

Building a Republican Peace

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Stabilizing States after War

Since the early 1990s, an impressive international apparatus dedicated to peacebuilding—that is, the attempt to build stable, legitimate, and effective states after war—has emerged.¹ The first sustained push in this direction came with the development of second-generation peacekeeping operations that both monitored cease-fires and attempted to help states emerging from civil wars develop the requisites for a stable peace. Over the decade various states, regional and international organizations, and international nongovernmental organizations dedicated more resources and developed more programs designed to help remove the root causes of conflict. The terrorist attacks of September 11, 2001, catalyzed an emerging view that weak states pose a major threat to themselves and to international security.² In response to the existing and anticipated demand

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1. In *Agenda for Peace* (New York: United Nations Press, 2002), par. 21, UN Secretary-General Boutros Boutros-Ghali defined peacebuilding as "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid relapse into conflict." Later, the Brahimi Report on Peace Operations refined the definition as "activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war." Report of the Panel on United Nations Peace Operations, United Nations, A/55/305-S/2000/809, August 21, 2000. There are now many definitions, some of which are interchangeable with postconflict reconstruction. For a review of how different agencies conceptualize, operationalize, and prioritize postconflict activities, see Michael Barnett, David Kim, Madalene O'Donnell, and Laura Sitea, "Peacebuilding: What's in a Name?" *Global Governance*, Vol. 13, No. 3 (2007). For general statements on postconflict reconstruction, see Philip Roeder and Donald Rothchild, eds., *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca, N.Y.: Cornell University Press, 2005); Jennifer Milliken and Keith Krause, "State Failure, State Collapse, and State Reconstruction," *Development and Change*, Vol. 33, No. 5 (September 2002), pp. 753–774; Ashraf Ghani, Clare Lockhart, and Michael Carnahan, "Closing the Sovereignty Gap: An Approach to Statebuilding," Working Paper No. 253 (London: Overseas Development Institute, September 2005); Ho-Won Jeong, *Peacebuilding in Postconflict Societies* (Boulder, Colo.: Lynne Rienner, 2005); Simon Chesterman, Michael Ignatieff, and Ramesh Thakur, eds., *Making States Work: From State Failure to Statebuilding* (New York: United Nations University Press, 2005); and Charles T. Call with Vanessa Hawkins Wyeth, eds., *Building States to Build Peace* (Boulder, Colo.: Lynne Rienner, forthcoming).

2. For various statements, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001); Stuart Eizenstat, John Edward Porter, and Jeremy Weinstein, "Rebuilding Weak States," *Foreign Affairs*, Vol. 84, No. 1 (January/February 2005), pp. 134–147; Center for Global Development, *On the Brink: Weak States and U.S. National Security* (Washington, D.C.: Center for Global Development, 2004); A

for peacebuilding, the 2005 World Summit at the United Nations agreed to endorse UN Secretary-General Kofi Annan's proposals to create a peacebuilding commission, support office, and fund. Peacebuilding is now firmly established on the international security agenda.

Although peacebuilders do not operate with a single vision or from a single blueprint, liberal values so clearly guide their activities that we can call their collective efforts "liberal peacebuilding."³ The explicit goal of many of these operations is to create a state defined by the rule of law, markets, and democracy. This objective is informed by the belief that, to have legitimacy, the state must be organized around liberal-democratic principles, and that because liberal democracies are respectful of their societies and peaceful toward their neighbors, they are the foundation of a stable international order. Toward that end, peacebuilders have developed an impressive range of programs. The United States pushes democracy promotion; the United Nations has extended its peacekeeping activities; the UN Development Programme attempts to nurture civil-society organizations and strengthen grassroots participation; international nongovernmental organizations run rule-of-law programs intended to enshrine basic human rights; and the World Bank promotes private sector reform and attempts to reduce levels of political corruption. All aspects of the state, society, and economy are to be rebuilt around liberal principles.

Peacebuilding, though, does not have an impressive track record. Certainly one reason is that it is virtually unimaginable that peacebuilders can create such a nearly ideal society with scant resources and little time under such unfavorable conditions.⁴ Yet liberal peacebuilding might inadvertently be doing

More Secure World: Our Shared Responsibility (New York: United Nations Press, 2004), a report of the secretary-general's high-level panel on threats, challenges, and change; and Stephen D. Krasner and Carlos Pascual, "Addressing State Failure," *Foreign Affairs*, Vol. 84, No. 4 (July/August 2005), pp. 153–163.

3. This argument is most closely associated with Roland Paris. See his *At War's End: Building Peace after Civil Conflict* (New York: Cambridge University Press, 2004); Roland Paris, "International Peacebuilding and the 'Mission Civilisatrice,'" *Review of International Studies*, Vol. 28, No. 4 (October 2002), pp. 637–656; and Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security*, Vol. 22, No. 2 (Fall 1997), pp. 54–89. See also Oliver Richmond, "The Globalization of Responses to Conflict and the Peacebuilding Consensus," *Cooperation and Conflict*, Vol. 39, No. 2 (2004), pp. 129–150; Allen Lens, "From Peacekeeping to Peacebuilding: The United Nations and the Challenge of Intrastate War," in Richard Price and Mark Zacher, eds., *The United Nations and Global Security* (New York: Palgrave, 2004); Jens Meierhenrich, "Forming States after Failure," in Robert Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton, N.J.: Princeton University Press, 2003), pp. 155–156; and International Peace Academy, "The Future of UN Statebuilding: Strategic and Operational Challenges and the Legacy of Iraq," executive summary from a conference held in Tarrytown, New York, Security, November 14–16, 2002.

4. Robert C. Orr, "The United States as Nation Builder," in Orr, ed., *Winning the Peace: An American Strategy for Postconflict Reconstruction* (Washington, D.C.: Center for Strategic and International Studies, 2004), p. 12.

more harm than good. In their effort to radically transform all aspects of the state, society, and economy in a matter of months (and thus expecting conflict-ridden societies to achieve what took Western states decades), peacebuilders are subjecting these fragile societies to tremendous stress. States emerging from war do not have the necessary institutional framework or civic culture to absorb the potential pressures associated with political and market competition. Consequently, as peacebuilders push for instant liberalization, they are sowing the seeds of conflict, thereby encouraging rivals to wage their struggle for supremacy through markets and ballots.⁵ Furthermore, peacebuilders have not given the state its due, a reflection of a liberal bias. Peacebuilders fear resuscitating a predatory state, presume that the best state is a limited state, and desire to create a strong society that can restrain the state. Those programs directed at the state are concentrated on helping it monopolize the means of coercion and develop its administrative capacity. The majority of activities, though, are intended to strengthen civil-society associations, the private sector, and societal organizations that can help individuals further their preferences and collective goals.⁶ In short, peacebuilders have been more concerned with building a strong, liberal society than with developing state institutions. Yet liberalization prior to institutionalization can unleash societal demands before the state has developed the institutional capacity to channel, organize, and respond to those demands, thus triggering instability and conflict. Peacebuilders must recognize that peacebuilding is state building.⁷

These critiques of liberal peacebuilding point to the need for an alternative. Drawing from the central tenets of republican political theory, I develop a concept of republican peacebuilding—that is, the use of the republican principles of deliberation, constitutionalism, and representation to help states recovering from war foster stability and legitimacy. A central challenge of postconflict state building is to design states that contain the threats to stability posed by arbitrary power and factional conflict and to encourage society to begin conferring legitimacy on the new institutions. Republican peacebuilding's emphasis on the institutional foundations of stability and legitimacy is ideally suited to address these very concerns. Republicanism is attentive to the multiple threats to security.⁸ There is the threat to liberty posed by the exercise of arbitrary

5. Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W.W. Norton, 2003); and Paris, *At War's End*.

6. Barnett et al., "Peacebuilding."

7. Paris, *At War's End*; Chesterman, Ignatieff, and Thakur, *Making States Work*; Call with Hawkins Wyeth, *Building States to Build Peace*; and Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and Statebuilding* (New York: Oxford University Press, 2004).

8. In this view, the first case of modern peacebuilding was the early United States, where the federalists invented new governance principles to confront the threats posed by factions and arbitrary

trary power by the state. Factions, a permanent feature of any society, can create instability if not controlled; rivalry can explode into conflict or lead one faction to try to grab state power and deploy it against its enemies. To minimize these threats, republicanism identifies a package of institutional fixes that limits and distributes political power while restraining factions.

Republicanism also helps invest the state with legitimacy. Legitimacy, according to republicanism, is dependent on the use of proper means to arrive at collective goals. Proper means is dependent on a political process that considers the diverse interests of its citizens; that is, groups need to believe that their views are being incorporated. Although republicanism recognizes the potential centrality of periodic elections, it also suggests that alternative bodies can serve a representative function. Critical to republicanism is the concept of deliberation, which, at a minimum, requires individuals to give public reasons for their positions and decisions. This publicity principle encourages individuals and groups to find a common language, to generalize their positions, to incorporate the views of others, and perhaps even to discover common interests and develop a sense of community.

Republican peacebuilding has several advantages—especially over its liberal rival. It highlights how particular kinds of institutions might foster stability and invest the state with some legitimacy. It organizes into a coherent package emerging lessons learned from recent operations, particularly the emphasis on constitutions that distribute power and provide checks and balances on factions, and the utility of unelected assemblies of representation in the immediate postconflict environment. Not only does republican peacebuilding leave open the possibility of a liberal future, but those postconflict states that initially follow a republican path might be better positioned and more likely to develop liberal attributes if they first adopt a republican framework. It is modest. Unlike liberal peacebuilding, which uses shock therapy to push postconflict states toward some predetermined vision of the promised land, republicanism's emphasis on deliberative processes allows space for societal actors to determine for themselves what the good life is and how to achieve it. It is incremental. Unlike liberal peacebuilding, which has the vices of all grand social-engineering experiments, republicanism's emphasis on basic design principles and deliberative processes provides the shell for improvisation and learning informed by experience. Finally, republican peacebuilding offers prin-

power. For relevant discussions, see David Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University of Kansas Press, 2002); and Daniel Deudney, "The Philadelphian System: Sovereignty, Arms Control, and Balance of Power in the American States-Union, circa 1787–1961," *International Organization*, Vol. 49, No. 2 (Spring 1995), pp. 191–228.

ciples not only for building states after war but also for conducting peacebuilding operations. The concern with arbitrary power extends beyond the postconflict state; it also includes the exercise of power by peacebuilders.

This article is organized as follows. The first section discusses the challenge of building stable, legitimate states after war. The next section sketches the salient aspects of republicanism and identifies important differences between republicanism and liberalism. The third section discusses the defining principles of republican peacebuilding, deliberation, representation, and constitutionalism. I illustrate the argument with references to various postconflict cases, with a particular eye toward either how republican principles aided the postconflict process or how following such principles might have helped international interveners avoid critical errors.⁹ Before proceeding, though, an important disclaimer: I do not provide a “how to” manual for building states after war. One size does not fit all, and local circumstances must shape essential features of any operational strategy. A mandate or doctrine that established fixed rules would either become out of synch with a complex reality or would dangerously shoehorn that reality so that it fit the rules. Either way, it could be fatal for the operation.

State Building after Conflict

The modern state “exists when there is a political apparatus (governmental institutions, such as a court, parliament, or congress, plus civil service officials), ruling over a given territory, whose authority is backed by a legal system and the capacity to use force to implement its policies.”¹⁰ State building concerns how this process is accomplished. It has two elements. One involves the development of specific instruments states use to control society, that is, state capacity. Attention is directed to the monopolization of the means of coercion and the development of a bureaucratic apparatus organized around rational-legal principles that have the capacity to regulate, control, and extract resources from society. The concern, then, is with the degree of the state. The other element involves how states and societies negotiate their relationship, that is, the kind of state. Attention is directed to the organizing principles that structure the state’s rule over society. States can be distinguished according to whether or not they contain institutions designed to incorporate diverse

9. My focus on postconflict activities suggests that there is a sharp break between the conflict and postconflict phases. Yet in many cases, conflict continues to define the “postconflict” stage. In these instances, republican peacebuilding, like any peacebuilding, will face a high degree of difficulty because of the need for some stability.

10. Anthony Giddens, *Sociology*, 2d ed. (New York: Polity, 1993), p. 309.

views, hold them accountable, limit their discretion, and safeguard basic individual rights and liberties. Those that do are inclusionary; those that do not are exclusionary.¹¹

Although state building exhibits tremendous variation depending on the global context, the economic structure, patterns of authority relations and political power, and elite networks, arguably what distinguishes postconflict state building is the existence of a dual crisis of security and legitimacy. What makes postconflict state building necessary is the prior existence of conflict. Indeed, “postconflict” can be a misnomer for societies that are still experiencing violence. The legacy of conflict and the continuing climate of fear mean that individuals and groups are unlikely to trust the state to be an impartial force that can provide credible security guarantees. Until that happens, they will continue to seek protection from alternative security organizations, and these organizations will be reluctant to demobilize. In addition to being unable to provide physical security, the state also is hard pressed to deliver basic needs—such as food, medicine, and shelter—that are essential for human security. Indeed, in many instances the combination of conflict and a state’s inability or unwillingness to provide these essential services compels local communities to develop and rely on parallel organizations. An immediate and critical challenge confronting the postconflict state, therefore, is demonstrating its utility by providing security for its population.¹²

International actors frequently perform these governance functions until the state is up to the task and then provide a range of assistance activities intended to help the state develop or recover these basic capacities. Most famous here is peacekeeping, which is expected to help maintain a cease-fire and give the parties to the conflict the reassurance that they will not severely compromise their immediate security if they take conflict-reducing measures.¹³ In addition to this peacekeeping role, international actors provide security-sector reform packages to create a more professionalized military that subordinates itself to civilian control and respects basic human rights, as well as demobilization, disarmament, and reintegration packages to dismantle existing security forces and transform soldiers into productive, law-abiding citizens.

11. On inclusionary versus exclusionary institutions, see David Waldner, *State Building and Late Development* (Ithaca, N.Y.: Cornell University Press, 1999). See also Michael Mann’s related distinction between infrastructural and despotic power. Mann, “The Autonomous Power of the State: Its Origins, Mechanisms, and Results,” *Archives Europa Sociologica*, Vol. 25 (1984), p. 185.

12. For related arguments, see Paris, *At War’s End*; Orr, “The United States as Nation Builder,” p. 11; and Meierhenrich, “Forming States after Failure.”

13. Michael Doyle and Nicholas Sambanis, “International Peacebuilding: A Theoretical and Quantitative Analysis,” *American Political Science Review*, Vol. 94, No. 4 (December 2000), p. 779; and Page Fortna, “Inside and Out: Peacekeeping and the Duration of Peace after Civil and Interstate Wars,” *International Studies Review*, Vol. 5, No. 4 (December 2003), p. 97.

States after conflict also face a crisis of legitimacy. This is not terribly surprising. Domestic conflict usually erupts in illegitimate states, and the subsequent conflict rarely invests the postconflict state with legitimacy. The challenge, then, is to create public support and a modicum of legitimacy for the postconflict institutions. Not only does the effectiveness of the state's fledgling institutions depend on it, but a lack of legitimacy can contribute to the resumption of violence. In recognition of the intimate connection between legitimacy and stability, international peacebuilders have pushed for elections and liberal values, believing that this represents the surest and best way to invest the state with legitimacy. However well-meaning, such efforts potentially violate both the substantive and procedural dimensions of legitimacy.¹⁴ What a Western audience defines as a legitimate value or institution might be viewed as illegitimate by the local community. The legitimacy of a decision also depends on the use of accepted procedures. Legitimacy, in other words, is not defined by liberalism per se but rather by societal agreement regarding the proper procedures for deciding and pursuing collectively acceptable goals.

A central challenge for postconflict state building is to create a state that can help further stability and has some legitimacy. Toward that end, peacebuilders have tended to concentrate their efforts on helping the state develop a monopoly of the means of coercion and organize itself around elections and liberal values. In this respect, they have attempted to increase the degree of the state and build a kind of state that is limited both in its functions and by a strong society. Missing from such efforts, though, is a proper recognition of the institutional foundations for postconflict stability and state legitimacy. This absence owes in part to the reining approach of liberal peacebuilding. Republicanism offers, as I argue below, a better way of developing a stable, legitimate state after conflict because it focuses on how institutions can address the multiple threats to security and help invest the state with legitimacy short of elections.

Republicanism and How It Differs from Liberalism

Liberalism and republicanism are frequently conflated, and with good reason.¹⁵ Liberalism, as a political theory, derived from republicanism and thus

14. On the procedural and substantive dimensions of legitimacy, see Mark Suchman, "Managing Legitimacy: Strategic and Institutional Approaches," *Academy of Management Review*, Vol. 20, No. 3 (1995), p. 517.

15. Political theorists debate the differences between liberalism and republicanism, the critical divides, and even whether they might be merged into either a liberal republicanism or a republican liberalism. See Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (New York: Oxford University Press, 1997); Quentin Skinner, "The Republican Ideal of Political Liberty,"

borrowed various attributes that are now quite familiar, including the centrality of liberty and the need to check the power of the sovereign through elections, representation, constitutions, and laws. Yet liberalism slighted other concepts and dimensions of republicanism—namely, the conception of liberty as the freedom from arbitrary power, the threat posed by factions, the centrality of deliberation, and the constitutional restraints on arbitrary power—that not only clarify important differences between the two but also make clear why these features of republicanism match the challenges posed by the postconflict environment.

Republicanism has ancient and modern roots.¹⁶ Its origins are in Greek and Roman philosophy. Aristotle contributed the core idea that individuals should be publicly minded if they are to develop a polity that will secure their individual freedoms and help them pursue justice and the good life. Cicero held that a principal virtue of the Roman Republic was that it minimized the dependence of citizens (propertied males) on each other, and described how this lack of dependence helped to minimize domination; he added, critically, that political institutions are required to secure individual freedoms. Modern republicanism is closely associated with the writings of Nicolò Machiavelli and James Madison. Specifically, where ancient republicanism tended to emphasize the importance of the state for promoting freedom, modern republicanism shifted attention to the dangers posed to liberty by the very state that is to promote it. In *The Discourses*, Machiavelli delivered a sophisticated argument regarding the ideal political arrangements, including forms of representation and deliberation, that were required to ensure liberty. Famously, he warned that allowing individuals to treat the polity in an instrumental manner would corrupt the body politic and threaten political stability. To tame the chronic tendency of individuals to pursue only their naked self-interest, he emphasized the domesticating influence of public deliberation; by compelling individuals to speak in the language of community, they might develop a greater sense of patriotism, that is, a love of country. In the *Federalist Papers*,

in Gisela Bok, Quentin Skinner, and Maurizio Viroli, eds., *Machiavelli and Republicanism* (New York: Cambridge University Press, 1990), pp. 293–309; and Charles Taylor, “Cross-Purposes: The Liberal Communitarian Debate,” in Nancy Rosenblum, ed., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989), pp. 159–182.

16. For overviews of republican political theory, see Maurizio Viroli, *Republicanism* (New York: Hill and Wang, 2002); Maurizio Viroli, “Machiavelli and the Republican Idea of Politics,” in Bok, Skinner, and Viroli, *Machiavelli and Republicanism*, pp. 143–171; Alan Patten, “The Republican Critique of Liberalism,” *British Journal of Political Science*, Vol. 26, No. 1 (January 1996), p. 25; Skinner, “The Republican Ideal of Political Liberty”; Taylor, “Cross-Purposes”; Michael Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory*, Vol. 12, No. 1 (February 1984), p. 81; Dagger, *Civic Virtues*; and Philip Pettit, *Republicanism: A Theory of Freedom and Government* (New York: Oxford University Press, 1999).

Madison and his coauthors highlighted how factions, which are a permanent feature of political life, pose a danger to political stability and liberty; to minimize this threat, they proposed institutional arrangements to distribute and constrain power.

Modern republicanism, then, is concerned with how to develop a stable polity that lessens the threat posed by arbitrary power and factional conflict. Its concern with arbitrary power is tied to its conception of liberty. Liberalism focuses on the preservation of the autonomy of the individual from interference by others and the state. Republicanism offers a slightly different, and arguably more demanding, view of liberty and freedom—liberty as nondomination. Drawing from Roman law, it claims “that to be free mean[s] not to be dominated—that is, not to be dependent on the arbitrary power of other individuals, groups, or the state.”¹⁷ Domination occurs when an individual’s activities or choices are subject to or threatened by the ever present possibility of arbitrary interference by other agents.¹⁸ Power is arbitrary, therefore, when the interfering agent fails to consider the views of those potentially affected by its decisions.

Factions represent a second source of instability. Factions are a fact of life, but if uncontrolled, they can dominate a political system, threaten other factions, and undermine liberty. As Madison famously observed, factions—whether a minority or majority—that are united and actuated by some common impulse of passion or interest might eventually threaten the rights of other citizens or the political community.¹⁹ Consequently, guarding against their pernicious effects was imperative. Notwithstanding republicanism’s fear of factions, eliminating diversity is neither possible nor desirable. Individuals and groups cannot be expected to agree on all matters. Nor is it possible to erase diversity—and the attempt to do so creates a real threat to liberty. In general, supporters of republicanism worried about the threats to stability posed by arbitrary power and by a society unrestrained. As Machiavelli crisply summarized, “A prince who can do what he wishes is crazy; a people that can do what it wishes is not wise.”²⁰

Republicanism contains a set of principles that deal simultaneously with both challenges. Before republicanism, there was always the possibility that the medicine prescribed for one threat might unleash the other. After all, an

17. Viroli, *Republicanism*, pp. 8, 11.

18. John Maynor, *Republicanism in the Modern World* (New York: Polity, 2003), p. 37; and Viroli, *Republicanism*, p. 41.

19. Quoted in Cass Sunstein, “The Enduring Legacy of Republicanism,” in Stephen Elkin and Karol Soltan, eds., *A New Constitutionalism: Designing Political Institutions for a Good Society* (Chicago: University of Chicago Press, 1993), p. 181.

20. Quoted in Viroli, *Republicanism*, p. 58.

antidote that concentrated on the dangers posed by a centralized state and arbitrary power risked loosening the constraints on factions; an antidote targeted at the dangers posed by factions risked creating a centralized state and arbitrary power. Republicanism's brilliance was to identify how specific institutional arrangements that dispersed political power and forced groups to negotiate could reduce the risk that the medicine would not kill the patient.

Republicanism also recognizes an intimate connection between state legitimacy and stability—an illegitimate state is an unstable state. Importantly, republicanism's view of what makes a state legitimate differs from that of liberalism. Liberalism provides a particular way of thinking about the means (i.e., democracy and elections) and the goals (i.e., progress, development, and rights). Republicanism, on the other hand, views the essence of legitimacy as the state's use of proper means to achieve collectively accepted goals.²¹ No more, no less. The goals of the state can vary historically. Although currently most states pursue goals that are broadly liberal, because societies differ, so too can their goals. Proper means derives from a political process that incorporates the diverse interests of the state's citizens; that is, groups need to believe that their views are represented and considered. Periodic elections are generally considered the best, and possibly only, way to ensure that societal groups have their voices heard and views felt. Although republicanism, like liberalism, identifies elections as an important mechanism, it also acknowledges the possible incorporation of societal views in their absence. As I show below, critical for engineering a successful postconflict process is the principle of deliberation, which, at a minimum, requires that individuals provide public reasons for their positions and decisions.

Deliberation, Representation, and Constitutionalism

Republican peacebuilding promotes the foundations for postconflict stability by establishing the process for creating a legitimate state that is restrained in its ability to exercise arbitrary power and can minimize conflict among factions. Although various principles are associated with republicanism, the holy trinity of deliberation, representation, and constitutionalism is most important for promoting stability and legitimacy. Deliberation, a defining element of both representation and constitutionalism, facilitates both public engagement, and the accommodation and reconciliation among rival groups. Representation en-

21. Bernard Manin, "On Legitimacy and Political Deliberation," *Political Theory*, Vol. 15, No. 3 (August 1987), p. 359; and Bernard Manin, Elly Stein, and Jane Mansbridge, "On Legitimacy and Political Deliberation," *Political Theory*, Vol. 15, No. 3 (August 1987), p. 338.

courages the incorporation of diverse views and voices. Constitutionalism helps to distribute power across the political landscape. Below I discuss these principles and then illustrate their relevance for postconflict reconstruction.

THE TAMING EFFECTS OF DELIBERATION

The principle of deliberation is critical for the postconflict environment. Liberalism conceives of deliberation as little more than bargaining between utility-maximizing actors with fixed interests, or the very act of deciding.²² Although republicanism recognizes this elementary feature of politics, its more demanding conception of deliberation concerns how individuals consider each other's views before making a decision. Aristotle initiated this tradition when he conceptualized deliberation as the process of forming the "general will." Modern republicanism, though, is concerned less with the discovery of a general will (in part because it doubts that one truly exists) and more with how individuals and groups must give public reasons for their positions and decisions. Republicanism postulates that this fairly modest act—the consideration of each other's views in a public setting—can have fairly significant and far-reaching consequences.²³

To begin, public deliberation encourages individuals to "escape their private interests and engage in pursuit of the public good."²⁴ Individuals are self-interested. Allowed to pursue their selfish instincts, they would treat politics in an instrumental manner; such instrumentalism provides a climate for corruption and can endanger stability and political liberty. To domesticate these instincts

22. Sunstein, "The Enduring Legacy of Republicanism," p. 176. See also Pettit, *Republicanism: A Theory of Freedom and Government*, p. 130.

23. The literature on deliberative democracy offers a conception of deliberation that is related to, but goes considerably beyond, what I have in mind. The strong claim is that it is both desirable and possible to construct a nearly idealized communicative setting in which diverse groups listen patiently to each other, are willing to change their positions, and can eliminate even the most intractable differences. See Amy Gutman and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, N.J.: Princeton University Press, 1996); James Bohman and William Rehg, *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, Mass.: MIT Press, 1997); and James S. Fishkin and Peter Laslett, eds., *Debating Deliberative Democracy* (Malden, Mass.: Basil Blackwell, 2003). Among the criticisms of deliberative democracy are that the conditions under which it presumably works are so restrictive that few marriages would measure up; dialogue can harden positions and inflame conflict; sometimes decisions must be made before everyone's views can be acknowledged; and the weapons used to win an argument include not only logic but also character assassination, dirty tricks, and strategic action. See Ian Shapiro, "Enough of Deliberation: Politics Is About Interests and Power," in Stephen Macedo, ed., *Deliberative Politics: Essays on Democracy and Disagreement* (New York: Oxford University Press, 1999), pp. 28–38; and James Johnson, "Arguing for Deliberation: Some Skeptical Considerations," in Jon Elster, ed., *Deliberative Democracy* (New York: Cambridge University Press, 1998), pp. 161–184.

24. Sunstein, "The Enduring Legacy of Republicanism," p. 176. This view informs a distinctive meaning of corruption—the failure to subordinate private interests to public interests, and thus the desire to use politics for private gain.

and nurture an enlightened self-interest, republicanism recommends that political discussions be public. Such openness can compel individuals to consider the views of others, generalize their positions to widen their appeal, find a common language, articulate common ends, demonstrate some detachment from the self, and subordinate the personal to the community.²⁵ Of course individuals will frequently camouflage their personal interests in high-minded language, but the very act of public deliberation and the attending pressure on individuals force them to broaden their views and thus ameliorate conflict.²⁶

Second, deliberation increases the prospect that the collective decision will have legitimacy.²⁷ Although the decisionmaking process does not require full, equal, and active participation (and thus does not demand direct democracy), it does contain mechanisms that compel those in power to consider alternative views. Deliberation and legitimacy, therefore, are inextricably intertwined. Third, because deliberation enhances the decision's legitimacy, it also increases the likelihood that the policy will be accepted, or at least not be met by passive or active resistance. Fourth, deliberation provides an opportunity for individuals to change their minds, to alter their beliefs, and to identify with the community.²⁸ The contrast with liberalism could not be greater. Because liberalism conceives of deliberation as the bargaining between actors in the pursuit of their preferences, the result of their exchanges, at best, encourages more astute strategic action. Although republicanism certainly acknowledges these enduring features of politics, it also recognizes that deliberation can affect not only individuals' strategies but also their interests and identities. Specifically, once

25. James Fearon, "Deliberation as Discussion," in Elster, *Deliberative Democracy*, p. 54; Jon Elster, "Deliberation and Constitution Making," in Elster, *Deliberative Democracy*, p. 104; Pettit, *Republicanism: A Theory of Freedom and Government*, pp. 188–190; Thomas Christiano, "The Significance of Public Deliberation," in Bohman and Rehg, *Deliberative Democracy: Essays on Reason and Politics*, pp. 243–277; and Shelley Burt, "The Politics of Virtue Today: A Critique and a Proposal," *American Political Science Review*, Vol. 87, No. 2 (June 1993), p. 361. Publicity is not always preferable to secrecy: individuals might be deterred from changing their minds or adopting more flexible positions if they believe that there is an audience that might judge them harshly; and politicians are infamous for outbidding each other by staking out extreme positions.

26. Maynor, *Republicanism in the Modern World*, p. 125; and Manin, "On Legitimacy and Political Deliberation," p. 359.

27. Manin, "On Legitimacy and Political Deliberation"; and Pettit, *Republicanism: A Theory of Freedom and Government*, p. 169. Deliberation requires and is nearly synonymous with civic virtue. Recently, communitarians have pushed the concept of civic virtue in their desire to counteract the perceived decline of a sense of community. Although republicans agree that civic virtue is necessary for the development of community, their concept is more restrictive, related to the goal of minimizing arbitrary power, and increasing the ability of individuals to listen respectfully to the views of others and to appreciate how their actions affect society. Maynor, *Republicanism in the Modern World*, p. 56.

28. Cass Sunstein, "Beyond the Republican Revival," *Yale Law Journal*, Vol. 97, No. 8 (June 1988), p. 1549; and Frank Michelman, "Law's Republic," *Yale Law Journal*, Vol. 97, No. 8 (June 1988), p. 1528.

forced to consider opposing views, individuals might begin to identify with each other and become more community minded. In this way, creating bridges between factions and individuals as they build a community might also produce a greater love of country and a sense of patriotism, understood as a sense of belonging that transcends race, ethnicity, or other groupings. In contrast to liberals, therefore, republicans are interested not only in what the country can do for the individual but also what the individual can do for the country.

The possibility that broader and more inclusive negotiations can encourage a sense of community and help establish a greater social identification with the state is an important theme in the history of Western European state formation. Consider Charles Tilly's narrative regarding the formation of the modern state. Although most analyses typically elevate the role of war, in my view what is more critical is how the state's need to mobilize access to the resources for war triggered negotiations between state and society, which in turn led to the "civilianization of government and domestic politics." Tilly summarizes the reasons for this process in the following way:

Because the effort to build and sustain military forces led agents of states to build bulky extractive apparatuses staffed by civilians, and those extractive apparatuses came to contain and constrain the military forces; because agents of states bargained with civilian groups that controlled the resources required for effective warring, and in bargaining gave civilian groups enforceable claims on the state that further constrained the military; because the expansion of state capacity in wartime gave those states that had not suffered great losses in war expanded capacity at the ends of wars, and agents of those states took advantage of the situation by taking on new activities, or continuing activities they had started as emergency measures; because participants in the war effort, including military personnel, acquired claims on the state that they deferred during the war in response to repression or mutual consent but which they reactivated with demobilization; and finally because wartime borrowing led to great increases in national debts, which in turn generated service bureaucracies and encouraged greater state intervention in national economies.²⁹

The central mechanism here is negotiation. War caused state leaders to negotiate with their societies for access to the means of war. If states were going to survive, then they required men, money, and matériel. Because states were increasingly turning away from external sources of financing and foreign mercenaries, and were increasingly interested in securing these inputs from their societies, they had to negotiate with their societies to acquire them (or risk domestic rebellions if they attempted to use more coercive methods of extrac-

29. Charles Tilly, *Coercion, Capital, and European States, A.D. 990–1992* (Malden, Mass.: Blackwell, 1990), p. 206.

tion). In return for their sacrifices, societies expected to be able to make claims on the state. This process led to the expansion of the state apparatus and the development of representative institutions, which, in turn, increased the state's legitimacy. There is evidence from various postconflict cases, including those of South Africa and El Salvador, that negotiations and deliberations might also reconcile and create greater identification among former enemies.³⁰

Deliberation occurs not in the abstract, but rather over specific public policies. In addition to the process of constitution making, which I discuss below, three policy areas are central for creating a sense of fate among the population and a greater connection between state and society. The first is public security. Peacebuilders have paid considerable attention to public security reforms, most evident in security-sector reform and demobilization, disarmament, and reintegration programs.³¹ To the extent that these reforms reduce the number of independent and competing military organizations and professionalize the public security apparatus, they foster stability. Yet the process itself can also contribute to stability by encouraging a public debate regarding the collective purpose of military service and reconciling former combatants in the process of integration.³² A second area is public finance and economic management. Presently, economic discussions are typically restricted to a handful of state ministries and international financial institutions. This exclusionary process forgoes an opportunity for state and society to debate what the state's budgetary priorities are and how to pay for them. Indeed, a recent World Bank meeting on postconflict economic reconstruction concluded that "*policy dialogue* between donors and recipients on governance reform must be honest, open and simple, leaving *space* for the recipient state to build itself in collaboration with and response to civil society and the private sector."³³ Deliberation principles are widely accepted as central to the third area, transitional justice.³⁴ Indeed, it is virtually an article of faith that any kind of transitional justice must involve a deliberative process defined by public activities that are designed

30. Mark Peceny and William Stanley, "Liberal Social Reconstruction and the Resolution of Civil Wars in Central America," *International Organization*, Vol. 55, No. 1 (March 2001), p. 149.

31. Albrecht Schnabel and Hans-Georg Ehrhart, eds., *Security Sector Reform and Postconflict Peacebuilding* (New York: United Nations University Press, 2006).

32. This applies not only to military but also to police forces. See Charles Call, "Police Reform and Political Reconciliation: The Case of El Salvador," workshop on democratization and internal security, MacArthur Consortium on International Peace and Cooperation, Stanford University, Stanford, California, February 1996.

33. Summary of Conference and Workshop on the Political Economy of Governance Reform, Copenhagen, Denmark, June 23–24, 2004, hosted by the World Bank's Public Sector Governance Group and the Danish Ministry of Foreign Affairs (emphasis in original).

34. For national-level activities, see Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002). For national and local activities, see the War-Torn Societies Project, <http://www.wsp-international.org>.

both to hold accountable those accused of crimes against society and to give the victims of these crimes the opportunity to participate in a public healing process.³⁵

Although deliberation is critical for promoting a more legitimate and stable polity, there can be too much of a good thing, especially in a postconflict context. Sometimes things are better left unsaid, and the less said the better. Responding to Thomas Jefferson's proposal that all of society routinely deliberate on constitutional questions, Madison averred that this would increase "the danger of disturbing the public tranquility by interesting too strongly the public passions." And "it is reason, alone, of the public that ought to control and regulate the government . . . while the passions ought to be controlled and regulated by the government."³⁶ Madison's fears seem particularly relevant for societies emerging from war. Relatedly, it may be best to remove some issues from public discussion, especially early in a postconflict process. For instance, trying to settle deeply personal issues in divided societies, including the role of religion in public life, might very well derail any reconciliation or reconstruction process. Deliberation also has extremely high transaction costs; sometimes decisions have to be made before all views can be considered. Indeed, in many postconflict settings, destroyed communication and transportation lines and continuing security problems make this physically impossible. That said, it is better to err on the side of inclusion, because deliberation between key societal groups can help them bridge differences, discover common interests, and develop a sense of community and common fate.

REPRESENTATION BEYOND ELECTIONS

Republicanism introduced the importance of representation, drawing from the idea in Roman law that "what affects all must be decided by all."³⁷ It was not, however, a "theory of direct participatory democracy but rather representative government within constitutional boundaries."³⁸ The scale of modern polities

35. Republicanism also differs from liberalism on the issue of rights. Liberalism embraces the language of universal, natural rights, holding that because of their common humanity all individuals have basic human rights that are intended to protect their autonomy and dignity. Republicanism views rights as emerging from the local community. Accordingly, because different communities have different histories and deliberative processes, they are likely to have different conceptions of rights, different understanding of how these rights are connected to the good life, and different views of which institutions and informal norms are necessary to protect them. Although different communities might converge on a common conception of basic human rights, this comes from human agreement, not by baptism.

36. Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (Cutchogue, N.Y.: Buccaneer, 1961), pp. 315–317, cited in Joshua Cohen, "Deliberation and Democratic Legitimacy," in Bohman and Rehg, *Deliberative Democracy: Essays on Reason and Politics*, p. 89 n. 28.

37. Machiavelli, codex 5.59.5, quoted in Viroli, *Republicanism*, p. 4.

38. *Ibid.*, p. 6.

makes direct participatory democracy impractical and unnecessary. The geographic and demographic size of modern politics is too vast to expect citizens to participate actively in all affairs. Accordingly, representation meant that those in power spoke for and incorporated the interests of the citizenry. When considering mechanisms of representation, most discussions drift immediately to direct elections. Yet there are other ways to force state officials to consider the views of others, and thus meet minimal standards of representation. Indeed, the election or selection of an enlightened group relatively insulated from society might help it escape mob rule or particularly passionate factions and thus formulate generalized positions.

Republicanism's consideration of forms of representation outside of elections is of immediate relevance to postconflict settings. However desirable, elections can cause more troubles than they solve and potentially undermine the democratization process.³⁹ Consequently, there is a need for alternative, unelected arrangements such as consultative bodies and transitional governments that can perform the function of representation until elections are appropriate. If unelected bodies are to meet the principle of representativeness, though, they must fulfill two criteria: inclusivity, or incorporating diverse groups; and publicity, or making transparent their decisions and the reasons behind them. Satisfying these two criteria encourages those in power to broaden their perspectives, acknowledge the views of others, and meet minimal standards of representation. As such, these criteria help invest the political process with legitimacy, reduce the possibility of arbitrary power, and stabilize the postconflict setting.⁴⁰

The contrast between Afghanistan and Iraq regarding the relationship between representation, legitimacy, and stability is particularly instructive. After the defeat of the Taliban in the fall of 2003, the immediate challenge was to construct a process to establish a new Afghan government. Under the auspices of various international sponsors, four central Afghan factions met in Bonn, Germany, to discuss the country's interim political authority and the process of establishing a new government. Although the meeting fell far short of any

39. For a general review of issues concerning elections after conflict, see Benjamin Reilly, "Postconflict Elections: Constraints and Dangers," *International Peacekeeping*, Vol. 9, No. 2 (Summer 2002), p. 118; and Terrence Lyons, *Demilitarizing Politics: Elections on the Uncertain Road to Peace* (Boulder, Colo.: Lynne Rienner, 2005). For the possibility of democracy among nondemocrats after conflict, see Leonard Wantchekon, "The Paradox of 'Warlord' Democracy: A Theoretical Investigation," *American Political Science Review*, Vol. 98, No. 1 (February 2004), pp. 17–33.

40. The legitimacy of these unelected bodies is further complicated when they are established either in the presence of or by international peacebuilders, creating the local perception that international actors have profoundly shaped the composition of these bodies and thus compromising their legitimacy. This is one reason why peacebuilders are anxious to hold elections as quickly as possible.

measure of inclusion, the Bonn agreement of December 5, 2003, did create a process that met minimal standards of participation, as it established the Emergency Loya Jirga (Grand Assembly of Elders), which would be responsible for selecting a transitional government until national elections for a permanent government could be held.⁴¹ Although the delegates to the Emergency Loya Jirga were not formally elected, it was accorded tremendous legitimacy for two critical reasons. It had roots in Afghan history, reflecting local, not foreign, preferences. It also was impressively inclusive, comprising not only the major ethnic and religious groups but even some marginalized populations. There were two procedures for selecting the participants. At the local level, more than 1,000 delegates were selected by groups of elders, venerated elites, and powerful families; as a consequence, powerful interests were over-represented, and women, poor, and minorities were underrepresented. To compensate for this predicted bias, another 500 delegates were appointed by the Loya Jirga Commission in consultation with various organizations, civil-society organizations, elites, refugees, and nomads. In early 2003 a second loya jirga was established through indirect elections to help draft the new constitution; it had all of the merits and deficits of the Emergency Loya Jirga. In general, although these bodies did not represent all views or encourage all those in attendance to speak their minds, arguably they met minimal standards of deliberation and representation. Importantly, this process is credited with helping to stabilize post-Taliban Afghanistan.⁴²

The political process in the months following the fall of Baghdad in March 2003 traveled a very different path and contributed to a very different result. Unlike in Afghanistan, where the United States worked with the international community to begin the process of transferring authority to local elites, in Iraq it acted alone and continually resisted the idea of sharing authority with any

41. Bonn, formally known as the "Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions," was brokered by the four major Afghan factions and thus fell far short of any measure of representativeness.

42. For discussions of the loya jirga, see Daud Saba and Omar Zakhilwal, *Security with a Human Face: Challenges and Responsibilities*, Afghanistan National Human Development Report, 2004 (Islamabad: United Nations Development Program, 2005), pp. 124–127; J. Alexander Thier and Jarat Chopra, "The Road Ahead: Political and Institutional Reconstruction in Afghanistan," *Third World Quarterly*, Vol. 23, No. 5 (October 2002), pp. 893–907; Antonio Giustozzi, "'Good' State vs. 'Bad' Warlords? A Critique of Statebuilding Strategies in Afghanistan," Working Paper Series No. 51 (London: Crisis States Programme, London School of Economics, October 2004); and J. Alexander Thier, "The Politics of Peacebuilding Year One: From Bonn to Kabul," in Antonio Donini, Karin Wermester, and Norah Niland, eds., *Nation Building Unraveled? Aid, Peace, and Justice in Afghanistan* (Bloomfield, Conn.: Kumarian, 2004), pp. 39–60. For a critical commentary, particularly on the centralization of power in the hands of a few cliques, see International Crisis Group (ICG), *Afghanistan: The Constitutional Loya Jirga*, Asia Briefing No. 29 (Kabul/Brussels: ICG, December 12, 2003), p. 11; and Chris Johnson and Jolyon Leslie, *Afghanistan: The Mirage of Peace* (New York: Zed, 2004), chaps. 7, 8.

Iraqi-grown transitional government. The United States arrived in Baghdad with only vague ideas regarding the transfer of authority to a new Iraqi government.⁴³ Although many Iraqis and State Department officials (especially those who ran the Future of Iraq project) urged the immediate creation of a broad-based interim authority, the White House and the Defense Department rejected the idea, believing that Ahmed Chalabi and other Iraqi exiles would easily and quickly take power.⁴⁴ The post-occupation chaos, however, destroyed this plan and led to the arrival of Paul Bremer in May as the head of the newly created Coalition Provisional Authority (CPA). Recognizing the need to establish some sort of governing body that included Iraqis, Bremer created the twenty-five-member Iraqi Governing Council (IGC) in July 2003. Not only did the handpicked body favor the Iraqi exiles and disadvantage the Sunnis, but it had little power.

In response to the IGC's failure to settle on a plan for creating a transitional government, on November 15 the CPA announced a schedule for ending the occupation by June 30, 2004, pivoting around a very complicated process whereby caucuses would select the members of the Transitional National Authority. Grand Ayatollah Ali al-Sistani, the most respected and popular religious figure in the Shia community, demanded the exact alternative: national elections. Officials in George W. Bush's administration objected for various reasons, including the fear that it might be unable to control the process or ensure an outcome consistent with its interests. The UN's Lakhdar Brahimi went to Baghdad to try to break the stalemate and establish a process to form a new interim arrangement.⁴⁵ Brahimi believed that it would be impossible to hold free, fair, and direct elections within a few short months because of the political, security, and logistical situation, and, drawing from his experience in Afghanistan, gave serious consideration to an Iraqi version of a *loya jirga*.⁴⁶ His position corresponded with those of some in the CPA, who strongly recommended that the process for selecting the interim authority be "as democratic and participatory as possible in order to give the government breadth, legitimacy, and popular support."⁴⁷ Reluctant to loosen its grip on the political process, the United States insisted on a interim government that was limited,

43. For discussions on the lack of planning, see George Packer, *The Assassin's Gate: America in Iraq* (New York: Farrar, Straus and Giroux, 2005); Larry Diamond, *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq* (New York: Times Books, 2005); and James Fallows, "Blind into Baghdad," *Atlantic Monthly*, Vol. 293, No. 1 (January/February 2004), pp. 53–74.

44. Diamond, *Squandered Victory*, pp. 28, 34–35, 37, 42.

45. *Ibid.*, p. 246.

46. *Ibid.*, pp. 79–80.

47. *Ibid.*, p. 251.

comprised of technocrats, and selected through an exclusionary, complicated process using caucuses.⁴⁸ In the end, Brahimi convinced Sistani to agree to delay national elections; he also succeeded in convincing the United States to abandon the caucuses in favor of such elections.

Although the causes of the post-occupation violence in Iraq are overdetermined, the Bush administration's failure to establish an inclusive Iraqi interim authority did not help. It certainly deepened Iraqi suspicions regarding the United States' intentions, failed to establish channels for allowing Iraqis to express dissent through nonviolent means, and increased the insurgency's power and popularity. Citing UN officials, experts on postconflict reconstruction, as well as dissident voices within the U.S. government, and drawing from his own experiences, Larry Diamond convincingly argues that if the United States had immediately established an Iraqi advisory body, been more inclusive of Iraqi voices, and spent more time encouraging Iraqis (especially Sunnis) to buy into the political process, it might have improved the prospects of stability.⁴⁹

CONSTITUTIONALISM AND DIVIDED POWER

Republicanism introduced the importance of constitutions for establishing rules that restrain the exercise of arbitrary power, limit conflict between factions, and reduce the benefits of power. All constitutional systems have (1) an agreement over the rules of the game and the underlying principles that are to maintain the political order; (2) rules and institutions that limit the exercise of power; and (3) rules that are relatively difficult to amend.⁵⁰ If all three conditions are met, the constitution is more likely to be viewed by society as legitimate, have an enduring ability to limit the exercise of power and decrease the yields to power, and foster political stability.⁵¹

48. *Ibid.*, p. 255.

49. *Ibid.*, especially p. 295. Although Diamond is sympathetic with the charge that the first sin was the invasion, he nevertheless says that the United States might have recovered had it "asked the UN to assume the responsibility for organizing a national conference in July 2003 to choose an interim government; if, instead of sanctioning what became an Anglo-American occupation of Iraq, [UN Security Council] Resolution 1483 had provided for a transfer of authority (at least over most matters) to an Iraqi interim government, which would then have had international recognition, the political corner might have been turned." *Ibid.*, p. 302. These initial moves, moreover, might have either relieved the pressure by the Shia for elections or created a movement for holding local elections before national elections. *Ibid.*, p. 310.

50. These three elements draw from G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton, N.J.: Princeton University Press, 2001), pp. 30–31.

51. For discussions of how constitutions are akin to institutions that constrain actors, see Barry Weingast, "Constitutions as Governance Structures: The Political Foundations of Secure Markets," *Journal of Institutional and Theoretical Economics*, Vol. 149, No. 1 (1993), pp. 287–311.

Republicanism identified a set of institutional arrangements that limit the exercise and the returns to power. Best known is the system of checks and balances—that is, the distribution of political authority that limits the possibility of either a centralized government exercising arbitrary power or a faction dominating the political system. The benefits of this kind of arrangement extend beyond the creation of a balance of forces within the political system to include compelling local actors to negotiate and compromise. In this way, divided government helps to further the goal of both political stability and legitimacy.

Practitioners and peacebuilders are coalescing around the need for divided government in postconflict settings. Although at first postconflict designers experimented with a variety of arrangements (including majoritarian democracy), soon they gravitated toward different forms of power sharing, reflecting the belief that the proportional inclusion of the most powerful elites and groups will help avoid a winner-take-all dynamic and thus reduce the likelihood that “losers” will become “spoilers” and return to war.⁵² Although power sharing resembles divided government because both operate on the principle of a balance of forces, the latter is distinctive because of the self-conscious effort to distribute power across institutions and not specific groups.⁵³ This “power-dividing strategy” has several advantages, including the promotion of greater democracy, the separation of powers, the encouragement of crosscutting cleavages, and the establishment of an institutional setting that does not necessarily freeze particular coalitions of power.⁵⁴ In general, because constitutional orders can help promote postconflict stability, they are an essential part of postconflict state building.

In addition to the principles that define the constitution, what also matters is the process of making the constitution. The legitimacy of the constitution depends on the degree to which it allows for participation, dialogue, and deliber-

52. For a discussion of power sharing, see Donald Rothchild and Philip Roeder, “Power Sharing as an Impediment to Peace and Democracy,” in Roeder and Rothchild, *Sustainable Peace*, pp. 29–50.

53. The literature on constitutionalism is increasingly attentive to the relationship between postconflict and transitional settings, on the one hand, and the most functional electoral design, on the other. See Andrew Reynolds, “Constitutional Medicine,” *Journal of Democracy*, Vol. 16, No. 1 (January 2005), pp. 54–68; and Benjamin Reilly, “Does the Choice of Electoral System Promote Democracy? The Gap between Theory and Reality,” in Roeder and Rothchild, *Sustainable Peace*, pp. 159–172.

54. Donald Rothchild and Philip Roeder, “Dilemmas of Statebuilding in Divided Societies,” in Roeder and Rothchild, *Sustainable Peace*, pp. 16–18. Roeder contrasts power sharing with power dividing in ways consistent with republicanism’s emphasis on divided power. Roeder, “Power Dividing as an Alternative to Ethnic Power Sharing,” in Roeder and Rothchild, *Sustainable Peace*, pp. 51–82.

ation.⁵⁵ Consequently, constitution making cannot be hurried by arbitrary deadlines but instead must provide a sufficient period to allow for broad participation, civic education and popular consultation, and a constitutional commission to incorporate a range of views. This deliberative process can do more than give legitimacy to the constitution; it also can help create bonds between former rivals. As Neil Kritz observed, "Where the constitution-making process has been sufficiently deliberative and has entailed broad public consultation, an intriguing result has repeatedly been the transformation of the members of a Constitutional Commission from serving primarily as advocates for their respective interest group into a more cohesive group with a greater focus on the needs of the whole society."⁵⁶

The contrast, again, between Afghanistan and Iraq is instructive. Much like the Emergency Loya Jirga, the Constitutional Loya Jirga has been criticized for not being sufficiently participatory, for not engaging in civic education and outreach, and for compressing the process of deliberation into a fifteen-month period. These criticisms notwithstanding, it was a vast improvement over previous constitutional exercises in Afghanistan, and it did attempt to create meaningful deliberation.⁵⁷ Its accomplishments look all the more impressive when compared to the Iraqi constitutional process. The Iraqi Transitional Authoritative Law envisioned a transparent and widely participatory process that would lead to a constitution within seven months (there was a provision for extending the process, if needed). As the deadline neared, though, it became apparent that more time was needed. However, the Bush administration, mainly because it wanted to demonstrate progress to an increasingly impatient American public, forcefully intervened in the negotiations; conducted secret, exclusionary talks; and strenuously objected to any extension. Various consequences emerged from this rushed process. It restricted participation, making it more difficult to include the Sunni minority or to have genuine civic education engagement and public outreach (a difficulty compounded by the security situation). As the International Crisis Group summarized, "Regrettably, the Bush administration chose to sacrifice inclusiveness for the sake of an arbitrary

55. Neil Kritz, "Constitution-Making Process: Lesson for Iraq," testimony before the U.S. Senate Committee on the Judiciary on Constitutionalism, Human Rights, and the Rule of Law in Iraq, June 25, 2003, http://www.usip.org/aboutus/congress/testimony/2003/0625_kritz.htm; Devra Moehler, "Public Participation and Support for the Constitution in Uganda" paper presented at Cornell Social Science Seminar, Cornell University, Ithaca, New York, November 2003; and Vivien Hart, "Constitution-Making and the Transformation of Conflict," *Peace and Change*, Vol. 26, No. 2 (April 2001), pp. 153–176.

56. Kritz, "Constitution-Making Process."

57. Saba and Zakhilwal, *Security with a Human Face*, pp. 127–130.

deadline, apparently in hopes of preparing the ground for a significant military drawdown in 2006. As a result, the constitution-making process became a new stake in the political battle rather than an instrument to solve it.⁵⁸ The United States' heavy presence also fed into a popular view among Iraqis that the document was a creature of Washington. This hurried process also robbed the Iraqis of an opportunity to learn democracy and deliberation by doing.⁵⁹ Instead of the constitution process providing an opportunity for Iraqis to come together, it kept them apart.⁶⁰

Although international peacebuilders are limited in what they can do to inculcate republican principles, they can make a difference.⁶¹ They can help publicize decisions. They can try to avoid what has been called a "Lincoln-Marcoussis effect"—that is, giving incentives to rebels to attack civilian targets as a way to improve their position at the bargaining table.⁶² They can try to encourage responsible members of the émigré community to reengage in politics. They can use political and financial levers to compel leaders to adopt republican principles, insisting that a condition of international assistance is the inclusion of otherwise marginalized groups.⁶³ Perhaps most important, though, they must demonstrate the patience and provide the resources required for a successful transition process.

DO AS I SAY, NOT AS I DO

International peacebuilders need to do more than inject republican principles into postconflict societies; they also must live by these principles. They occupy positions of power—for good and necessary reasons. If the situation on the

58. ICG, *Unmaking Iraq: A Constitutional Process Gone Awry*, Policy Briefing No. 19 (Amman/Brussels: ICG, September 26, 2005), p. 1. See also Nathan Brown, "Iraq's Constitutional Process Plunges Ahead," Policy Outlook series (Washington, D.C.: Carnegie Endowment for International Peace, July 2005).

59. Diamond, *Squandered Victory*, chap. 7; and Jonathan Morrow, *Iraq's Constitutional Process II: An Opportunity Lost*, Special Report No. 155 (Washington, D.C.: United States Institute of Peace, November 2005).

60. For a discussion of the relationship between the constitution process and the prospects of postconflict stability and democracy in Liberia, see Amos Sawyer, *Beyond Plunder: Toward Democratic Governance in Liberia* (Boulder, Colo.: Lynne Rienner, 2005).

61. For statements on how the local institutions and informal norms and rules limit what peacebuilders can accomplish, see Francis Fukuyama, *State-Building: Governance and World Order in the Twenty-first Century* (Ithaca, N.Y.: Cornell University Press, 2004); and Christopher Coyne, "The Institutional Prerequisites for Postconflict Reconstruction," *Review of Austrian Economics*, Vol. 18, Nos. 3/4 (December 2005), pp. 325–342.

62. ICG, "Liberia and Sierra Leone: Rebuilding Failed States," Africa Report No. 87 (Dakar/Brussels: ICG, December 8, 2004), pp. 21–22. The Accra accords of 2003 and the Lomé agreement of 1999, which ended the Liberian and Sierra Leone civil wars, respectively, might have rewarded and encouraged thuggery.

63. For a discussion of aid as leverage, see James Boyce, *Investing in Peace* (New York: Oxford University Press, 2002).

ground was stable, then they need not be there. Peacebuilders, presumably, are not imperialists with the desire to use their power to exploit, but rather public trustees with the desire to use their power for the public's benefit.⁶⁴ They also have expertise. Years of experience in the field and professional training give them the knowledge regarding what does and does not work in postconflict settings. International interveners are expected to operate with considerable discretion.

Yet whenever actors have power, abuse is always a possibility—and peacebuilders have been known to exercise arbitrary power.⁶⁵ The issue extends beyond the common charge by locals that much of the aid ends up in the pockets of foreigners who drive shiny Land Rovers, live in the choice residential areas, and wine and dine at the best restaurants. The heart of the matter is that they are unaccountable to the population in whose name they act. This lack of accountability has led to four distinct problems. One is that it increases the temptation to engage in exploitative and criminal behavior, most noticeable when peacekeepers are accused of rape and sex trafficking. This not only does incalculable damage to the victims; it also undermines the legitimacy and effectiveness of the entire operation. The crimes committed by U.S. soldiers at Abu Ghraib and other sites around Iraq further undermined the American occupation, and the political fallout from such crimes was compounded by the widespread perception by Iraqi society that the criminals went unpunished because of a “victor's justice.” International peacebuilders must be held accountable and face real, not hand-slapping, punishment.

The failure of peacebuilders to incorporate the views of the local population also can lead to grave mistakes that otherwise might have been avoided.⁶⁶ The problem is more than the standard criticism that outsiders do not know the lay of the land, culture, language, networks, and cleavages (though this is a concern). Instead, it is their lack of knowledge about how to engineer a successful postconflict operation that poses the real problem. At present, many peacebuilders escape their uncertainty by relying on general models that frequently are developed from their most recent experiences in the field.⁶⁷ But universal

64. Nicholas Wood, “Can an Iron Fist Put Power in Bosnia's Hands?” *New York Times*, November 5, 2005.

65. Although various authors advocate a greater role for a more permanent international presence, they have failed to consider adequately the restraints on power. See, for instance, Stephen D. Krasner, “Sharing Sovereignty: New Institutions for Collapsed and Failing States,” *International Security*, Vol. 29, No. 2 (Fall 2004), pp. 85–120; and James D. Fearon and David D. Laitin, “Neotrusteeship and the Problem of Weak States,” *International Security*, Vol. 28, No. 4 (Spring 2004), pp. 5–43.

66. Chesterman, *You, the People*, pp. 128–134; and Wood, “Can an Iron Fist Put Power in Bosnia's Hands?”

67. In a report on Liberia and Sierra Leone, the International Crisis Group writes that peace-

models can be a false sanctuary. The danger posed by off-the-shelf templates is highly reminiscent of Albert Hirschman's confession regarding the failures of development economics. Reflecting on policies that delivered growth without development and created the conditions for authoritarianism in South America and elsewhere, Hirschman damned the hubris of a field that assumed that generalized knowledge could be applied across diverse countries. The sin was falling in love with their models and assuming that these countries were so simple that those models told them all they needed to know.⁶⁸ The same hazard occurs in peacebuilding.⁶⁹ The only way out is for peacebuilders to acknowledge their uncertainty—and actively incorporate local voices into the planning process. As Noah Feldman recently warned, "The high failure rate [of nation-building exercises] strongly supports the basic intuition that we do not know what we are doing—and one of the critical elements of any argument for autonomy is that people tend to know themselves better than others how they ought best to live their lives."⁷⁰ This isolation from and dismissal of local knowledge and voices, as Larry Diamond's analysis suggests, led the United States to make several critical errors in Iraq, including a failure to recognize the incipient insurgency.⁷¹

Third, if peacebuilders are serious about preparing states for self-governance, then local elites must be included in the reconstruction process. Future leaders can learn as they share basic governance functions. A direct relationship characterized the success of the UN operation in East Timor and its willingness to give real power to the East Timorese; the increased participation of the East Timorese, in turn, provided a tremendous opportunity for the local elites to learn how to run a government.⁷²

Fourth, encouraging local participation and accountability also helps build popular support.⁷³ Conversely, a population that feels alienated will become mistrustful, resentful, and potentially rebellious. Indeed, the U.S. experience in Iraq suggests that the more illegitimate the international presence is, as viewed

builders possess an "operational checklist" that does not recognize the underlying political dynamics. ICG, "Liberia and Sierra Leone."

68. Albert Hirschman, *Essays in Trespassing: Economics to Politics and Beyond* (New York: Cambridge University Press, 1981).

69. For a related discussion of Peter Evans's concept of "institutional monocropping," see Evans, "Development as Institutional Change: The Pitfalls of Monocropping and the Potentials of Deliberation," *Studies in Comparative International Development*, Vol. 38, No. 4 (Winter 2004), pp. 30–53.

70. Noah Feldman, *What We Owe Iraq: War and the Ethics of Nation Building* (Princeton, N.J.: Princeton University Press, 2004), p. 69.

71. Diamond, *Squandered Victory*.

72. Chesterman, *You, the People*, pp. 135–143. See also Jarat Chopra, "The UN's Kingdom of East Timor," *Survival*, Vol. 42, No. 3 (September 2000), pp. 27–40.

73. Larry Diamond, "Lessons from Iraq," *Journal of Democracy*, Vol. 16, No. 1 (January 2005), p. 15; and Chesterman, *You, the People*, p. 153.

by the local population, the more necessary it is to include their participation. The redress is not only to promote more inclusive interim bodies that allow locals to participate in the governance process; it also requires that the occupiers be prepared to listen and learn. How different might Iraq have been had the United States not affected the “same combination of arrogance, ignorance, and isolation that had plunged America into war in the first place.”⁷⁴

Peacebuilders must become more accountable to those in whose name they act, and the surest path to accountability is to adopt basic republican principles. They can create ad hoc and standing bodies that structure exchanges between the occupiers and the occupied. They can establish an ombudsperson to field complaints from the local population regarding the behavior of peacebuilders.⁷⁵ They can allow groups to air their grievances in the street and through the media, even if thin-skinned occupiers find such criticism unjustified and painful. They can encourage the development of ad hoc councils and citizens’ organizations that are directed at the occupiers. They can interpret elections as a statement about their performance.⁷⁶ They must live up to the principles they espouse.

Conclusion

Republican peacebuilding is not the magic bullet for transforming a postconflict environment into a peaceful one. Whether republican peacebuilding—or any kind of peacebuilding—achieves even some of its lofty goals is highly dependent on various forces that are frequently outside the control of any single actor. Nor does republican peacebuilding specify the forms of institutions and deliberative mechanisms that are most desirable for a particular situation, how inclusive societal participation should be, or whether all issues should be open for deliberation. These and other concerns cannot be addressed in the abstract, but rather require judgment informed by a deep knowledge of local circumstances and views.

Yet republican peacebuilding is superior to the reigning alternative of liberal peacebuilding because it represents a better match for the nature of the postconflict environment. In the aftermath of conflict, an essential task is to help create the foundations for a state that (1) can contain the threats posed by factional conflict, (2) is restrained in its exercise of arbitrary power, and (3) has some semblance of legitimacy. Toward that end, republicanism emphasizes the

74. Diamond, *Squandered Victory*, p. 297.

75. Chesterman, *You, the People*.

76. Feldman, *What We Owe Iraq*, pp. 66–68.

necessity of creating mechanisms of representation, constitutional arrangements that distribute political power, and deliberative processes that encourage groups to generalize their views. This process can help foster stability and legitimacy.

Republican peacebuilding has a related advantage: it is incremental. A fundamental critique of contemporary peacebuilding is that peacebuilders do not know what they are doing. Grand plans can deliver grand failures, especially under such uncertainty. Current peacebuilding models do not give sufficient attention to context, incorporate all the relevant variables or account for their interaction effects, or prioritize the sequences of different activities. Instead of grand plans, peacebuilders should celebrate incrementalism.⁷⁷ Because republicanism emphasizes institutional mechanisms and deliberative processes, it helps slow the peacebuilding process and ensures that those with the knowledge have the ability to shape their lives.

The institutional mechanisms that help create stability in the immediate aftermath of conflict also provide the foundation for their institutionalization. An ever present danger is that agreements that are accepted for pragmatic reasons in the aftermath of conflict, agreements that privilege the powerful, will be frozen in time. Although this might lead to stability, it is a far cry from the open, inclusive democracy promised by peacebuilders. Although republican peacebuilding cannot override the necessity of shotgun weddings, it can establish principles that offer incentives for collaboration, compromise, and integration. Republican peacebuilding, therefore, can provide the foundations for the kind of society and state envisioned by liberal peacebuilders. If those committed to liberal peacebuilding want to further their cause, they might consider becoming more republican.

77. Charles Lindblom, "The Science of 'Muddling Through,'" *Public Administration Review*, Vol. 19, No. 2 (1959), pp. 79–88.

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