dictatorship and civil strife rather than democracy. What these societies need is a democratic regime that emphasizes consensus instead of opposition, that includes rather than excludes, and that tries to maximize the size of the ruling majority instead of being satisfied with a bare majority: consensus democracy.²⁸

Lijphart's notion of a plural society is quite different from "pluralism" in pluralist democracy. Whereas pluralists regard society as organized into overlapping and cross-cutting nongovernmental (but not nonpolitical) interest groups, consensualists view the population as permanently divided into groups according to ethnicity or some other durable social quality. Due to the legacy of communism, the countries in Central and Eastern Europe lack the extensive network of voluntary associations that are required for pluralist democracy, but these countries are historically and indelibly plural societies, marked by strong ethnic groups with historical rivalries.

Area scholars contend that the plural societies in Central and Eastern Europe present especially daunting political problems, for their minority groups are not simply "ethnic" minorities but national minorities.²⁹ Kovac defines a national minority as "the smaller component of an ethnic national whole the larger part of which represents the state-forming element of another state."³⁰ Not only do the minority groups in one nation often identify with their ethnic kin in an adjoining nation but national leaders often speak out for their kin elsewhere. Thus, the prime minister of Hungary declared himself the spiritual prime minister of all 15 million Hungarians in the region, and President Yeltsin warned that the fate of ethnic Russians in former Soviet Republics was considered "our national affair."³¹

There is no need to delve into the historical roots of national minorities, especially within the former Soviet Union. Within Central and Eastern Europe, the national minority problem crystallized in 1918. The end of World War I brought into existence several new states with strong ethnic national minorities. Moreover, the new states were divided into winners and losers, into states with satisfied and states with unsatisfied ambitions.³² The policies of the new nations toward their minority groups, like the policy of the former and much larger Hungarian nation toward its minorities, was not very accommodating.³³ Gurr identifies four types of policies that governments can follow for dealing with ethnopolitical conflict:

Containment -- the strategy of keeping minorities separate and unequal. Such a strategy may be dictated by a dominant group's racial and religious beliefs, material interests, security concerns, or all three... Much of the recent increase in communal protest and rebellion is rooted in reactions to discredited policies of containment. They are a source of bitter grievances and escalating conflict.

Assimilation -- an individualistic strategy that gives people incentives and opportunities to subordinate or abandon old communal identities and adopt the language, values, and behaviors of the dominant group. Until the 1960's, assimilation was the preferred strategy for dealing with ethnoclasses and indigenous peoples in most western societies, including immigrant societies such as the United States and Australia, but not Canada.

Pluralism -- equal but separate: equal individual and collective rights, including the right to separate and coexisting identities. Pluralism also has major implications for economic policy and for politics. Economically, it means a shift from programs designed to enhance individual opportunities toward programs that allocate entitlements and jobs on the basis of ethnicity. Politically, it implies the emergence of institutionalized ethnic politics, with ethnic political parties and guarantees, or expectations, that communal interests will be represented in decision making . . .

Power sharing -- an alternative way of ordering multicomunal societies. It assumes that communal identities and organizations are the basic elements or pillars of society. State power is exercised jointly by the constituent communities, each of which is proportionally represented in government and all of which have mutual veto power.³⁴

The terrible war in the former Yugoslavia sensitized the people of Central and Eastern Europe to the specter of ethnopolitical conflict in their own countries. When democrats in the region considered their constitutional options for dealing with ethnopolitical conflict, they found their options narrowed quickly. Containment was dismissed as undemocratic, and assimilation had little support in this era, when cultural diversity and collective rights were increasingly recognized by the international community.³⁵ Formal power sharing, as in Belgium and Switzerland, is both very difficult to devise and would probably be unacceptable to the majority group in each nation.³⁶ So those who sought to incorporate democratic values in new constitutions chose pluralist politics for plural societies, the solution offered in the model of consensus democracy.

With few exceptions, the constitutional orders of all the postcommunist countries of Central and Eastern Europe outside the Soviet Union adopted constitutional forms that were suited to consensus democracy, namely parliamentary government and proportional representation (PR).³⁷ Not only are PR systems conducive to representing diverse social groups and interests in parliament, but -- when minorities organize themselves into political parties--PR provides minorities with direct access to government decision-making in coalition governments. But as various scholars have pointed out what PR gains in faithfulness of social representation it often gives up in governability, which Diamond describes as "sufficient concentration and autonomy of power to choose and implement policies with energy and dispatch."³⁸ So one of the many problems facing the new governments in Central and Eastern Europe is how to get a consensus model of democracy to work effectively, so that the nation is governable. Ironically, governability is one of the acknowledged benefits of the rejected majoritarian model.

The Model of Consensus Democracy and the Problem of the Majority

In keeping with their model of democracy, consensualists (unlike pluralists) are active opponents of majoritarianism. Indeed, "majority rule" --what has been defined as the core of classical democratic theory--is precisely the principle that consensualists do not want to put into operation. Their argument emerges most clearly in their opposition to presidential forms and their preference for parliamentary forms in democratizing states. Lijphart writes of the disadvantages of presidentialism as being "less inclusive, winner-take all government."³⁹ Similarly, Juan Linz, warns of the "perils of presidentialism" as more new nations turn to democracy: "Presidentialism is ineluctably problematic because it operates according to the rule of "winner take-all" -- an arrangement that tends to make democratic politics a zero-sum game, with all the potential for conflict such games portend."⁴⁰

In classical democratic theory, winner-take-all is simply another expression of majority rule. Linz continues:

Although parliamentary elections can produce an absolute majority for a single party, they more often give representation to a number of parties. Power-sharing and coalition-formation are accordingly attentive to the demands and interests of even the smaller parties. These parties in turn retain expectations of sharing in power and, therefore, of having a stake in the system as a whole.⁴¹

Consensus democracy is the dominant model today among western scholars who prescribe constitutional forms for newly democratizing countries. Lijphart says that the two fundamental choices confronting architects of new constitutions are, on the one hand, between plurality elections and PR and, on the other, between parliamentary and presidential government, and he sets out to show "that the combination of parliamentarianism with proportional representation should be an especially attractive one to newly democratic and democratizing countries."⁴²

Valenzuela similarly argues "the case for parliamentarism" for countries in Latin America, in which presidential systems have long been dominant.⁴³ In their recent book on constitutional design, Shugart and Carey write: "Most of the scholarly literature on the subject comes out quite squarely behind parliamentarism as the preferred alternative."⁴⁴ They, however, do not agree with the choice:

The advantages of parliamentarism for new democracies, according to its advocates, stem from that regime type's supposed superior ability to regulate conflict. Yet having a popularly elected president can offer potential advantages in conflict regulation. These advantages stem from the logic of presidential elections in giving voters identifiability over the choice of executive authority and even from the big-party bias inherent in presidential elections. On identifiability, presidential elections, unlike parliamentary elections in nonmajoritarian systems, allow elites to present to voters alternative governments and allow voters to determine what are the possible executive options being placed before them."⁴⁵

In any event, the die has been cast in the new constitutions of Central and Eastern Europe outside the former Soviet Union. They have explicitly rejected the Anglo-American models of democracy in favor of the continental model, featuring proportional representation and predominantly parliamentary government. However, these countries differ from most of western Europe in their intense concern with national minorities and their fear of majority rule. In their pursuit of consensus democracy, the countries of Central and Eastern Europe run the risk of cultivating ethnically based party systems that perpetuate old divisions. One hopes that these party systems do not also exacerbate those divisions.

Summary and Conclusion

To western scholars who seek to understand how democratic these new constitutional regimes of Central and Eastern Europe are, I would begin by clarifying some points. First, remember that there are different models of democracy. Neither the classical majoritarian model (conjured up when most Anglo-Americans think of democracy) nor the pluralist model (invented to deal with the American case) guided the framers in Central and Eastern Europe. In fact, they were less influenced by a procedural conception of democracy than by a substantive conception, and their substantive conception has focused on minority rights more than majority rule.

Second, understand that the Anglo-American notion of pluralist politics, indeed the word pluralism itself differs from the concept of a plural society. The former Communist countries lack the extensive network of voluntary associations found in countries that are historically capitalist. As a result, the Central and Eastern European countries at present could never sustain pluralist democracy. Although these countries are plural societies, in the sense of having well-defined ethnic minorities, even the term ethnic minorities is inadequate. Ethnic minorities in these countries are also national minorities, with ties to neighboring nations. The major practical consequence is that ethnic conflict within any country has immediate international ramifications.

Finally, constitution makers in Central and Eastern Europe are very sensitive to the potential of ethnopolitical conflict leading to war, not merely civil war. Democratic theorists' fears of majority rule (not always shared by constitution makers) have made them hypersensitive to minority rights. Consensus democracy is their prevailing model of democratic government in Central and Eastern Europe. We must hope that the model works.

Notes

1. Parts of this paper were adapted from Chapter 2 of Kenneth Janda, Jeffrey Berry, and Jerry Goldman, The Challenge of Democracy: Government in America (Boston: Houghton Muffin, 1993).
2. University of Economic Sciences, Budapest, Hungary, Northwestern University, Evanston, USA.
3. A. F. Dick Howard, Constitution Making in Eastern Europe (Washington, D. C. : Woodrow Wilson Press, 1993), p. 2.
4. David Held, Models of Democracy (Stanford, CA: Stanford University Press, 1987), p. xiii.
5. This distinction is elaborated in Austin Ranney and Willmoore Kendall, Democracy and the American Party System (New York: Harcourt Brace, 1956), p. 5.
6. Attila Agh, "Transition to Democracy in East-Central Europe: a Comparative View," in Gyorgy Szoboszlai (ad.) Democracy and Political Transformation: Theories and East-Central Realities. (Budapest: Hungarian Political Science Association, 1991), p. 110.
7. This viewpoint was expressed by two speakers at plenary sessions of the IV Bratislava Symposium in 1993. On November 13, Spencer Zifcak said, "Democracy by definition is rule by majority will," although he noted that individuals also have rights beyond law. Later in the day, Peter Zajac said that democracy was "rule by majority" but he too referred to rights of individuals and minorities that lie beyond majority rule. This conflict between majority rule and minority rights is at the center of the substantive conception of democratic theory, discussed below.
8. Thomas F. Cronin, Direct Democracy (Cambridge, Mass.: Harvard University Press, 1989), p. 47.
9. Clyde Haberman, "Greens Alliance Set Back in Italy," New York Times, 6 June 1990, p. A7.
10. Various polls were published, some of doubtful quality, with differing results. Most suggested that Czech citizens favored dissolution more than Slovak citizens, but even the Czechs usually fell short of a majority. One poll taken by A ISA at the end of October asked about intensity of feelings, and dissolution was "resolutely supported" by 22 and 19 percent of respondents respectively in the Czech and Slovak Republics and "resolutely opposed" by 29 and 27 percent respectively. See the 4 December 1992 report, 'Students E-Mail News from Czechoslovakia,' Charles University in Prague.
11. Cronin, Direct Democracy, p. 80.

12. Richard S. Hollander, Video Democracy: The Vote-from-Home Revolution (Mt. Airy, Md.: Lomand, 1985) F. Christopher Arterton, Teledemocracy: Can Technology Protect Democracy? (Newbury Park, Calif.: Sage, 1987), and Jeffrey B. Abramson, F. Christopher Arterton, and Gary R. Orren, The Electronic Commonwealth (New York: Basic Books, 1988).
13. M. Margaret Conway, Political Participation in the United States, 2nd ed (Washington, D. C. : Congressional Quarterly, 1991), p. 44.
14. See Robert A. Dahl, Dilemmas of Pluralist Democracy: Autonomy vs. Control (New Haven: Yale University Press, 1982), p. 5.
15. Dahl, Pluralist Democracy in the United States (Chicago: Rand McNally, 1967), p. 24.
16. The classic book on elite theory in American politics is C. Wright Mills, The Power Elite (New York: Oxford University Press, 1956). Actually, elite theory argues that elite rule is inevitable in every government, indeed in every large organization. See Thomas R. Dye, Who's Running America? The Bush Era, 5th ed. (Englewood Cliffs, N. J. : Prentice-Hall, 1990), especially pp. 2-6, for a summary of elite theory.
17. Michael Useem, The Inner Circle (New York: Oxford University Press, 1984). On a broader level, see Charles E. Lindblom, Politics and Markets (New York: Basic Books, 1977).
18. There is evidence, however, that identifiable elites are more durable (and consistently influential) in some areas of the United States--especially in specific states. Thus for many years, the automobile industry, with its headquarters in Detroit, was unarguably the dominant economic and political force in Michigan. In Texas and Oklahoma, the oil industry was (and still is) powerful in politics. One can even link long-standing political power in certain states to specific companies--such as the Anaconda Copper Company in Montana, the DuPont chemical company in Delaware, and even alt Disney, Inc. in florida. Elite rule is more plausible in states because they are smaller units and less likely to give rise to countervailing economic and political powers. But even in states dominated by one industry, countervailing powers can arise. In fact, the automobile industry in Michigan often faced opposition by the United Auto Workers on many governmental issues.
19. Robert A. Dahl, Dilemmas of Pluralist Democracy: Autonomy vs. Control. (New Haven, CT: Yale University Press, 1982), p. 5.
20. See C. B. Macpherson The Real World of Democracy (New York: Oxford University Press, 1975), p. 58-59.
21. Csaba G. Kiss, "National Minorities in central Europe: Definition and Typology," in Jana Plichtova (ed4, Minorities in Politics: Cultural and Language Rights (Bratislava: Bratislava Symposium II, November 11-16, 1991, 1992), p. 72.
22. Dusan Kovac, "National Minorities in central Europe as an Instrument and Activity Force in European Politics," in Jana Plichtova (ed.), Minorities in Politics: Cultural and Languages Rights (Bratislava: Bratislava Symposium II, November 11-16, 1991, 1992), p.85.
23. Attila Agh, "Transition to Democracy in East-Central Europe: a Comparative View," p. 119.
24. Attila Agh, "Basic Democratic Values and Political Realities in East Central Europe," Budapest Papers on Democratic Transition, No. 70 (Budapest Hungarian Center for Democracy Studies Foundation, University of Economics, 1993), pp. 7-8. Agh actually mentions the "consociational" model, but that term has largely been replaced by the "consensus model."
25. See Democracy in Plural Societies: A Comparative Exploration (New Haven, CT: Yale University Press, 1977) for an early formulation of this model.
26. Janos Kis, "Postcommunist Politics in Hungary," Journal of Democracy, 2 (Summer 1991), p.'5. The voting breakdown comes from Duncan Shields, "Where things are rarely what they seem," Budapest Sun, 10-16 February 1994, p. 4.
27. Dahl, Dilemmas of Pluralist Democracy, p. 88.
28. Arend Lijphart, Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries (New Haven, CT: Yale University Press, 1984), p. 22-23.

29. Kiss, "National Minorities in Central Europe," p. 74.

30. Dusan Kovac, "National Minorities in Central Europe as an Instrument and Activity Force in European Politics," p. 82.

31. Gyorgy Csepeli and Antal Orkeny, "Conflicting Loyalties of Citizenship and National Identity in Eastern Europe," in Jana Plichtova (ed.), Minorities in Politics: Cultural and Languages Rights (Bratislava: Bratislava Symposium II, November 11-16, 1991, 1992), p. 44, and Fred Hiatt, "Yeltsin Shifts Priority from Reform to Nationalism," International Herald Tribune, 25 February 1994, p. 1.

32. Ibid., pp. 82-83.

33. Kiss, p. 74.

34. Ted Robert Gurr, Minorities at Risk: A Global View of Ethnopolitical Conflicts (Washington, D.C.: United States Institute of Peace Press, 1993), pp. 306-310.

35. See Manfred Nowak, "Protection of Minorities and the Right of Self-Determination," in Jana Plichtova (ed.), Minorities in Politics: Cultural and Languages Rights (Bratislava: Bratislava Symposium II, November 11 16, 1991, 1992), pp. 103-106, Collin H. Williams, "The Cultural Rights of Minorities: Recognition and Implementation," *ibid.*, pp. 107-120, and Miroslav Kusy, "Collective Rights of Minorities," *ibid.*, pp. 121-124.

36. This approach has also been termed consociational democracy in Arend Lijphart, Democracy in Plural Societies (New Haven: Yale University Press, 1977). In an earlier context, this approach was manifested in John C. Calhoun's doctrine of "concurrent majorities," which contended that decisions should be made only with the concurrence of all major segments of society. Calhoun, a Senator from South Carolina, sought to justify the secession of southern states from the Union over the issues of tariffs and slavery.

37. Croatia, Estonia, Lithuania, Poland, and Romania adopted semi-presidential forms of government, with limited powers to the president, but all adopted some form of proportional representation. See James McGregor, "How Electoral Laws Shape Eastern Europe's Parliaments," RFE/RL Research Report 2 (January, 1993) pp. 11-18. I thank Kathleen Montgomery for providing me the information on presidential and parliamentary systems.

38. Larry Diamond, "Three Paradoxes of Democracy," Journal of Democracy, 1 (Summer 1990), p. 53.

39. Mend Lijphart (ed.), Parliamentary Versus Presidential Government (Oxford: Oxford University Press, 1992), p. 11-38.

40. Juan J. Unz, "The Perils of Presidentialism," in Lijphart, 118-132, 123.

41 Ibid.

42 Lijphart, Mend, "Constitutional Choices for New Democracies," Journal of Democracy, 2 (Winter, 1991), 72-84, at p. 72.

43. Aturo Valenzuela, "The Crisis of Presidentialism," Journal of Democracy, 4 (October 1993), 3-16. See also the important article by Scott Mainwaring, "Presidentialism, Multipartyism, and Democracy: The Difficult Combination," Comparative Political Studies, 26 (July, 1993), 198-228. Mainwaring, however, limits his indictment of presidential systems as a basis for democratic government to systems with multiple political parties, which produces a particularly unstable situation. As Shugart and Carey show, it is possible to limit the number of parties through electoral engineering. His analysis should be instructive to Russia, which so far has avoided virtually all of the engineering features that would tend to limit parties. For example, the Russian system separates presidential and parliamentary elections and requires absolute majorities for election in both presidential and parliamentary contests.

44. Matthew Soberg Shugart and John M. Carey, Presidents and Assemblies: Constitutional Design and Electoral Dynamics (Cambridge: Cambridge University Press, 1992), p. 2.

45. Ibid., p. 284.