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Democratic Change: Normative Guidance to Political Actors on the Use of Violence

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Abstract

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By Nikhil Raghuveera

Recent cases such as those in Egypt, Libya and Syria demonstrate moments when citizens turn to political violence to overthrow an oppressive regime and institute democratic change. The problem, however, is that very little literature exists on how violence should be used for achieving democratic aims. A plethora of literature exists on nonviolent principles, but guidance on well-used violence has largely been left out even though political actors continue to resort to violent means for political change. This thesis offers normative guidance to political actors on how they can use violence to foster conditions for the emergence of democracy.

The thesis first considers the arguments of John Schwarzmantel, Sheldon Wolin, and Niccolò Machiavelli. Schwarzmantel takes an institutional approach to argue that political violence undermines an existing liberal democracy, and that democratization is promoted through inclusion of citizens into institutions. Wolin, on the other hand, explains that true democracy as total political equality emerges only in the eruptive nature of revolution with the transgression of laws and institutions. Both theorists provide valuable insight into democracy and political violence, but fail to explain how violence can be used to create a sustainable democracy. Furthermore, political and social cleavages present difficulties going forward in the wake of violence. Machiavelli proposes executing political opponents as a solution, but this method undermines democracy. Therefore, an approach for reconciliation is needed after the use of violence in order to maintain the new state.

This thesis provides a middle way that serves as a direct response to the problems presented by Wolin, Schwarzmantel, and Machiavelli. The proposed solution is an organized and inclusive violence that creates conditions for democracy, and a reconciliation process driven by consociationalism and truth and reconciliation commissions. This solution gives democratic-aiming political actors on the ground principles for violence that can successfully realize political change.

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Table of Contents

Introduction – Guidance on the Use of Political Violence

In December 2010, protests flared up in Tunisia to express dissatisfaction and anger with its repressive government. Calling for political rights, these protests sparked the Arab Spring in which violence was used as a means to oust existing authoritarian governments in the Middle East. In particular, Libya and Syria experienced violent eruptions that pitted rebel groups against the state. Although fueled by a desire for greater political freedom and more inclusive arrangements, democratic transition in these countries seemed irrevocably tied to intense and bloody practices of contestation.

To be sure, many in the Western world hoped that democratic states would emerge from these violent movements to replace authoritarian rule, but rebel groups had limited guidance on how weapons and violence should be used to usher in democracy. Recent events have shown that this lack of guidance endangers the transition to democracy, or what is otherwise referred to as democratization. Despite having democratic aims to replace oppressive governments, the use of violence coupled with civil war has ironically sparked dangerous political instability. As Carlotta Gall recently stated in her article on post-Gadhafi Libya, "Libya has suffered widespread bloodletting in the aftermath of the 2011 revolution. Over 1,200 people have been killed nationwide in the last two years, victims of revenge, power clashes and spiraling crime."[1] If violence seems to be an important element in democratization, the current philosophical and social scientific literature has been surprisingly silent on the relationship between democracy and violence. The question then becomes what principles should political actors follow to effectively deploy violence and deal with post-conflict reconciliation?

In fairness, a significant amount of literature exists on nonviolent principles for democratization. I survey some of these writings below to explain a gap between the amount of

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[1] Carlotta Gall, "Political Killings Still Plaguing Post-Qaddafi Libya," *The New York Times*, March 11, 2014, accessed April 1, 2014, http://www.nytimes.com/2014/03/12/world/africa/political-killings-still-plaguing-post-qaddafi-libya.html?_r=1.

literature on nonviolence and violence. The philosophical discussion of nonviolence became quite pervasive following the successful Satyagraha movement in India and the Civil Rights Movement in the United States. Both Gandhi and his philosophical pupil Martin Luther King, Jr. developed a methodology of political and social change based on civil disobedience and nonviolence. Gandhi's Satyagraha is firmness in truth. A Satyagrahi lives according to ahimsa. Ahimsa, a key term for Gandhi, means "non-injury and refraining from violence in thought and action".[2] Gandhi's Satyagraha requires three conditions to live life: no hatred against one's opponent; the social issue being addressed by the Satyagrahi must be true; and the Satyagrahi must be prepared to suffer until the end.[3] The Satyagrahi, according to ahimsa, uses an active nonviolent force aimed at achieving social change. King later expands Gandhi's philosophy into a more structured political vision to inform protest activity. For example, he discusses how to fully use freedoms already possessed to institute powerful organizations and programs for change.[4] King rejects violence because he believes it perpetuates a cycle of fear where rebel groups' initial acts of violence against a government regime exacerbate hostilities, resulting in continued violent responses by both sides. In this case, the regime will feel no moral qualms in using military force to put down violent insurrections. King explains that nonviolence can avoid creating this cycle of fear and promote democratization through civil disobedience.

A more recent example to illustrate nonviolent principles is Gene Sharp's work *From Dictatorship to Democracy*. This book has been circulated worldwide and used in the Arab Spring as a strategy guide on organizing movements of nonviolent defiance. Defiance, for Sharp,

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[2] Charles E. Collyer and Ira G. Zepp, *Nonviolence: Origins & Outcomes* (Victoria, Trafford Publishing 2006), 53.
[3] Thomas Merton, Gandhi on Non-Violence (New York: New Directions Publishing 1965), 23-34
[4] Greg Moses, *Revolution on Conscience: Martin Luther King Jr., and the Philosophy of Nonviolence* (New York: The Guilford Press), 168-76

is a nonviolent struggle that challenges the government authority.[5] Sharp rejects violence

because

> …it is no guarantor of success. Instead of liberation, it can lead to defeat, massive tragedy,
> or both. In most cases the dictatorship is best equipped for violent struggle and the
> military realities rarely, if ever, favor the democrats.[6]

Sharp rejects the use of violence because he believes it will be ineffective against a powerful

state. In response, Sharp discusses how nonviolence can be organized to weaken an authoritarian

regime and remove it from power. He gives specific guidance on strategic planning of nonviolent

campaigns.[7] Sharp takes Gandhi's conception of Satyagraha and develops a more practical and

modern approach on how nonviolence can be organized to combat oppressive regimes.[8] Due to

the volume of work on the subject, it would not be practical to discuss all authors who provide

normative guidance on nonviolence. However, the works discussed above, in particular *From

Dictatorship to Democracy*, demonstrate that there exists scholarship on processes of democratic

transition grounded in nonviolent political ethic. This is often opposed, as suggested by Gandhi,

King, and Sharp, to the use of violence. [9]

The literature disparity between nonviolence and violence creates a major problem for

political actors on the ground. In *Toward a Credible Pacifism*, the political philosopher Dustin

Howes compares violence with nonviolence and explains that their success is dependent upon

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[5] Gene Sharp, *From Dictatorship to Democracy* (Boston: Albert Einstein Institution 2010), 1, accessed March 5, 2014, http://www.aeinstein.org/wp-content/uploads/2013/09/FDTD.pdf.

[6] Ibid., 41.

[7] Ibid., 53.

[8] Gandhi, King, and Sharp have slightly different views towards violence. Gandhi and King both see violence as a corrupting force, whereas Sharp believes violence is largely ineffective.

[9] Henry David Thoreau, "Civil Disobedience," accessed March 6, 2014, http://www.jrbooksonline.com/PDF_Books/CivilDisobedience.pdf.; Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story* (New York: Harper,1958); Bernard Lafayette, Jr.*The Leaders Manual – A Structured Guide & Introduction to Kingian Violence: The Philosophy and Methodology* (Galena: Institute for Human Rights and Responsibilities, 1998).; Mahatma Gandhi, *The Essential Gandhi: An Anthology of His Writings on His Life, Work, and Ideas*, ed. Louis Fischer, (New York: Vintage Books, 1962).; Barry L. Gan, *Violence and Nonviolence* (Lanham: Rowman & Littlefield Publishers, Inc., 2013).; Gene Sharp, *The Politics of Nonviolent Action* (Boston: P. Sargent Publisher, 1973). These are other literary examples that discuss nonviolent methodology.

the users' ability to mobilize the populace. Both violent and nonviolent movements attempt to generate power by incorporating citizens in the movement against the state.[10] If unsuccessful, they fail for the same reason: the inability to garner enough power. Howes then makes an interesting point. He states that: "Well-used violence bests poorly executed Satyagraha and vice versa."[11] With limited guidance, however, political actors who employ violent means have no way of being sure that their violence is well used. In fact, they may find themselves creating the very conditions that endanger democratization rather than bringing about its fruition. Howes invokes the idea of a skilled user of political violence, but he remains unclear as to what satisfies this criteria. To become clear about this concept, principles must be specified that underwrite violence and check the use of violence. It is no wonder then that Erica Chenoweth and Maria Stephan find that nonviolent campaigns between 1990 and 2006 were more than twice as effective for achieving political change when compared to violent campaigns. Overall, they conclude that violence is less effective than nonviolence in conducting political change.[12] But these results are to be expected precisely because of the lack of literature explaining what well used violence is.

Chenoweth and Stephan use their findings to argue against the use of violence. My concern, however, is that their data shows numerous cases where political actors who take upon violence with democratic aims are oftentimes unsuccessful in realizing their goals. Since violence is something that occurs often, how might we think about guiding it? Note that I am not interested in whether political actors should turn to violence, or what conditions must be obtained before they turn to violence. I wish to simply emphasize violence is still being used

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[10] Dustin Howes, *Toward a Credible Pacifism* (Albany: State University of New York Press, 2009), 127.

[11] Ibid., 128

[12] Maria J. Stephan and Erica Chenoweth, "Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict," *International Security* Vol. 33, No. 1 (2008): 8, accessed March 7, 2014, http://www.jstor.org/stable/40207100.

today to achieve political change, such as in the Arab Spring, and oftentimes unreliably in the efforts of attaining democratization. Philosophers have discussed the nature of violence and how it overthrows a state or represses the populace, but little connection has been made as to how political actors can use violence to institute a democracy.[13] We as political theorists should take into account this existing situation, and guide democratic-aiming political actors in their use of violence. This thesis serves as a response to the lack of guidance.

The Approach

Ground-Clearing

The premise of this thesis is to provide normative guidance to political actors on how they can foster conditions for the emergence of democracy by using violence. My definition of democracy has two components, an institutional or procedural component, and an ethical component. The institutional or procedural component denotes the full inclusion of citizens in the political system, and therefore the ability to participate in processes of deliberation that affect their lives. The ethical component envisions citizens as occupying equal political standing, with no one particular segment of society having greater political influence over another (for example, wealth or race can be determinants of political influence). I define political violence as the use of destructive force, prohibited by law, against persons in order to change the policies or system of a government. Based on this definition, violence is bodily harm on an individual. It is not cutting off means of production, such as destroying a railroad, but the actual physical harm inflicted on citizens. The scope of this thesis is limited only to internal civil conflicts arising out of citizens'

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[13] cf. Niccolò Machiavelli, *Discourses on Livy* (Chicago and London: The University of Chicago Press, 1998); Hannah Arendt, *On Revolution* (New York: The Viking Press, 1965); Mostafa Rejai, *The Strategy of Population Revolution* (Garden City: Anchor Press, 1973); Ted Honderich, *Violence for Equality* (New York: Routledge, 1989)

genuine desire for democratization.[14] Therefore, this thesis provides principles that democratic-aiming citizens should follow, if they have turned to violence with the hopes of bringing about conditions for democratization in a state that they believe is not currently democratic.[15]

In this thesis I consider three political philosophers: John Schwarzmantel, Sheldon Wolin, and Niccolò Machiavelli. Each of these philosophers gives valuable insight into democratic principles and the role of political violence.[16] Although I do not consider these thinkers in distinct chapters, it is worth saying a few words about their valuable theories. Schwarzmantel, I believe, provides a useful definition of democracy in the institutional component I explain above, and its connection to political violence. In *Democracy and Political Violence*, he explains that democracy involves a system of political inclusion where citizens participate in politics directly or indirectly, and can resolve disagreements nonviolently through institutions that are part of the state. Citizens govern themselves and deliberate political decisions, such as the allocation of resources, through institutions. Additionally, citizens protect their civil rights through the institutional framework of the state. Schwarzmantel's discussion elucidates the importance of institutions in a democratic system; institutions are the method by which citizens conduct political change. This institutional framework is the basis for political violence in a liberal democracy. Political violence emerges when politically excluded segments of the populace, who cannot gain access into the political system through nonviolent methods, turn to violence as a

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[14] I acknowledge that there are many other facets and questions that may arise related to international, religious, or ethnic conflicts but I will not address these topics. I presuppose that citizens desire to bring about democratic change within their state. How they come to desire this kind of change is also a matter I will not take up here.

[15] I would like to note that I will not discuss how a democratic state itself should be established, but simply principles to that put in place conditions for democratization.

[16] John P. McCormick, "Machiavellian Democracy: Controlling Elites with Ferocious Populism," *The American Political Science Review* Vol. 95, No. 2, (2001), accessed April 6, 2014, http://www.jstor.org/stable/3118122. I admit Machiavelli is a special case because he discusses republicanism, not democracy. I leave aside this distinction. At minimum, Machiavelli explains that 1) people desire not to be dominated and 2) people should have a say in their lives and hold leaders accountable.

means for achieving political inclusion.[17] In response to political violence, Schwarzmantel explains that the state should reform institutions so that they become politically inclusive. Institutions therefore serve as the means to promote democratic change.[18]

In contrast, Sheldon Wolin discusses democratization in its ethical conception, and is useful for understanding how democratic principles come about from a revolution. He defines democracy as the moment when citizens possess complete political equality. As such, he argues that true democracy can only emerge from the eruptive nature of revolution, when the demos or populace transgresses oppressive laws and takes back political power for itself. Constitutional developments and institutionalization, as Schwarzmantel argues, are not democratic processes because laws are created to repress and bind the demos. He lays out his views in "Norm and Form: The Constitutionalizing of Democracy", "Fugitive Democracy", "Transgression, Equality, and Voice", and "Tending and Intending a Constitution: Bicentennial Misgivings." Wolin's perspective is particularly valuable when considering cases such as those in Libya where citizens took up arms to overthrow Gadhafi. Revolution in these instances rejects the authoritarian laws thereby bringing about political equality for citizens during the moments of revolution. I take up Wolin in this thesis because he sees the value of revolution in the democratic aspirations of citizens.[19]

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[17] In this case Schwarzmantel is only considering political violence that supports a democratic framework. He is not considering cases of violence that oppose a democratic process entirely. For example, he explains that he is not considering cases such Al Qaeda that strive to overthrow a democratic framework to institute an Islamic state which would undermine political equality and citizens' governance of themselves through institutions.

[18] John Schwarzmantel, *Democracy and Political Violence* (Edinburgh: Edinburgh University Press, 2011).

[19] Sheldon Wolin, "Fugitive Democracy" in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, Princeton University Press: 1996).; Sheldon Wolin, "Norm and Form: The Constitutionalizing of Democracy" in *Athenian Political Thought and the Reconstruction of American Democracy*, ed. J. Peter Euben, Josiah Ober, and John Wallch (Ithaca, Cornell University Press: 1994).; Sheldon Wolin, "Transgression, Equality, and Voice," in *Demokratia: A Conversation on Democracies Ancient and Modern*, ed. Josiah Ober and Charles Hedrick (Princeton: Princeton University Press: 1996).; Sheldon Wolin, "Tending and Intending a Constitution: Bicentennial Misgivings," in *The Presence of the Past: Essays on the State and the Constitution* by Sheldon Wolin (Baltimore, Johns Hopkins University Press: 1990).

Niccolò Machiavelli explains how a state can be preserved in the wake of violence. While not discussing principles of democratization, he is an important figure to consider because he is largely supportive of using political violence to create and maintain a state. I turn to him because he explains how violence can be used for practical and concrete results in the state in order to sustain political rule and avoid instability. Moreover, his consideration of republicanism approximates democracy's concern with maximizing political equality and inclusion. In the *Discourses on Livy*, Machiavelli appears to be an excellent source of guidance for political actors' use of violence. He describes many case examples in history illustrating how governments were created and maintained through the use of violence. One key example is the 6th century BCE revolt led by Lucius Junius Brutus against the Roman king Tarquinius Superbus, resulting in the Roman Republic. This republic initially and successfully maintained power through violence by executing political opponents ("the sons of Brutus") who attempted to overthrow the new government.[20] Machiavelli's discussion on violence is valuable because it discusses how to maintain a state created through violence.

The first chapter of this thesis serves as a ground-clearing chapter, by assessing and situating my argument in relation to the claims of these three philosophers. Chapter 1 argues that their theories are unfulfilling guides to political actors' use of violence. An alternative approach is needed that takes into consideration their arguments, but resolves problems that limit their applicability to democratic-aiming political actors on the ground. Whereas my critical engagement with Schwarzmantel and Wolin help focus our attention on the normative status of violence in its democratic aims, my assessment of Machiavelli clarifies the process of stabilizing democracy in the post-violence stage. The chapter thus concludes with two questions. First, how should democratic-aiming political actors use violence to overthrow an oppressive regime while

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[20] Machiavelli, *Discourses on Livy*, 214.

taking into consideration valuable points brought up by Schwarzmantel and Wolin? Second, how should newly created democratic states that emerge from violence maintain stability in a way that Machiavelli's approach does not solve? The second and third chapters address each of these questions respectively as I fashion a third way between Schwarzmantel and Wolin on one hand, and Machiavelli on the other.

A Middle Way

The second chapter, as a middle way between Schwarzmantel and Wolin, takes up an inclusive organization that generates power and uses violence in order to create conditions for political inclusion. The chapter will begin by considering violence and its relation to power. Democratic-aiming political actors must generate legitimate power in order to use violence against an oppressive state. Violence, however, cannot create legitimate power. Power comes about through the organization and mobilization of people. Therefore, the first step in the use of effective violence is the creation of an inclusive violent organization that mobilizes individuals across segments of society. Mass mobilization not only maximizes the organization's power by including as many citizens as possible, it also creates an organization that is democratically inclusive in the first instance. With power generated through mobilization, this inclusive violent organization can then use violence as a force to overthrow the repressive state. For violence to be democratic, it must be used by the organization to *decrease the autonomy of individual power holders*, *insulate public politics from social inequalities*, *and integrate trust networks into public politics*. These three processes discipline and guide the use of violence so as to move the polity along the rough road to democracy. An organized and inclusive violence, by addressing these three processes, serves as a middle route between Schwarzmantel and Wolin to overthrow an oppressive regime and institute political inclusion. This middle route reconciles the use of

violence with democratization, while also aspiring to bring about lasting institutions that need not threaten democratic goals.

Reconciliation

The third chapter then considers how to promote political stability in a democratic framework following the violent overthrow of the previous regime. A democratic framework, as a nonviolent approach for resolving political disagreements, requires citizens to trust one another and participate in politics without turning to violence. Machiavelli proposes executions to stabilize the new polity, famously captured in his formulation "kill the sons of Brutus". In a community emerging from the processes of democratization there is good reason to wonder about stabilization, especially in instances where those most resistant to change remain members of the polity. Machiavelli's approach, however, only serves to undermine democracy, and creates conditions for the continuation of violence. In contrast to Machiavelli, I argue in the third chapter for reconciliation based upon consociationalism and truth and reconciliation commissions. The chapter first explains the need for permanent institutions that deal with internal divisions. These institutions must be created based upon consociationalism which consists of a grand coalition, mutual veto, proportionality, and segmental authority. A grand coalition and mutual veto allow parties to reconcile differences through power-sharing mechanisms that guarantee minority groups rights and political inclusion. Proportionality ensures that groups are provided political inclusion through representation in parliament and government rather than a winner-take-all approach. Segmental authority gives various segments of the population authority over matters that are exclusive to them. Consociationalism guarantees political inclusion, particularly for opposition groups, thereby promoting democracy at the institutional and ethical level to reduce incentives for minority and opposition groups to turn to violence.

The chapter will then assess social reconciliation based upon restorative justice. For this, I turn to truth and reconciliation commissions which are temporary institutions created by the state to investigate cases of political violence. They conduct public hearings, give amnesties to confessors of violence, and develop a collective knowledge of political violence in the state. South Africa will serve as a case study in my thesis to illustrate reconciliation based upon its approach of consociationalism and restorative justice. While not dealing with widespread instances of violence to overthrow the apartheid state, the country was able to manage considerable divisions within the state and society created by apartheid through the use of a consociational framework and the Truth and Reconciliation Commission. While cleavages still remain in South Africa, the state has thus far contained internal antagonism to promote democratization. South Africa's democratization is still ongoing but the state has avoided becoming a site of internal violence, thus demonstrating an effective reconciliation process.

Theory in Practice and Beyond

This thesis serves to guide democratic-aiming political actors on the use of violence. These claims are not meant to exist solely in the domain of philosophical precepts but rather to serve political actors on the ground facing an authoritarian regime. I conclude the thesis with examples on how the method I propose can be used in practice. The Romanian Revolution in 1989 provides a successful example of the middle way where democratic institutions emerged from political violence. On the other hand, recent political problems in the Libyan transition demonstrate an ineffective use of violence that has hindered democratization. The goal for this thesis is to serve beyond theory, and discuss the principles citizens can follow when using violence to achieve a democracy. The hope is that democratic-aiming political actors, if they

choose to use violence, can turn to an approach effectively allowing their efforts to be successful

in promoting political change.

Chapter 1 – Schwarzmantel, Wolin, and Machiavelli: An Assessment and the Need for Another Way

Introduction

This chapter addresses the need to guide democratic-aiming political actors in the use of political violence when facing an oppressive regime. Democratization through violence occurs in two stages: usage of violence to overthrow a regime and reconciliation to establish a new political system. John Schwarzmantel, Sheldon Wolin, and Niccolò Machiavelli are major political theorists who consider the influence of violence on democratic politics. I take up these thinkers for the following reasons: Schwarzmantel gives consideration to how institutions should respond to violence; Wolin explains the democratic nature of a revolution; and Machiavelli takes a practical outlook on how violence can maintain a state and a government's power. However, these thinkers while providing important points on institutions, violence, and practical use of violence fail to provide the necessary guidance, but a method of democratization can be formulated by assessing their theories.

*   *   *

In *Democracy and Political Violence,* John Schwarzmantel defines democracy as a system of inclusion where disagreements between groups can be resolved institutionally through a deliberative process. Schwarzmantel states that: "Democracy as an ideal is here conceptualized as a system in which all members of the political community in question have an equal chance to participate in making the laws under which they live, whether directly or through representatives elected by and responsible to the citizen body."[21] This democratic community exists through mutual respect and inclusion of recognized members.[22]

A segment of the population becomes marginalized when they feel that they are not included within the system and are unable to gain access into the system; they do not believe that

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[21] John Schwarzmantel, *Democracy and Political Violence* (Edinburgh: Edinburgh University Press, 2011), 3.
[22] Ibid., 45.

their concerns are being addressed and the disagreements that they have with others cannot be resolved in the political system. Schwarzmantel explains that in this case, violence may be seen as the most rational means of gaining political inclusion.[23] Violence is the use or threat of physical force for certain ends. Schwarzmantel sees political violence as a demand for recognition and democratic inclusion that cannot be achieved through nonviolent means.[24]

Schwarzmantel presupposes a liberal democracy and worries that violence in this case is opposed to democracy. Central to a democracy is disagreement, but these conflicts are resolved through the institutions within the political system. Democracy is a process of nonviolent conflict-resolution. For Schwarzmantel, violence rejects the use of democratic institutions and instead favors physical force. Democracy requires mutual recognition but violence undermines democracy by generating hostility and eroding trust between groups. Therefore to avoid violence and sustain democracy, Schwarzmantel focuses his discussion on how the democratic state can divert violence into institutions so that conflicts can be resolved nonviolently. Schwarzmantel gives the state responsibility for reforming institutions and granting political inclusion. The key problem though is that Schwarzmantel provides an institutional view of democracy, but does not consider what action to take if the state refuses to reform institutions. Thus his theory does not assist the citizens facing an oppressive government.

Sheldon Wolin provides an alternate explanation of violence that seems to address some of Schwarzmantel's failings by explaining the democratic nature of revolution in his writings of fugitive democracy. Revolution is the means for the demos to take back political power and establish equality. Therefore, Wolin explains that a revolution is the original creation of democracy. While Wolin does not discuss the use of political violence, he explains that fugitive

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[23] Ibid., 31.
[24] Ibid., 6.

democracy is the transgression of laws and boundaries set by a constitutional democracy to achieve political equality. In fact, he is explicit that he seeks to embrace the more classical notion of democracy as chaotic and eruptive. He therefore rejects constitutional democracy because he sees it as constraining the demos, and often with the aim of supporting and sustaining elite rule. The boundaries and rules of the constitution provide and legitimate power to the dominant group in society.[25] Wolin believes that formal institutions are repressive and inherently undemocratic. Democracy ends when the revolution ends. The problem in Wolin's theory is that he misses the need for institutions in a democracy. Without institutions Wolin's conception of democracy is self-fulfilling. A revolution without the creation of institutions will allow an oppressive government to easily take control of the state. Democratic-aiming political actors who use violence to overthrow an oppressive government will need to create institutions that limit elite rule and authoritarianism if they hope to be successful and establish a democratic government.

A reading of Schwarzmantel and Wolin poses a problem to political actors. How should violence be used to democratize? If Schwarzmantel's approach is wholly embraced, violence risks undermining any existing democratic principles. Yet, Schwarzmantel does not explain how violence can be democratic in the context of an oppressive regime. If Wolin's approach is wholly embraced, violence cannot result in a concrete democratic state because it is perceived to be incompatible with institutions. This leaves political actors without guidance on how to use political violence. There is, as I shall want to say in a later chapter, a middle ground that incorporates both Schwarzmantel and Wolin's theories, while dispensing with their questionable commitments.

But even if there is a middle way, one might still wonder about the problems of stability going forward. What, in other words, does one do with those who opposed the creation of

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[25] Ibid., 34.

democracy but who nevertheless remain members of the polity? The political philosopher

Niccolò Machiavelli discusses precisely this scenario in the *Discourses on Livy* where he lays out

his intellectual appreciation for republicanism. Machiavelli may seem an odd choice to turn to

but I take up his arguments because he adopts a practical view of violence and the consequences

it has on a state. Machiavelli was one of the first philosophers to support violence used to

maintain stability and ensure rule. As he explains, in order for a newly freed state to maintain

and secure its freedom, the "sons of Brutus" must be killed. By this statement he means that

those who are opposed to the new condition of freedom must be killed before they attempt to

overthrow the state. A state that attempts to be kind and make peace with these conspiring

citizens will not ensure the existence of freedom according to Machiavelli; instead, the state by

being benevolent allows evil to roam free thereby giving it the opportunity to crush the state and

destroy freedom. Therefore, the citizens of a democratic state cannot out of goodness be peaceful

with those opposed to freedom. Machiavelli advocates for executions because he wishes to

ensure the new state's stability. The problem with executions, however, is that they incentivize

violent responses by partisan enemies. Citizens opposed to the state may turn to violence in

retaliation against the state's executions. Killing the sons of Brutus therefore may destabilize the

state by causing opponents of the state to continue violence. Citizens in democracy must trust

one another to the degree that they are willing to give each other power and participate in the

same political system. Execution of political enemies undermines democracy by eroding trust,

preventing the populace from interacting and participating together in a democracy. Therefore,

political actors must use a process of reconciliation rather than execute political enemies to

maintain democracy.

In this chapter I will first assess the arguments Schwarzmantel and Wolin make to democratic-aiming citizens on the use of political violence. Each of their theories possesses problems that prevent it from being useful to political actors on the ground. I will identify these problems to suggest that something more must be provided to political actors who plan to use democratic violence. I will then assess Machiavelli's claim about how to deal with the sons of Brutus and pinpoint the problems that this method poses to democracy. By identifying the problems, I can then address the need for reconciliation after the use of violence. This chapter, as a ground clearing chapter, will identify the problems of Schwarzmantel, Wolin, and Machiavelli to pinpoint what key areas of guidance must be provided to democratic-aiming citizens if they hope to use violence successfully. In the second and third chapters I will provide a middle way that serves as a direct response and solution to these problems. The middle way will be an organized democratic violence and reconciliation process driven by consociationalism and truth and reconciliation commissions.

Institutions and Political Violence

In *Democracy and Political Violence* Schwarzmantel explains that democracy is where all members of the political community have an equal chance of participation in the making of laws and society either through a direct method or a representative process.[26] The basis of politics is agreement and disagreement where citizens debate on laws and the political system that govern the state.[27] In a democracy, citizens have the means of directing their concerns through institutional mechanisms such as the court system or elections. Since citizens often

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[26] Schwarzmantel, *Democracy and Political Violence,* 3.
[27] Ibid., 26.

disagree, a democracy allows for peaceful conflict-resolution through established institutions.[28] Democracy is nonviolent governance where disagreements between citizens on laws and how the political system should operate are resolved through the institutional framework of the state. Citizens are provided political inclusion in a democracy so that they can participate in the decision-making process and thus promote self-rule.

The problem in a state, whether democratic or not, occurs when citizens feel excluded from the political system and desire an opportunity to take part in the decision-making process.[29] An example of this exclusion would be enslaved African Americans in the antebellum period who had no political rights. This discussion can also be applied to the case of minority groups who feel that their culture is not given enough value by the political state. A minority group may be oppressed and excluded such as Kurds in Iraq under the presidency of Saddam Hussein. Schwarzmantel explains that excluded citizens have an incentive to turn to violence if they cannot gain entry into the political system despite peaceful demands.[30] Violence is a demand for political inclusion and institutional respect.

Schwarzmantel, beginning his analysis by assuming a liberal democracy, considers this problem and is troubled by the influence of political violence on a democratic state. He believes violence erodes a preexisting democracy and mutual trust. Mutual trust between citizens is necessary for disagreements to be reconciled nonviolently through rational debate. Schwarzmantel is concerned that the use of violence will cause democracy to slip into a more repressive government. More specifically, Schwarzmantel wants to avoid a violent governmental response against the violence used by politically excluded citizens. The reason for this is that a violent response by the government often involves heightening of executive power that

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[28] Ibid., 45.; cf John Rawls, *Political Liberalism* (New York: Colombia University Press, 2005), 5.
[29] Ibid., 44.
[30] Ibid., 31.

diminishes institutional and popular constraints.[31] An example of this is the United States

following the 9/11 attacks where the executive branch gained significant power over the other

branches of the government during the war on terrorism.[32] Additionally, the use of violence

creates fear among the populace, thus eroding mutual trust.[33] This violent response by the state is

prompted by the security argument that state violence is necessary to protect democracy; this

approach by the state erodes democracy. Therefore, Schwarzmantel explains that the democratic

state should limit its use of violence against citizens and instead steer confrontation into a

framework for rational debate and compromise.[34]

Terrorism is not always opposed to democracy. Domestic terrorism can be a demand for

inclusion and recognition where terrorists are attempting to change public opinion through

violence. This form of terrorism indicates that members of the populace believe they cannot

change public opinion through the democratic process.[35] Schwarzmantel explains that if the

democratic state is facing domestic terrorism it should avoid using violence to stop the terrorists.

The best response by the state would be the transformation of institutions and democratic reform

to form a new democratic community that includes the terrorist group within the political

system.[36] The state should aspire to render violence unnecessary by providing social and political

inclusion to those excluded through recognition and acceptance into the political system.[37] It is

important to note that Schwarzmantel is only considering terrorism that aims for political

inclusion. When facing a terrorist group that is opposed to democracy such as Al Qaeda,

Schwarzmantel explains that state violence may be necessary to protect democracy.

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[31] Ibid., 54.
[32] Frederick A.O. Schwarz Jr. and Aziz Z. Huq, *Unchecked and Unbalanced* (New York: The New Press, 2007), 200.
[33] Schwarzmantel, *Democracy and Political Violence*, 52.
[34] Ibid., 55.
[35] Ibid., 93.
[36] Ibid., 90.
[37] Ibid., 65.

Schwarzmantel explains that there are three facets to institutional reform for a democratic state: reform of existing institutions, creation of new institutions, and the encouragement of a wider range of political practices. The first two features are self-explanatory. The third aspect means that institutional reform can involve the welcoming of political action that fosters dialogue beyond the normal channels of institutional politics. For example, this can be a political party that serves not only to garner votes during election time but also as a site for greater political participation and political action by citizens; the political party can organize nonviolent protest movements and lobby certain issues to political leaders.[38] These three facets of institutional reform serve to create a shared culture of democratic citizenship where violence is unnecessary in resolving political disagreements.[39] Schwarzmantel explains that the state should reform institutions because a violent response will create a culture of violence; in this scenario violence then will be difficult to control. Therefore, it is better for the state to reform institutions than to use violence.[40]

Violence is an ongoing challenge to not only established democracies but also developing democracies. In established democracies violence risks an expansion of the executive branch over other institutional branches as mentioned earlier. In developing democracies, states with nascent democratic systems, Schwarzmantel explains that violence is more dangerous because the state in this case does not have the capabilities to secure democratic processes or reform institutions, nor can it prevent an outbreak of violence.[41] Violence impedes the establishment of democracy in societies seeking to move towards democracy by eroding trust among citizens and forming social cleavages. Institutions in developing democracies are not fully implanted in

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[38] Ibid., 168.
[39] Ibid., 162.
[40] Ibid., 80.
[41] Ibid., 183.

society, and thus powerless to redirect conflicts into the institutional framework. In this case the

state will be unable to reconcile differences between groups and have them participate

nonviolently in politics. Citizens will choose to violently resolve conflicts rather than participate

in a democratic and nonviolent framework if they do not trust one another. Violence, for

Schwarzmantel, is only acceptable in the developing democracy if the state uses it against those

unwilling to accept democratic transition; this, however, presupposes an existing state that can

control violence without instilling a culture of violence.[42] Schwarzmantel makes this small

concession but overall he attempts to reduce the state's use of violence so that confrontations are

steered into institutional channels.[43] Violence undermines mutual trust between citizens. The

solution therefore is not state violence but the creation of institutions by the state that offer

democratic participation to excluded actors and provide credible alternatives to violence.[44]

Limitations and Possibilities of Schwarzmantel's Analysis

There are several key problems in Schwarzmantel's theory that prevent it from being

useful to political actors on the ground. First, Schwarzmantel only considers the case of political

violence in an already existing liberal democracy. His view that violence is a demand for

political inclusion seems justified but a more serious question is whether the state is actually

democratic when violence emerges. In instances where political violence erupts, the state may

not be truly democratic because it is not inclusive. In this case violence does not emerge simply

for some democratic commitment that has not been addressed by the state, but instead violence

aims to transform the polity into a democracy with inclusive institutions.

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[42] Ibid., 76.
[43] Ibid., 98.
[44] Ibid., 201.

Second, Schwarzmantel takes the view that violence is a challenge to democracy or developing democracy since it undermines rational discourse.[45] Emphasizing the importance of rational discourse begs the political question: Is this polity inclusive such that rational discourse is possible in the first instance? Schwarzmantel, in other words, gives the state too much credit as a democratic entity and ignores the precondition for rational discourse to function. If the state refuses to grant political inclusion, Schwarzmantel has left normal citizens who desire democracy without any guidance as to what to do next. If violence erodes democracy, as he argues, it appears that political actors must wait and hope that the state realizes its mistake and reforms institutions to allow access. By assuming a liberal democracy, Schwarzmantel has left political actors facing an oppressive government without any guidance on how to use violence to democratize the state.

Third, Schwarzmantel makes the state responsible for guiding violent conflicts into the institutional framework. If the institutions are not suited to address demands for political inclusion, Schwarzmantel explains that the state should conduct institutional reform. This view however seems a bit contrary to democracy which involves participation of the citizens. Can political actors aiming for political inclusion and democracy leave it entirely up to the state to reform institutions? Based on Schwarzmantel's account political actors should not use violence because it will harm the process of democratization. The citizen in this case is significantly hindered in participating in the democratic process because Schwarzmantel's view leaves the state as the body guiding democratization. The citizen appears to have much less say in the democratic process compared to the state. But is democracy not a government led by the people? Schwarzmantel's explanation points to more state-driven democratization rather than a populace-driven approach. Does the state know better than the people as to what democracy is?

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[45] Ibid., 200.

Furthermore, Schwarzmantel accepts that a state can use violence against those who are against democracy; the state therefore can turn to violence for democratic aims. Can citizens' use of violence be directed towards democracy if the state chooses not to reform institutions? Schwarzmantel, unfortunately, does not consider the perspective of political actors on the ground but only considers actions by the state.

Schwarzmantel's theories pose several problems as explained above, but he does provide useful groundwork in understanding how institutions can promote democratic change by becoming more inclusive. Furthermore, he demonstrates that institutions are necessary for democracy to be sustained in an already existing democratic state or a developing democracy. This discussion is particularly useful for political actors who have overthrown an oppressive regime and are attempting to establish a democratic state. Government authority is weak in a newly created state and a return to violence can quickly overthrow the government. For these political actors who have instituted a new government after overthrowing an oppressive one, Schwarzmantel explains that institutions must be designed so that they are responsive to calls for political inclusion. These institutions that are politically inclusive promote democracy. If they, however, fail to adapt and provide political inclusion, violence can reemerge overthrowing the newly established government and ending democratization.

Schwarzmantel writes *Democracy and Political Violence* to offer the state normative guidance in its response to political violence. He argues that the state can better maintain democracy by addressing violence through institutions. This guidance is useful for existing democracy and developing democracies. The problem with Schwarzmantel's account is that he presupposes a liberal democracy that will choose to reform institutions. As a result, Schwarzmantel leaves the decision-making process up to the state. If the state, however, does not

reform institutions Schwarzmantel has left normal citizens with no process for democratization. Schwarzmantel overall is worried about limiting violence and thus sees violence as a challenge to democracy, but by doing so he leaves citizens with no guidance on how violence can be democratic in the case that the state continues political exclusion rather than reforming institutions.

Revolutionary Democracy

Sheldon Wolin sees democracy as that which concerns citizens' equality and their involvement as political actors. Wolin lays out his views of democracy and its relationship to constitutionalism in "Norm and Form: The Constitutionalizing of Democracy", "Fugitive Democracy", "Transgression, Equality, and Voice", and "Tending and Intending a Constitution: Bicentennial Misgivings." In these works Wolin rejects the conventional usage of modern democracy or constitutional democracy (the institutional view held by Schwarzmantel). Wolin states that

> "constitutional democracy" is not a seamless web of two complementary notions but an ideological construction designed not to realize democracy but to reconstitute it and as a consequence, repress it.[46]

Wolin sees a constitution as a restraint on democracy because it produces hierarchies and restricts the participation of the demos in politics. Wolin's alternative to constitutional democracy is revolution that gives political equality to all citizens.

> Revolution might be defined for our purpose as the wholesale transgression of inherited forms. It is the extreme antithesis to a settled constitution, whether that constitution is represented by documents ("basic laws") or by recognized systems or practice.

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[46] Sheldon Wolin, "Norm and Form: The Constitutionalizing of Democracy" in *Athenian Political Thought and the Reconstruction of American Democracy*, ed. J. Peter Euben, Josiah Ober, and John Wallch (Ithaca, Cornell University Press: 1994), 32.

> Democracy was born in transgressive acts, for the demos could not participate in power without shattering the class, status, and value systems by which it was excluded.[47]

A true democracy for Wolin is one where the demos has control without boundaries and limits placed on by a constitution and institutions. The demos only possesses this type of control and political equality in a revolution when it transgresses laws.

Wolin believes that a constitution sets boundaries upon the demos. The boundaries of the constitution provide and legitimate power to the dominant group in society.[48] Representative democracy does not put in place the demos as the political actor, but instead places the demos under the rule of the elite. This occurs as a result of political representatives and elites who frame the constitution and construct institutions in a manner that legitimates their dominant power in society. They regulate politics by defining responsibilities to government branches and set rhythms of politics such as scheduled elections. The boundaries then limit the involvement of the demos in politics and retain political power for the elites. Wolin argues against this Platonic and Aristotelian form of constitution, the basis of today's political system, as creating boundaries. The constitution, for Plato and Aristotle, is a theory of structure to establish stability and virtue in the state. This stability is maintained through rules that govern the state. Rules are understood to be the exercise of power over others; more specifically rules are designed to be exploitative so that one acts and the other is acted upon.[49] The Greek philosophers do not consider the demos as a political actor governed by rules made by political leaders. Ancient Greeks theorists distrust the demos because they are thought, as common citizens, to have a different understanding of what is politically best for the state. Additionally, the demos is thought to easily fall sway to demagogues rather than listen to virtuous men. As a result, the demos' conceptions for laws and

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[47] Sheldon Wolin, "Fugitive Democracy" in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, Princeton University Press: 1996), 37.

[48] Ibid., 34.

[49] Wolin, "Norm and Form: The Constitutionalizing of Democracy," 45.

political decisions are not believed to be conducive to producing the best city.[50] Thus, Wolin

states that constitutionalism, as developed by the ancient Greek philosophers, is a theory on how

to restrain politics and ensure that social classes are represented by the "best men".[51] In this

constitutional democracy Wolin argues that citizens do not have equal rights. A true democracy,

Wolin argues, gives all citizens the right to rule. The demos should therefore be the political

actor of the state in a democracy.

The present-day constitutional democracy is a result of Greek philosophers' focus on

rules to institutionalize democracy. Rule was thought to be the exercise of power over another.

Plato and Aristotle believe that the demos should be limited and bound by the rules of another

who has the natural right to rule. Greek theorists heavily consider the basis of rules and how to

place those who possess the "nature to rule" into power in order to create the best political

system.[52] Aristotle believes that assessing the needs of the demos is a necessary condition for a

state, but he rejects the notion that they should be included within the politics. The demos is seen

as nothing other than a beast that must be controlled in order to ensure stability.[53]

Wolin, however, aims for political equality among citizens. His case example of equality,

where the demos is the political actor, is Athenian democracy in the 5th century. The Athenians

in the 5th century, through revolution, successfully established the demos as a political actor.[54]

For this achievement, transgression was necessary. Wolin states that

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[50] Ibid., 38.
[51] Ibid., 35.
[52] Ibid., 46.; cf Richard W Sterling and William C. Scott, trans., *The Republic* of Plato (New York: W.W. Norton & Company, 1996), Book 414a-417b. Socrates in creating the luxurious city explains that a noble lie is necessary. The noble lie is that everyone comes from the earth and rulers are those who have been mixed with gold while the rest are mixed with silver, iron, and brass. This noble lie is meant so that the citizens care for the state and accept rulers who are believed to be endowed with gold.
[53] Sheldon Wolin, "Transgression, Equality, and Voice," in *Demokratia: A Conversation on Democracies Ancient and Modern*, ed. Josiah Ober and Charles Hedrick (Princeton: Princeton University Press: 1996), 76.
[54] Ibid., 69.

…a case might be made that transgression was crucial to the making of a democratic actor. The signs of a presence, transgressive but anonymous, have to be sought in those who were its foes, in those who looked on the demos as the embodiment of the antipolitical and the antitheoretical.[55]

Athenian democracy came about through transgression and resistance to the rules and institutions established by the elite. Because theorists such as Plato and Aristotle develop a constitutional democracy hostile to democracy in order to limit the demos, Wolin's true democracy can only come into existence by rejecting the constitutional system that binds the demos. True democracy thus emerges from revolutions that

activate the demos and destroy boundaries that bar access to political experience. Individuals from the excluded social strata take on responsibilities, deliberate about goals and choices, and share in decisions that have broad consequences and affect unknown and distant others. Thus revolutionary transgression is the means by which the demos makes itself political.[56]

Important to note though that in the case of Wolin's Athenian example, the demos was in a city-state much smaller than present day nations. Wolin explains that this case of democracy cannot be established in current nation-states as I will discuss later in this section. His main point here is that democracy emerged from revolution.

Democracy for Wolin is inherently unstable and chaotic. It is complete political equality where the demos, as the political actor of the state, participates fully in politics without any restrictions. In this case, the demos' interest is the main concern in a true democracy rather than the elites' conception of what is politically best. Wolin, however, sees that states rather than accepting this classical notion of democracy establish a constitutional democracy. A constitutional democracy, as discussed above, limits the demos and creates boundaries for rule. Therefore, Wolin sees his notion of democracy as emerging from the breaking of boundaries set by institutions. Revolution is the means for the demos to take back political power and establish

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[55] Ibid., 75.
[56] Wolin, "Fugitive Democracy," 38.

equality. Wolin explains: "In each case (the fifth century B.C.E., the 1640s, 1776, and 1989) revolution inspired the creation of democratic ideas and radically enlarged the circle of political participants to include the active involvement of social classes hitherto excluded or marginal."[57] Wolin calls this fugitive democracy which destroys the boundaries of society to create a true democracy with political equality.

His concern though is that from a revolution, the eruptive nature of democracy resolves itself in institutions when a constitutional democracy is created. As ancient Greek philosophers explain, rules are established to avoid the perceived "dangers" of an unconstrained demos. This institutionalization ends democracy where rules are created by a certain set of political actors that limit political participation. Complete political equality is removed in favor of an organized and stable polity. Therefore, democracy is only active when in its fugitive state. But in the case of institutionalization, democracy can once again emerge as a rebellious moment in opposition to an established constitutional democracy. Because political systems are created through boundaries that base power within a particular group, the demos must transgress and violate these rules for equality. Revolution can provide renewal for a democracy and reestablish equal rights for the demos that were originally set before the constitution. Democracy in this case becomes only a moment in history that rejects the institutions.[58] It cannot exist indefinitely since rules are quickly established following revolution to once again set boundaries.

The transition from revolutionary democracy to constitutional democracy can be highlighted by Wolin's discussion of the United States. The American Revolution rejected the established political system and aimed to create a new national political culture. The transition away from democracy occurred through the "intending" mentality (in contrast with a "tending"

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[57] Ibid., 37.
[58] Wolin, "Norm and Form: The Constitutionalizing of Democracy," 55.

mentality) during the formation of the Articles of Confederation and then the Constitution. To tend is to look after something. Wolin explains that "the crucial point is that tendance is tempered by the feeling of concern for objects whose nature requires that they be treated as historical and biological beings."[59] A "tending" mentality in the US was an inclination towards maintaining and taking care of existing political equality that had emerged during the revolution. Intendance, on the other hand, "suggests a straining toward the future, an effort that requires power, and hence the agent intensifies, focuses, his or her powers."[60] Following the American Revolution, intendance was interested in efficiency and how a constitution could provide for future generations. Intendance therefore placed a greater emphasis on state power rather than collective identity.[61] The Founders chose an "intending" mentality because they believed that the Articles of Confederation were too weak to preserve stability. They were worried about inherent weaknesses in democracy that made society chaotic. This worry is demonstrated by *The Federalist* discussing political legitimacy to be tied to administration, efficiency, and power. Wolin states that "these principles culminated in an intendment vision of a powerful state defined, not by its ground in the aspirations and needs of the people, but in reference to abstract principles of organization."[62] A new type of citizen was conceived in the United States that would conform to the intendment mentality involving taxation, regulation, and limited rights. The people would now be ruled by the government.[63]

Wolin believes that equality is something that can only be fully realized in a revolution that transgresses the rules and limitations set by a constitution. Therefore, Wolin's conception of

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[59] Sheldon Wolin, "Tending and Intending a Constitution: Bicentennial Misgivings," in *The Presence of the Past: Essays on the State and the Constitution* by Sheldon Wolin (Baltimore, Johns Hopkins University Press: 1990), 89.
[60] Ibid., 90.
[61] Ibid.
[62] Wolin, "Tending and Intending a Constitution: Bicentennial Misgivings," 95.
[63] Ibid., 98.

democracy is fugitive democracy based on revolution. Fugitive democracy provides total political equality for the demos. This moment of democracy places the demos the political actor of the state unlike a constitutional democracy which gives power to political elites. The problem for democracy is that the revolutions eventually result in institutions. Fugitive democracy allows for the emergence of democratic equality through transgressions and rejections of institutions. As a result, freedom and equality can only be realized in a revolution.

Limitations and Possibilities of Wolin's Analysis

Wolin's fugitive democracy brings out the democratic nature of revolution which at first seems like a perfect guide to political actors facing an oppressive government. There are, however key issues with Wolin's view of democracy that prevent it from being a useful guide to political actors on the ground: Wolin's rejection of institutions risks creating a possibility for an oppressive government, and Wolin does not consider how institutions are essential to the state's political transformation.

First I will assess the risk of creating an oppressive government. Wolin states that "Democracy is a political moment, perhaps *the* political moment, when the political is remembered and recreated." [64] But if democracy is only a moment, the transgression of laws should ideally give citizens greater political power than the pre-revolution state, even after institutions are created. Transgression of laws is a temporary achievement of democracy but the method is not useful if it quickly results in an authoritarian state where political equality is replaced with political oppression. Institutions, however, can put in place democratic commitments that retain political equality and inclusion. Wolin, by rejecting institutionalization as undemocratic and without explaining how institutions can guarantee political inclusion and

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[64] Wolin, "Norm and Form: The Constitutionalizing of Democracy," 55.

equality, allows for the possibility of a new oppressive government to come into power and make the state less democratic than it was before the revolution. Future generations in this case could continue to live in an oppressive state. For example, the French Revolution without institutions that guaranteed political rights allowed for the emergence of the Committee of Public Safety from the demos. Institutions, while not being democratically ideal for Wolin, are far better than an authoritarian government that can come to power. Institutions can protect citizens' inclusion created during revolution, thereby maintaining democracy. Wolin laments that political equality is cast aside for constitutional rules, but without considering how institutions can protect democracy, he risks leaving political actors with a fugitive democracy that results in a state worse than a constitutional democracy. For political actors on the ground it is better to maintain a semblance of democracy from revolution that aspires to maintain political equality, rather than lose it entirely to a repressive regime that comes to power. A discussion on a constitution and institutions therefore is necessary for political actors on the ground if they hope for political violence to be successful, something Wolin does not provide in his theory.

The second problem is that Wolin does not consider how institutions can serve as the medium for bringing out political transformations where democratic change is embodied. For example the US judicial system interprets new laws in accordance to the Constitution. The Supreme Court assesses whether laws are in compliance with the Constitution, but also considers societal shifts of conceptions.[65] Recently we have seen a social change regarding gay marriage, which the courts have begun to respond to. In many states courts have deemed bans on gay marriage to be unconstitutional. In this case the courts as an institution are promoting political

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[65] Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), 136. Dworkin explains that the US Supreme Court enforces the Constitution in restricting "cruel and unusual punishment", but the conception of cruel and unusual is decided by the Court. When the Constitution was written, execution by hanging was not considered cruel or unusual. Today the Court believes hanging is unconstitutional because it is a cruel and unusual form of punishment.

change in accordance to the changes in social views. Wolin, when considering institutions, only sees how institutions can restrain and bind the populace. He, however, does not consider institutions as mechanisms that promote democratic change to grant political equality. Institutions, when well-constructed, provide the means for political change that otherwise would not be possible. Responsive institutions adapt to calls for political inclusion thus promoting democratic transformation (as discussed by Schwarzmantel). A relatively responsive institution that has historically been essential to political change is the US House of Representatives. Constituents who desire some political change can elect representatives who will work through the legislative branch to institute change. Elected representatives, in order to remain in office, will have to address some demands (perhaps not all) made by their constituents. By doing so, representatives that are part of the legislative institution promote political transformation. If these representatives are not responsive to their constituents they will be removed from political position and replaced with others. Wolin's fugitive democracy fails to consider that institutions can serve to promote political transformation and equality if designed in a democratic manner that grants the demos' inclusion.

Despite these two problems Wolin's fugitive democracy provides valuable insight into an eruptive democracy that emerges from revolution. Revolution is a moment of total political equality where the demos is the political actor. When facing an oppressive regime, the transgression of laws can temporarily create a democracy. In the case of Athens, revolution inspired democratic ideals that gave the demos far greater political representation. Wolin's theory, however, does not do enough for the practical case of democratization through violence. Political actors must deal with institutions because they make commitments to retain political equality. Revolution and total political equality is only temporary. Political actors will need to

address the question of how to ensure that democracy remains following revolution. Total equality will be impossible but some level of equality is better than a Napoleon coming to power to impose rule over the populace. Therefore, political actors cannot disregard institutions as undemocratic but must construct them in order to avoid losing their political equality. Wolin, however, does not address these issues and thus is an unfulfilling guide to democratization. He leaves political actors without an explanation as to how they can achieve a longer term democracy.

Schwarzmantel and Wolin Together

Schwarzmantel and Wolin each provide half of the picture. Schwarzmantel presupposes a liberal democracy and thus sees violence as fundamentally opposed to its norms. The state therefore should reform institutions to avoid violence He does not discuss, however, what to do if the state does not reform institutions or if the state is fundamentally anti-democratic. How are we to make sense of the role of violence if we follow Schwarzmantel? Given the reality of states that aspire to be democratic and political actors who often must enact violence, how might we provide normative guidance that prepares the way for democracy's emergence? Wolin on the other hand identifies the nature of democracy as fundamentally revolutionary and eruptive, but views it as only temporary and sets it up to failure without considering how institutions can retain democracy. If Schwarzmantel is right then political actors can only hope that a state adopts institutions. If Wolin is right then democratic eruptions from revolution can never realize their goal of democracy.

Each of these authors does not address the real situation on the ground where political actors who are politically excluded wish to throw out the existing oppressive institutions and

create new ones. A middle ground between Schwarzmantel and Wolin is needed where democratic political violence is used to remove oppressive institutions as Wolin suggests, to then create new institutions that are politically inclusive as Schwarzmantel suggests. A middle ground accepts Schwarzmantel's conception of democracy through institutions and Wolin's fugitive democracy. I will discuss this middle ground of democratic violence in the next chapter to reconcile the differences between Schwarzmantel and Wolin.

Killing the Sons of Brutus

Following political actors' use of democratic violence, the next question they state must grapple with is the reconciliation process if democracy is to be sustained. How can the country move on after using violence and in particular what should be done with those citizens opposed to the creation of the new democratic polity that violence was initially used against? Should they be killed or imprisoned so they no longer participate in politics or should they be integrated into the state? I turn to Machiavelli because he takes a practical view of violence and how a newly created state can be sustained by the citizens. In the *Discourses on Livy* Machiavelli explains that it is necessary to "kill the sons of Brutus" to maintain newly acquired freedom.[66] The sons of Brutus are a reference to the sons of Lucius Junius Brutus in the 6th century BCE. Brutus led a revolt against the Roman king Tarquinius Superbus following the rape of Lucretia by the king's son. Once the king was defeated, Brutus created the Roman Republic in 509 BCE and banished the Tarquins from the republic. During Brutus' leadership as a co-consul of the Roman republic a conspiracy was orchestrated by Brutus' sons to restore the Tarquins to power. When learning about this conspiracy to overthrow the republic, Brutus put to death his sons and others

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[66] Niccolò Machiavelli, *Discourses on Livy* (Chicago and London: The University of Chicago Press, 1998), 214.

conspirators.[67] Most well known in this incident was that Brutus remained present during the execution of his sons.

The sons of Brutus are those opposed to the new state and its freedom. They are, as Machiavelli calls them, "partisan enemies" that bring disorder to the state. [68] In his writings Machiavelli takes note of this story to address how the state can be sustained. Those who are against the new condition of freedom must be executed in a memorable fashion. The execution and removal of those opposed to the new political system prevents instances of conspiracies to overthrow the government, thus maintaining freedom. If the sons of Brutus are not killed when a free state is formed, Machiavelli believes that the time of freedom is limited for only a short period of time. "Whoever takes up the governing of a multitude, either by the way of freedom or by the way of principality, and does not secure himself against those who are enemies to that new order makes a state of short life."[69] He therefore argues that "there is no remedy more powerful, nor more valid, more secure, and more necessary than to kill the sons of Brutus.[70] These partisan enemies will aim to take advantage of freedom to destroy it.

Machiavelli is focused on the security and maintenance of the state. He believes that the sons of Brutus should be killed because this secures the state against enemies of the new order. It is important to note that Machiavelli is not advocating for unrestricted use of violence; he later says that a ruler should also not be excessively cruel as this leads to new enemies. Machiavelli is simply arguing that those who are opposed to the new state at the outset will continue to be in opposition and risk the stability of the state. A ruler's goodness and kindness may not be able to secure the state against those opposed to freedom. Terms of appeasement, gifts, and patience will

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[67] N.S. Gill, "Lucius Junius Brutus," *About.com*, last updated 2014, accessed February 7, 2014, http://ancienthistory.about.com/od/romeconsuls/a/120710-Lucius-Junius-Brutus.htm.
[68] Machiavelli, *Discourses on Livy*, 45.
[69] Ibid.
[70] Ibid.

not placate those opposed to freedom according to Machiavelli. Thus, he argues that a state out of goodness should never allow evil to exist. The good of the state can quickly be crushed by evil. This will lead to an outcome where goodness, failing to remove evil in the state, will result in the overthrow of freedom by the sons of Brutus. Therefore, Machiavelli disregards the ethics of execution and focuses on the maintenance of the free state where goodness is unlikely to remove evil and execution is a surer way to preserve freedom.

Limitations and Possibilities of Machiavelli's Analysis

Machiavelli's view of killing the sons of Brutus poses several problems to political actors attempting to institute a democratic state. The first problem is an increased likelihood of attempts to overthrow the new state and remove freedom. If political enemies think they are going to be killed by the new state they will not stop fighting in the first place or will conspire to overthrow the established state. By advocating the use of executions, Machiavelli sets up a process where those worried about being killed have an incentive to oppose the state and attempt to destroy it. Machiavelli thus increases the likelihood of an attempted conspiracy or rebellion where those dissenters take on violence in order to protect their lives. No longer are they against the state on ideological grounds, they are against the state for their survival. This attempt to destroy the state then risks terminating democratization. In the case of the French Revolution, the Reign of Terror ended through a coup where those instigating the executions, including Robespierre, were overthrown and executed. The Reign of Terror was no case of democracy but the witch-hunt destabilized the French state and was the reason for the Thermidorian Reaction against the Jacobins. In an attempt to remove supporters of the monarchy, the ruling government undermined their own position and created the conditions for a revolution.[71]

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[71] "The Reign of Terror," *History Wiz*, accessed March 3, 2014, http://www.historywiz.com/terror.htm.

The second problem in Machiavelli's argument is that execution sets up a process for de-democratization where the new state becomes oppressive over those who it thinks are political enemies. Execution of political rivals undermines democracy itself. A democracy requires people to participate in politics based on mutual trust, but if the state uses violence trust will be replaced with fear. This fear can result in a cycle of fear where each side uses violence to respond to the other side.[72] How can citizens within the country move on to cooperate with each other if they do not trust each other? Machiavelli's method of killing the sons of Brutus increases the likelihood of a civil war where democracy can only come about by eliminating the other side. But is this truly a democracy if a portion of the population has been killed? The hallmark of democracy is the nonviolent resolution of disagreements, but those who are thought to be opposed to the state should be dealt with violently according to Machiavelli. Furthermore, killing the sons of Brutus risks instituting political exclusion where the victor from violence gains political inclusion and the loser loses the ability to participate in politics; democracy could not emerge from violence in this case but only a transfer of power from one oppressive group to another. Going back to Schwarzmantel's concern, by executing others the state is using violence that harms democracy. The state in this case is using a security argument which will erode trust, provoke more violence, and extend political exclusion. The French Revolution once again serves as an example of this. Once Robespierre and the Jacobins in charge of the Reign of Terror were removed by the Thermidorian Reaction, a constitutional republic called the Directory was created. This republic, however, did not last long due to the erosion of trust during the Reign of Terror and the overthrow of Jacobins. The remaining Jacobins as well as the royalists who supported monarchy began to revolt against the newly formed republic. The military then

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[72] cf Greg Moses, *Revolution of Conscience: Martin Luther King Jr., and the Philosophy of Nonviolence* (New York: The Guilford Press), 162-8. Martin Luther King has a similar worry about the cycle of fear created through violence and argues that nonviolence can break this cycle.

stepped in to put down the rebellion, thus providing Napoleon Bonaparte the opportunity to seize power and become ruler of France. [73] The erosion of trust begun by the Reign of Terror put in motion the removal of democratic freedom in France.

Machiavelli's view of executing the sons of Brutus is not a viable option for political actors on the ground who have just established a democratic state. Executions undermine democracy and risk destabilizing the state and starting a civil war. This can then result in loss of freedom, political exclusion, and potentially the rise of an oppressive government or dictator as evident in the case of the French Revolution. Therefore, political actors must be guided on a process of reconciliation that promotes democratic agreements. Reconciliation allows the newly established democracy to continue to operate with a reduced risk of being overthrown. This ensures stability for the state, a major concern for Machiavelli, while also maintaining democracy equality and inclusion.

Conclusion

Schwarzmantel, Wolin, and Machiavelli fail to address key concerns democratic-aiming political actors face if they choose to use violence. Schwarzmantel presupposes a liberal democracy and as a result sees violence as opposed to the norms of a democracy. To avoid violence, Schwarzmantel discusses how states should reform institutions and address public demands for political inclusion. But Schwarzmantel, however, does not take into account the role of violence in an undemocratic state that refuses to reform institutions. Wolin, on the other hand, explains that democracy is fundamentally revolutionary. The problem with Wolin's theory, however, is his failure to consider institutions and how they retain democracy. This is a major

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[73] "The Rise of Napoleon," *National Gallery of Victoria*, last modified 2012, accessed March 3, 2014, http://www.ngv.vic.gov.au/napoleon/revolution-to-empire/the-rise-of-napoleon.

roadblock for political actors turning to violence to overthrow oppressive state. If Schwarzmantel and Wolin's theories are used, how can political actors get any direction for understanding the kind of violence that coheres with democracy? The next chapter will attempt to address this failing by detailing a middle ground of organized and inclusive democratic violence. More specifically, the next chapter will reconcile violence and democracy to provide normative guidance on how violence can achieve political equality and inclusion.

Once violence has been used to create a state how should society be reconciled? Should those who supported the previous regime be executed or integrated into the new political system? Ever interested in ensuring political stability, Machiavelli explains that these citizens should be executed before they undermine and overthrow the new state. The problem with Machiavelli's approach, however, is that it jeopardizes the state's stability and creates conditions for renewed violence. The third chapter will address political and social reconciliation in the wake of violence. Reconciliation, based on consociationalism and truth and reconciliation commissions, can put in place conditions that restore relations and promote democracy.

Chapter 2 – Organized and Inclusive Democratic Violence

Introduction

Schwarzmantel in *Democracy and Political Violence* only considers political violence in an existing liberal democracy. The problem, as argued in the last chapter, is that Schwarzmantel presupposes the existence of a liberal democracy that should steer political violence toward building and reforming institutions. He argues that institutions be reformed and allow for political inclusion because violence threatens the democracy by damaging trust between citizens and generating hostilities. On a somewhat alternative account, Wolin explains that democracy exists only at the instance of political revolution. He argues that once institutions are created, democracy ends because institutions constrain rather than free and enable the demos. These constraints, he concludes, benefit the political elite.

For political actors on the ground in countries such as North Korea, however, this leaves no viable option for political action.[74] Political actors cannot turn to Schwarzmantel because he presupposes the very political institutions and culture that need to be created—namely, a liberal democratic one—and worries that violence is a risk to democracy. Political actors also cannot turn to Wolin because institutions, despite being necessary to maintain the functions of the state in today's political era as I previously argued, are considered to be the end of democracy. This creates a problem: how should political actors pursue democratic change when they choose to use violence amid an anti-democratic culture? In this chapter I argue that organized and inclusive political violence can serve as a middle ground between Schwarzmantel and Wolin as a guide for political actors to democratize the state.

This chapter explains what political violence is and how political actors can use organized violence to achieve democratic aspirations of inclusion.[75] I rely on a number of

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[74] Political actors on the ground who desire democracy and are not acting as government operatives
[75] Note that I will not be discussing when political violence should be used.

thinkers to make my claims but no one thinker provides a full perspective necessary to answer these questions. I first define political violence and explain its relation to power. Then, I address problems detailed in the previous chapter: Schwarzmantel and Wolin's accounts do not provide guidance to politically excluded actors on the ground when they are facing a state unwilling to grant political inclusion. My proposed solution is an inclusive violent organization. This organization uses violence to democratize the state by addressing three processes of democratization: 1) reduction of autonomous power clusters within the state, 2) insulation of categorical inequality from politics, and 3) integration of trust networks into politics.

We can briefly schematize the meaning of these three concepts. Power clusters, either part of the government or independent, are groups that have more power and influence over politics than the general populace. Power clusters must be reduced or removed because they limit the political participation of the populace and have considerably more influence over politics giving them a monopoly over politics.[76] Categorical inequality is organized differences or advantages held by segments of the populace based on factors such as income or race that limit the role of some in politics and benefit others. By insulating politics from categorical inequality, social inequalities are prevented from hindering the political involvement of various groups.[77] Trust networks are interpersonal networks between people that involve transactions and resources. The integration of trust networks into politics gives citizens political inclusion where they have an incentive to participate in politics.[78] Taken together the three processes of democratization provide for an inclusive political system where citizens possess equal opportunities for political involvement and have incentives to participate in politics. These processes indicate that the organization must be inclusive at the grassroots level to be democratic,

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[76] Charles Tilly, *Democracy* (New York: Cambridge University Press, 2007), 138.
[77] Ibid., 110.
[78] Ibid., 81.

and build power within the state by incorporating more people and organizations to its cause. Once the organization has built power, it can use violence to achieve political equality. I conclude in this chapter that well-organized inclusive violence can successfully democratize the state if it fully commits to the three processes of democratization.

Political Violence and Power

I will first discuss political violence before going into greater detail about the organization of violence. I will only consider political violence within a state, not international conflicts or demands for secession.[79] I return to Schwarzmantel's theory of democracy which is a political system where citizens are included within the decision-making process. In a case that citizens do not believe that they are included, the use of political violence is a demand for political inclusion. Violence therefore becomes a demand for something new in the political system that does not exist: a mechanism that allows for inclusion. In an existing democracy there are mechanisms and institutions that allow for the peaceful resolution of disagreements such as a judicial system, elected representatives, or direct representation.[80] If there is a mechanism that allows for citizens' inclusion or a process to establish inclusion nonviolently, then violent acts will not take place. Schwarzmantel explains that citizens who cannot gain access through the nonviolent institutions have an incentive to turn to violence. An example of this is the American Revolution with its simple but helpful mantra: "no taxation without representation."

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[79] T. Davis Mason, "The Evolution of Theory on Civil War and Revolution," in *Handbook of War Studies III*, ed. Manus I. Midlarsky (Ann Arbor: University of Michigan Press, 2009). Mason distinguishes political violence as ethnic vs. ideological and revolutionary vs. secessionist. The scope of this thesis is limited to ideological and revolutionary violence within a state that is used with aims to create a democracy. I will assume an internal approach without outside influence or support.

[80] Ted Honderich, *Violence for Equality* (London and New York: Routledge, 1989). Honderich elaborates on democracy by explaining that there are three features of democracy: uncoerced choosing and influence by the people, approximate equality among citizens, and effective majority decision by representatives.

Taking Schwarzmantel's definition, political violence is a demand for political inclusion. This violence attempts to change the power structure within the state. Dustin Howes' in *Toward a Credible Pacifism* provides a useful and necessary connection between power and the use of political violence.[81] The basis of politics is power; power is utilized to achieve ends based on the interest of those wielding power.[82] A more specific definition of power for our consideration is the capacity to influence the actions of others. Power comes into existence when people act together.[83] Several examples include a totalitarian government using power to employ an army and put down a revolution, and the US Senate using its power to create laws and legislation. With this connection of politics to power, I expand Schwarzmantel's definition of political violence. Political violence is the employment of power to directly destroy or reduce the political power of another. If violence is being used for democratic purposes it aims to destroy or reduce the political power of those attempting to maintain political exclusion and limit political equality. Howes states: "The effectiveness of every form of violence depends upon its relationship to power."[84] Democratic-aiming people use their power to combat the oppressive power of the government. The Cuban Revolution is an example of power employed to destroy governmental power. Fidel Castro, with the power of revolutionaries and weapons, used violence to destroy the power held by the Batista regime. Castro was able to take control of Cuba by destroying the government's power. When the government loses power it can no longer enforce existing rules or create new rules. Thus in our discussion of democratic violence, the government cannot continue carrying out political exclusion if its power is reduced by democratic-aiming actors.

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[81] Dustin Howes, *Toward a Credible Pacifism* (Albany: State University of New York Press, 2009), 101.
[82] Ibid., 105-6.
[83] Ibid., 105.
[84] Ibid., 128.

But Howes makes an important distinction between violence and power necessary to

understanding the role of violence:

> Power can employ but cannot be *made* by violence in the way work makes a chair or a table. Power is self-sufficient and self-generating, residing in and reflecting the "second," intangible, "subjective in-between." Violence can destroy power because subjectivity is embodied. But power does not require and cannot rely upon violence because it cannot be created by the manipulation or destruction of material things – even human bodies.[85]

Power is self-generating which means that violence does not directly create effective power.

Power springs up between people as they act together and mobilize. It is the inter-subjective

relationship based upon action and speech that binds people together.[86] Violence, while being

able to influence the formation of power cannot directly create effective power. For example the

United States, despite its significant military power, was unable to prevent conflict in Baghdad

between the various ethnic groups. Alternatively, Saddam Hussein who possessed a far weaker

military was able to control Baghdad and prevent civil war. Hussein's long rule, mobilized party,

and Ba'athist ideology that permeated society resulted in the generation of power. The US,

however, destroyed Hussein's power but was unable to develop its own power. The US

attempted to generate power through state-building that would construct relationships between

people and provide a common political system and cooperation. The US was successful in

employing violence but its success in generating power is questionable as evident by ongoing

violence in Iraq, in particular against American soldiers.

> Howes further elucidates this relationship with an example from the Vietnam War.

> The United States killed twenty times more people than it lost in Vietnam but was defeated because of what those deaths meant to those who remained. Far from being an aberration, physical superiority in warfare predicts the prospects for victory or defeat no more reliably than a coin toss…The effectiveness of action, whether satyagraha or physical violence, is bound to the political dynamics surrounding it.[87]

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[85] Ibid., 108.
[86] Ibid., 104.
[87] Ibid., 128-9.

Violence cannot be used to create effective power in the state. It cannot force intersubjective

relationships between people. This relationship is built through mobilization whether it is based

on a common interest or a common enemy. The American Revolution is a case where violence

was used to defeat the British. But for this violence, the creation of power was first necessary

through instances such as the Declaration of Independence and Thomas Paine's *Common Sense*.

These writings distributed around the country mobilized Americans to join together and fight the

British. Power was generated not by violence, but through mobilization and relationship-building

between people. Violence is a force used by those who possess power to promote change

Now I turn to an important distinction in understanding the role of violence and how it

can be used for democratic aims. While violence does not *directly* create power, it can *influence*

the creation of power. The use of violence does so by determining who is present when power is

created. The creation of power is limited by the existence of people, and violence can take

advantage of this limitation by either killing people or preventing them from mobilizing.[88] A

person eliminated from the political system or forced to be inactive influences the formation of

political power. Those who are made inactive cannot be a part of intersubjective relationships,

thereby changing what relationships are formed. Power will then come about based upon the

dispositions of the survivors who remain following violence. Therefore, political violence can be

used to influence existing power structures and the formation of new power structures. In present

day Egypt, the military's role of violence and repression over the Muslim Brotherhood has

significantly changed the formation of the political state compared to June 30, 2012 when

Mohamed Morsi was elected. Today it is virtually impossible for a member of the Muslim

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[88] Ibid., 113.

Brotherhood to be elected because violence used by the military has limited the Muslim

Brotherhood from being part of power formation in Egyptian politics.

As a result of violence's inability to create effective power, violence cannot directly make

its user more powerful. Violence can be made more effective as the power of the user increases,

but actors with democratic aims cannot plan to generate power solely through committing violent

acts. A revolutionary uses his power to face the state but by simply committing violent acts he

will not generate support from others. There is a difference here between violence and

mobilization. Mobilization can be influenced by violence (for example if violence is drawing

awareness to government exclusion) but violence cannot force others to mobilize. Violence at

best can force people to temporarily join a side but these people may defect when conflict with

the government arises.[89] Political actors need to mobilize the population to generate the

necessary power to combat the state. The effectiveness of political violence is therefore

dependent upon others joining in. This mobilization then provides a feedback where people

provide the group more power to then use violence, and influence public politics to a greater

degree. More pressure is placed on the oppressive government as more people join in. Unlike

violence, nonviolence, can generate its own power as detailed by Martin Luther King where

nonviolence aims to publicize moral atrocities and thus generate power; a key example being

Bloody Sunday where violent tactics by the police drew public outcry and greater nonviolent

participation as sympathizers poured into Selma to take part in the campaigns.[90] Therefore power

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[89] Violence can be used to force people to act but this is not a sustainable mobilization because people will renege when violence is no longer being used. In my discussion of power I am considering effective power that is not based on coercion, but a willing relationship between people. For example, dictators are often supported by the military. The military in this sense is not forced to listen to the dictator since they at any moment could carry out a military coup. The dictator's power is predicated on the inter-subjective relationship he has with the military. Therefore, examples such as forcing children to serve as soldiers under threat of violence are not the creation of effective power.

[90] "Bloody Sunday," last modified October 3, 2012, accessed April 2, 2014, http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1876.

must be generated through organizational tactics since violence cannot generate its own power; this can be done best through the creation of a violent organization as will be discussed later in the chapter.

Political violence influences power structures, but how precisely should we understand this violence? Ted Honderich in *Violence for Equality* provides a useful definition of political violence as "a considerable or destroying use of force against persons or things, a use of force prohibited by law and directed to a change in the policies, personnel, or system of government, and hence to changes in society."[91] Violence is a force used by those who possess power to change society, and in the case of democratic violence promote a form of change that leads to greater inclusion. It is important to note that the force is destructive and illegal. Since the political actor cannot change society through the existing institutions, he must go against the laws of the government if democratization is to happen.

Honderich details five features of democratic violence which provide useful groundwork for understanding violence used by democratic revolutionaries against the government. Violence's first feature is that it serves ends aligned to democratic practice.[92] In this case violence aims towards political equality and inclusion.[93] The second feature is that violence is a coercion of persuasion and not a coercion of force. He explains that coercion of persuasion is where an individual is unwillingly restrained to act in a particular way, but has the final choice for "reflection and judgment." This instance is coercion since the choice is unwillingly imposed, and persuasion because the individual is left to make the final choice. A government facing

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[91] Honderich, *Violence for Equality*, 151.
[92] Ibid., 162.
[93] Hannah Arendt, *On* Revolution (New York: The Viking Press, 1965). This aim of freedom is similar to Hannah Arendt's definition of political revolution in *On Revolution*. She views political violence as the means to conduct a political revolution which consists of a new experience of freedom that did not exist in the state. Violence is used to constitute a new political body where liberation from oppression results in the citizens' freedom.

coercion of persuasion has the option of deciding how to proceed in response to the violence.

For example, a government facing a rebellious population is not forced to change its policy but is

pressured to do so. In contrast, coercion of force is the removal of choice where the individual is

required to act in a particular way. A captured monarch threatened to be put to death unless he

abdicates his throne is an example of coercion of force. The monarch in this case does not have a

choice but must act in the way demanded by the captor. Honderich makes this distinction

because he believes that coercion of force can become authoritarian and force people to act in

certain ways, thus limiting their freedom.[94] The third characteristic of democratic violence is that

it gives equality to those who are unequal. For example a minority group that has little political

representation can turn to violence to even its standing among other groups so that it has say in

the political process. Democratic violence's fourth characteristic is that it cannot be aimed at the

destruction of an existing democratic system. Violence cannot seek to destroy a democratic

government to instate another type of rule as this would mean that the violence does not possess

democratic aims. Democratic violence's fifth characteristic is that it aspires to a fuller realization

of democracy.

Honderich's Five Features of Democratic Violence

1. Serves ends aligned to democratic practice.
2. A coercion of persuasion
3. Gives equality to those who are unequal
4. Cannot be aimed at the destruction of an existing democratic system
5. Aspires to a fuller realization of democracy

An assessment of Honderich's theory provides the middle way between Wolin and

Schwarzmantel. Honderich, while discussing features of democratic violence, is somewhat

reluctant of its usage as evident by his introduction to democratic violence where he states

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[94] Honderich, *Violence for Equality*, 164.

> It could not be the intention of any sane person to suggest a general justification of political violence. It would be as irrational to do so as to offer a general justification of all uses of force by the state, against its own subjects or others.[95]

Honderich is worried about the repercussions of violence and the moral atrocities that result from it. The problem in Honderich's assessment is similar to that of Schwarzmantel's. Honderich is considering cases where violence is used in a state that already possesses some semblance of a democracy. If we consider countries such as present-day North Korea or Syria which are ranked as some of the least democratic states in the world, a different argument can be made for the use of political violence.[96] Honderich's definition provides a necessary background to understanding political violence. In our consideration, however, it must be modified to incorporate situations where revolution brings about the emergence of democracy. The revision should be read as a middle ground between Wolin and Schwarzmantel. It sees revolution as central to democratization in the Wolian sense, but it understands this process as eventuating in inclusive institutions akin to Schwarzmantel's view.

Honderich's first, third, and fifth characteristics still apply since these do not presuppose the existence of a democracy; these characteristics simply explain that democratic violence must be directed towards the ends of democracy. The fourth characteristic is not applicable since democracy is nonexistent within the state. Democratic violence in this case is aimed at the destruction of an oppressive regime. Honderich's second characteristic, however, must be revised. Violence cannot *only* be a coercion of persuasion if the state is unwilling to democratize and democratic principles do not already exist. Violence in this case can either be a coercion of persuasion or a coercion of force.

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[95] Ibid., 161.

[96] "Democracy Index 2012," *The Economist*, accessed March 23, 2014, https://portoncv.gov.cv/dhub/porton.por_global.open_file?p_doc_id=1034. The Economist Intelligence Unit calculates a democracy index to rank countries according to how democratic they are. In 2012 North Korea had the lowest democracy index and Syria had the fourth lowest.

Both types of coercion are a reduction in the government's power. If the existing oppressive government stands in the way of democracy, this change can only be achieved by reducing the power of the existing oppressors so that they are forced to make steps towards democracy. Coercion of persuasion leaves the government with enough power to make a choice. I admit that coercion of persuasion is a better option than coercion of force as expressed by Honderich if the existing government is willing to cooperate and grant greater political inclusion. If the government, however, is unwilling to grant political inclusion then coercion of persuasion will fall to deaf ears. Therefore, the power of the existing rulers must be weakened through coercion of force so that they no longer have a choice in maintaining political exclusion.

The difference between coercion of persuasion and force is the degree of violence used. The degree of violence directly influences how much of the government's power is reduced. Coercion of force removes the government's ability in making any further decisions. Through a greater usage of political violence, coercion of force reduces the government's power to the point that it no longer has a choice. Coercion of force requires the oppressor to grant political inclusion when they are unwilling to do so. In highly undemocratic states the government's power must be reduced so that it has no option or otherwise it will continue to follow the status quo of political exclusion. Coercion of persuasion is a viable option for political violence but without coercion of force as an alternative, political actors are left without enough teeth in their usage of violence and democratization will be impossible. Therefore, coercion by force may be necessary for democratic violence if political actors hope to gain political inclusion.

Processes for Democratization

Now that the connection between democratic violence, power and politics is explained, the next step is to understand how violence can be used to democratize a state. For this, I turn to Charles Tilly's discussion in *Democracy*. A regime for Tilly is democratic based on the "degree that political relations between the state and its citizens feature broad, equal, protected and mutually binding consultation."[97] The citizens are politically included when the government consults with the citizens about their demands. For the consultation to be mutual, Tilly believes that democratization also requires consultation in the opposite direction where citizens commit to the demands made by the state. Tilly's mutually binding consultation is similar to the emphasis Schwarzmantel places on political inclusion as central to democratic institutions and the emphasis Wolin places on political equality as the goal of revolution. Tilly identifies three processes of democratization: decrease in the autonomy of individual power clusters with respect to public politics, increase in the insulation of public politics from categorical inequality, and increase in the integration of trust networks into public politics. Public politics is transactions that engage state power with citizens in a visible manner such as elections, legislative activity, and tax collection. Public politics excludes personal interactions between and among citizens and state officials.[98] I will briefly outline the three processes as they will be useful in understanding how violence can democratize a state.

Reduction of Autonomous Power Clusters

The first process of democratization is reduction of autonomous power clusters within the state including those that are separate from the government and those that are part of the government. Power clusters have greater power and influence on public politics than the general populace, and therefore can limit mutually binding consultation within the state. Examples of

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[97] Tilly, *Democracy*, 13.
[98] Ibid., 12

power clusters are warlords, armies, and religious communities. These power clusters must be transformed and become subject to public politics because they limit popular participation. For example, warlords can put greater pressure on the state and influence the populace within their region. This limits citizens' political inclusion since they are coerced by the warlord and possess little political power in their region. Additionally, power clusters within the state such as military generals have significantly more influence over public politics. For example in the recent case of Egypt, the military possesses power over the political process. In any instance the Egyptian military has the ability to overrule political parties whether those parties are democratically elected or not. Most recently, the Egyptian military ousted Mohamed Morsi, the democratically elected leader of Egypt. The military cited Morsi's policies that harmed the Egyptian populace as support for his removal. Putting aside the debate as to whether Morsi's policies were democratic or not, Egyptian democratization cannot be fully realized until the military as a power cluster no longer has the ability of removing democratically elected leaders. Reduction in the influence of power clusters allows for greater political equality and mutually binding consultation in public politics.[99]

Insulating Public Politics from Categorical Inequality

Public politics must be insulated from categorical inequality if democratization is to occur. Categorical inequality begins from social inequality. This social inequality then crystallizes differences into everyday categorical differences in public politics based on certain factors such as race, gender, income, etc. Tilly defines categorical inequality as "organized differences in advantages by gender, race, nationality, ethnicity, religion, community, and similar

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[99] Ibid., 138.

classification systems."[100] Categorical inequality influences public politics by limiting citizens'

role in politics.[101] They instill large disparities in political inclusion, excluding marginalized

groups who are deemed unequal. Benefiting groups, on the other hand, have an opportunity to

take control of existing resources to improve their condition without input from marginalized

groups. The benefiting group can exploit marginalized groups by taking control over resources,

such as tax dollars, to use in a way that that best suits their interests rather than the overall

interest of the state.[102] Tilly further explains that these resources taken through exploitation will

likely be used to expand the social and political boundary between the benefiting and

marginalized groups, thus enlarging categorical inequality. The advantaged group has incentives

to opt out of democratic bargains, take greater power and advantage within the political system

to extract more resources, and move the state away from mutually binding consultation where a

segment of the population is not taken into equal consideration. Categorical inequality

undermines democracy by generating unequal rights and other distinctions in public politics to

benefit one group and exploit another. By insulating public politics from categorical inequality,

the state avoids exploitation. Thus, the state is able to expand upon mutually binding consultation

by including all citizens and not only those who have benefited from categorical inequality.

Integration of Trust Networks

Trust networks, as the third mechanism of democratization, are strong ties of

interpersonal connections between people. These connections set long-term consequences and

resources at risk to others' failures or mistakes.[103] Trust networks place valued outcomes at risk

if someone within the network reneges. Examples of trust networks include religious sects,

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[100] Ibid., 111.
[101] Ibid., 110.
[102] Ibid., 111-2. Tilly provides a barebones account as to how categorical inequality emerges in public politics
[103] Ibid., 81.

fraternities, and credit circles. Democratization involves the integration of these trust networks into public politics. The reason for this integration is as follows. Citizens carry out transactions, whether financial or personal, within these networks. If these networks are segregated from public politics, citizens do not have incentives to participate in politics. Citizens are worried that the government will either subordinate networks into poorly managed state enterprises or seize resources.[104] As a result, they have incentives to cover up their interactions from politics because they do not trust the state. Therefore, the integration of trust networks into public politics involves citizens trusting the government to manage networks. Democracy requires some level of citizens' trust of the government to operate. Democracy fails if citizens do not trust the government to function because it is dependent upon the interest and political participation of the populace.

Integration of trust networks also demonstrates citizens' participation in public politics. As trust networks are integrated, citizens become included within the political system; private networks become part of the political structure.[105] This builds mutually binding consultation between the people and government. As people integrate trust networks into public politics they become reliant on the government to maintain these networks. But as they become reliant on the government, they also gain individual and collective political inclusion through a direct connection with the government based on the integrated network. An example of this is integration of a local militia into the national army.[106] The government is responsible for national

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[104] Ibid., 88.

[105] Ibid., 90. See Box 4-2 for specific examples on how trust networks integrate into public politics.

[106] "Mexico Nabs Cartel Leader Dionicio Loya Plancarte," *USA* Today. Associated Press, January 27, 2014, accessed March 23, 2014, http://www.usatoday.com/story/news/world/2014/01/27/mexico-cartel-leader/4950403/. A recent development in 2014 has been Mexican vigilantes fighting the Knights Templar drug cartel. The government was unable to provide communities protection so these about 20,000 vigilantes began to protection. On January 28 the Mexican government legalized vigilante forces and incorporated them into an armed civilian group called the rural defense corps. This is an example of integration of trust networks into public politics.

security, but following integration the citizens gain some control over public politics since they

are directly connected to the government system and presumably take greater interest in political

society.[107] While the government gains greater control over the militia, it depends upon citizens'

participation to sustain the national army.[108] The citizens and the government become reliant on

one another for the network to be maintained. This network benefits both parties as it provides

for the collective security of the state. Citizens integrate their trust network into public politics,

but the state in turn relies on citizens' participation to maintain the trust network.

An Inclusive and Violent Organization

The next step is explaining how democratic-aiming political actors can use violence. To

do so, I connect my previous discussions on power generation and democratic processes. The

first step in implementing democratic violence is the buildup of power. This can be best done

through an organization that mobilizes people. Democratic violence can then be used once power

has been built. To understand how power can be generated I take inspiration from Saul Alinsky's

Reveille for Radicals. Alinsky explains that power can be generated through an organized

collection of people he titles a People's Organization. The People's Organization carries two

major functions of understanding among members: the organization will generate power that is

controlled and applied for achieving the goal of the organization, and only through an

organization can a program by the people be created.[109] Alinsky explains that the major purposes

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[107] Tilly, *Democracy*, 95.

[108] Ibid., Tilly makes an important note on the integration of trust networks stating that it is not a blank check to the government for them to manage the network. In a democracy the citizens may withdraw their trust if they believe the government is not properly managing the network. The state therefore must manage the network properly or otherwise citizens will withdraw their trust, putting the state at risk. An example of this would be where citizens refuse to enlist in the military. The democratic state cannot coerce people to integrate trust networks as this would not be mutually binding consultation. Authoritarian regimes force trust networks to be integrated.

[109] Saul Alinsky, *Reveille for Radicals* (New York: Random House, Inc., 1969), 54.

of the People's Organization are to bridge cleavages within the community at a grassroots level and build consensus. The People's Organization should seek to include other organizations from the community, and then direct people towards a goal that will improve society. Important to note is that a People's Organization does not view problems in the community as independent of others. For example, low graduation levels are not simply addressed by looking at the school system but also by considering the family situation, family income etc. Alinsky states that a major problem of other basic organizations is that their scope is too focused and as a result they fail to effectively solve community problems. A holistic approach to community organization is required to achieve social and democratic change where various different groups join together.[110]

Power must be generated through Alinsky's model of a People's Organization if violence is to be successful in democratizing the state. In the following pages I will first explain how a violent organization based on Alinsky's model is effective in generating power. I will later discuss how this organization, by addressing Tilly's three processes, uses a democratic violence that achieves political inclusion. I, however, will not give a full account as to how the organization can effectively gain members as Alinksy has already discussed this in great detail.

Violence that Maximizes Power

Organized violence based on Alinksy's model of the People's Organization is an effective method of violence. It is important to note that the violence will be directed at an oppressive political system. The existing political system will be organized with military power and a population that supports the existing status quo. Democratic violence must seek to overthrow or weaken the existing political system. In order to be successful, the violent organization must be inclusive and incorporate other groups regardless of whether they differ in

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[110] Ibid., 57.

ethnic, religious, or other backgrounds. By doing so, the organization maximizes its potential power by incorporating more people to support and participate in its cause. If the organization is exclusive its potential power is limited.

Take for example the Nation of Islam led by Elijah Muhammad during the Civil Rights Movement. The organization limited its power by only accepting Muslim African Americans as members. In contrast, the Southern Christian Leadership Conference's nonviolent movement incorporated various religions and races, thus giving it a larger membership and greater power to influence public politics. By bridging cleavages within society, the organization can incorporate many people from minority and majority groups to achieve political inclusion. The organization is able to open up a bargaining process with other members of the community to resolve disagreements. As people come to an agreement the organization gains members. The power of violence will depend upon the combined strength of the people. Thus, an organization that fosters agreements in the community to direct democratic violence will have greater power than an exclusive organization that limits the populace's participation. An inclusive organization at the grassroots level is necessary in order to generate and maximize its power to challenge the existing political power. An exclusive organization is less suited to this task because it limits its potential power as was the case for the Nation of Islam.

Similar to the problems facing an exclusive organization's use of violence, unorganized violence is limited in power because various factions will be uncoordinated in their efforts for political exclusion. Each will be using their own violent methods and without combined efforts, are more likely to be defeated by the state. The phrase "united we stand, divided we fall" is an apt characterization of how organized violence can be more effective than unorganized violence. Divided groups using unorganized violence against the state cannot generate enough power to

combat the state. Without enough power, divided groups are less likely to be successful in democratization. As a result, the method of violence I propose is an organized and inclusive form used by a violent organization that maximizes its power to combat the state.

Democratic Organized Violence

Organized Violence and Power Clusters

The next step is explaining how this inclusive and organized violence can bring about democratic change. I return to Tilly's democratic processes to make this connection and will discuss how organized violence can address each of the three democratic processes; by doing so organized violence becomes democratic. I first look at organized violence's ability to challenge autonomous power clusters. Power clusters have significantly more power than others within the political system and thus have greater influence over public politics. A violent organization developed through Alinsky's methods can possess the power to combat power clusters responsible for political exclusion. By incorporating other organizations and people, the violent organization can maximize its power from the community to increase democratic violence's likelihood of weakening or removing autonomous power cluster. The violent organization therefore becomes a democratic power cluster. The difference is that this new violent power cluster possesses democratic aims unlike the existing power clusters which wish to maintain political exclusion. The problem in the undemocratic state is that the existing power clusters do not have democratic aims; this must be changed through *coercion of persuasion* or *force*.

Because undemocratic power clusters base their political influence on their power, organized violence aims to reduce their power within the state. Organized violence can either remove other power clusters or lessen the influence of power clusters in the state by reducing

their power and transforming them so that they are subject to public politics based on popular participation. For example if the state is controlled by the military, organized violence can mobilize people to fight the military and weaken it. Through either coercion of persuasion or coercion of force, organized violence can pressure the power cluster to grant greater political representation to the populace. Weakening power clusters, organized violence can provide for political equality and inclusion.

After these power clusters have been weakened and subject to public politics, the violent organization must stop and remove its own status as an autonomous power cluster. An organization with true democratic aims must reduce their power and integrate into public politics, otherwise they have not fully committed to the process of democratization. This reduction of power can be done through integration of the military branch of the organization to the new government, and integration of the overall organization into the political system. This removes the organization's status as "autonomous." For example, the African National Congress became part of the government in South Africa with its military wing integrated into the South African Defense Force. I will discuss integration in more detail later in this chapter when I relate organized violence to trust networks.

Organized Violence and Categorical Inequality

Organized violence can reduce social inequality, thus insulating public politics from categorical inequality as part of the democratization process. An inclusive violent organization does not simply hold more power; inclusivity makes it a democratic organization at the first instance.[111] When fighting for democracy, the organization cannot be exclusive to factors such as race or income as this exclusivity creates the basis for social inequality. This social inequality

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[111] I leave it up to the organization to structure itself in a method that makes it inclusive. In discussing inclusivity, I wish to emphasize that organizations should take into account this principle.

then translates into categorical inequality in public politics. Organized violence must be inclusive and avoid forming ideas of social inequality where members of the group view themselves as superior to those who are excluded.[112] By being socially inclusive, the violent organization can take into consideration the views of others and create a political structure that serves as a model for inclusion in politics. Establishment of categorical inequality is avoided once the organization gains enough power to make political rules, because the organization is socially inclusive at the first instance. Therefore, organized violence can insulate public politics from categorical inequality when establishing a new state.

An organization that is exclusive is by nature undemocratic. Alinsky explains that a labor union aiming for better bargaining power between workers and employers is undemocratic if it excludes African Americans and others simply because of race.[113] As discussed earlier, Wolin explains that democracy ends at the moment institutions are created. This occurs as a result of categorical inequality within institutions. A victorious exclusive organization with limited membership that has not considered the perspectives of others will either consciously or unconsciously establish institutions that benefit itself. Exclusive violent organizations are more likely to develop a categorical inequality that sets up a process for future exploitation in public politics. Similar to an exclusive violent organization, unorganized violence also risks being exclusive since different groups are vying for power to conduct democratic change. These various factions will be unable to take into consideration the views of other factions, and thus may not insulate public politics from categorical inequality. Organized violence, on the other

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[112] The Nation of Islam during the Civil Rights era excluded anyone from membership who was not an African American Muslim. They rejected political inclusion because they believed that African Americans did not need to live with whites. The Nation of Islam sought for black pride where African Americans could view themselves as equal if not superior to White Americans. The aim for empowerment was so that African Americans could live independently from White Americans. Therefore the Nation of Islam is an example of an organization that was not a democratic because it was exclusive.

[113] Alinsky, *Reveille for Radicals*, 32.

hand, can insulate public politics from categorical inequality by bringing together multiple

organizations such as fraternal, business, religious organizations to form a common agreement

for democratization.

Additionally, organized violence can reduce existing categorical inequality within the

state. The organization uses violence to reduce the power of those, such as the military or

political elites, who are using their influence to maintain the state's exclusion. For example,

during the apartheid era in South Africa organized violence would have been effective against

the Afrikaner-oriented National Party who used their political power to create unequal labor and

social condition for Africans in order to exclude them from public politics.[114] Violence can

directly attack and reduce the power of those benefiting from categorical inequality. To then

remove categorical inequality, democratic violence creates conditions for the emergence of a

new political system that is insulated from categorical inequality. Violence therefore can remove

categorical inequalities such as political exclusion based on race or wage. Furthermore,

democratic violence rejects the existing categorical inequality because the use of weapons and

force puts those unequal at an equal standing with the beneficiaries of inequality. The use of

violence puts both sides at an equal level since each has the power to harm the other, unlike the

status quo where the weaker side cannot participate in politics.[115] Therefore, organized and

inclusive political violence gives standing to those who are unequal by providing them a method

to reduce the power of the beneficiaries of categorical inequality. The politically excluded

citizens can then create a new political system that is insulated from categorical inequality.

Organized Violence and Trust Networks

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[114] Tilly, *Democracy*, 122.

[115] Thomas Hobbes, *Leviathan* (Lexington: Seven Treasures Publications, 2009). Hobbes explains equality in the state of nature. In a case where people turn to violence everyone is equal by nature. There is no natural inequality that gives someone a distinct advantage.

By being inclusive, organized violence develops trust networks within the organization. The organization brings together various members of society and consists of interpersonal connections between people that set goals and resources at risk if others within the group fail to follow through or make a mistake. The trust network enlarges as the organization includes other citizens and organizations.[116] Common agreement among members is the basis of the violent organization. Basic transactions occur between members to sustain the organization such as recruitment processes, borrowing money for organizational expenditures, and mobilization of violent action. The organization will not be successful if members do not follow through with their commitments. The risk of malfeasance in this case is high, potentially death, since violence is illegal. The members are placing a high risk by trusting each other. Because of this substantial risk, weak levels of trust could lead to defection and betrayal within the organization. Therefore a successful violent organization will possess strong trust networks. An unorganized violence, on the other hand, does not develop a trust network because people will not cooperate with each other. At times they may compete against each other for resources and power, as is currently the case in Syria where various rebel groups are each vying for power. Without strong trust networks, political violence will be weaker when facing an oppressive state. Organized violence, as a trust network, solves the problem that factional violence faces by committing people together for the same goal so that they are not competing against each other. Additionally, an organized violence eases the process of integrating the trust network into public politics.

In the beginning the violent organization is a trust network segregated from public politics since it uses illegal violence. The organization, however, can effectively incorporate

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[116] Alinsky, *Reveille for Radicals*, 4-8. Alinsky gives an example of a People's Organization bridging cleavages in society. The People's Organization, named the Back of the Yards was able to quickly grow and bring in members from various groups to draw attention from national leaders. Alinsky explains that this organization is an example of democratic organization at its finest.

itself into public politics after reducing the power of other autonomous power clusters and insulating public politics from categorical inequality. The members of the group have already committed to working together for democratization. Once a new state has been realized it is an easier process for these citizens to be integrated into public politics and militants to be integrated into the state military, compared to the integration of a chaotic mass of democratic revolutionaries. The organization's members can be mobilized to join the state and continue interacting with each other. The trust network now will be maintained by the state through rule of law to limit malfeasance.[117] Furthermore, the violent organization will no longer be based upon illegal activity but will be part of the state. The organization's incorporation into the state gives citizens greater power over the state and public politics, while also relying on the state to maintain the trust network. This is mutually binding consultation. If on the other hand there is no violent organization as discussed in the previous paragraph, the integration of trust networks into public politics becomes difficult because various distinct networks do not trust each other. As a result, groups may not be willing to give up their power and incorporate themselves into the state whether it is their militias into the army or their leaders into a parliament. The segregated and violent trust networks therefore may remain segregated as some groups continue using violence. Democratization then becomes difficult because segregated trust networks are not incorporating themselves into public politics. Thus, it is necessary for democratic violence to be organized so that it can serve as a trust network that effectively incorporates itself into public politics. Once the violent organization has integrated itself into public politics the reconciliation process can begin to address anger and fear created by violence.

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[117] The newly formed state may not have the capacity to manage trust networks. This will be a work in process as the state slowly gains power and is unlikely to occur at once. This is currently the case in South Africa where the country faces some of the highest crime rates in the world.

For violence to be democratic, political actors must have a genuine interest in creating a democracy. If they have this sincere desire then the method that they should use is an inclusive organized violence that takes account of Tilly's three democratic processes. This violence becomes democratic violence in its aspirations for democratization. Democratic-aiming political actors can use democratic violence to overthrow an existing undemocratic regime to replace it with a democratic state.

Conclusion

An organized and inclusive organization that uses democratic violence provides a middle approach between Wolin and Schwarzmantel. Democratic violence based on revolution can realize a democracy as Wolin explains. Additionally, this type of violence takes into account the necessity for inclusive institutions in the democratic process, such as integration of trust networks, as Schwarzmantel discusses. The method of violence proposed in this chapter reconciles the problems laid out in the first chapter that prevent Wolin and Schwarzmantel from being effective guides for democratic-aiming political actors who have turned to violence.

Political actors aiming for democracy can maximize their power while also being democratic through the creation of an inclusive violent organization. By maximizing its power the organization is more likely to successfully combat and weaken the existing power structures of the state that are supporting political exclusion. The violent organization can then use political violence to either replace the oppressive government or force it into becoming more inclusive. An organized and inclusive violence can avoid creating a repressive government and institutions that are based on political exclusion. For their democratic aspirations to be successful, political actors must follow the three principles outlined by Tilly when using organized violence to

democratize a state. The key factor for democratization is that the violent organization fully abides by Tilly's principles; if the organization chooses not follow them then it is likely that democratization will be unsuccessful and an undemocratic state will be realized.

The major problem of violence, however, is that it generates hostilities between people that may be difficult to resolve. These hostilities may prevent democratic participation and cooperation among the citizens. A reconciliation process is needed to remedy these conflicts and end violence. The next step, as discussed in the following chapter, is to make sense of the reconciliation process to ensure that political and social cleavages do not prevent democratization.

Chapter 3 – Sustaining Democracy

Introduction

In the *Discourses on Livy*, Machiavelli explains that the "sons of Brutus" must be killed to ensure the stability of a new state. He advises the new state to execute the political enemies before they conspire against the state and overthrow it. Conflicts are very much part of politics but democracy's hallmark is that these conflicts can be resolved nonviolently through institutions and mechanisms of the state. The problem with employing Machiavelli's approach in the context of democracy, however, is that it undermines democracy by maintaining a culture of violence and increasing hostilities between groups. In response to this problem, I propose consociationalism and truth and reconciliation commissions. Consociationalism institutes permanent formal structure for the state to deal with internal divisions thereby making it particularly useful in cases where there are many sons of Brutus. Truth and reconciliation commissions serve as transitional bodies that are not permanent institutions, but assist the state transition from violence to a peace. By consociationalism, I mean a political framework of power-sharing predicated on a grand coalition, mutual veto, proportionality, and segmental authority. Truth and reconciliation commissions are temporary institutions created by the government to investigate cases of political violence, provide information to the public, and foster dialogue between victims and perpetrators to conduct restorative justice. I argue that when combined, consociationalism and reconciliation can successfully end democratic violence and put the state on a path towards democracy.

As discussed in the previous chapter, democratic violence is initially used to overthrow an oppressive government. This violence is used to create a democratic state as an inclusive system where disagreements are resolved nonviolently. The main problem is that violence puts in place a culture where political disagreements are dealt with violently. To sustain democratization,

violence must be replaced with a democratic and nonviolent culture. Executing the sons of

Brutus does not put in place a sustainable model for democracy. The reason is that newly formed

governments that employ violent measures against political opponents are often highly

repressive. We need only think, for example, Augusto Pinochet's rule in Chile where thousands

of prisoners were held and many executed in the National Stadium.[118] Violence oppresses

political opponents and excludes them from political participation. Machiavelli's method, as

argued in Chapter 1, furthers this culture of violence and risks the reestablishment of an

oppressive government where opponents will be once again brutally excluded from the political

process by the state.

Additionally, violence will generate hostilities between those who initially had power and

the liberation groups. Violence in this case can be uncontrollable and potentially start a civil war

as groups lose trust in one another and are unable to nonviolently interact. Violence involves a

violent action and a violent counter-response. Each side retaliates. At a certain point if the groups

do not reconcile their differences they will be unable to trust one another and participate together

in democracy. An example of this is the genocide in Rwanda caused by the conflict between the

Hutu and Tutsi ethnic groups. The Hutu and Tutsis engaged in retaliatory violence to the level

that it is now difficult for the two sides to trust each other and work together in a democratic

system.[119]

In this chapter I first discuss why institutions are necessary for reconciliation, and serve

as commitments to fully realize democracy. I will then discuss the theories of consociationalism

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[118] Pacale Bonnefoy, "Remnants of Dictatorship," *Global Post*, April 26, 2009, accessed February 24, 2014, http://www.globalpost.com/dispatch/chile/090408/remnants-dictatorship.

[119] Stuart J. Kaufman, "Symbolic Politics or Rational Choice?," *International Security* Vol. 30, No. 4, (2006): 82, accessed March 4, 2014, http://www.jstor.org/stable/4137529.; cf. Charles Tilly, *Democracy* (New York: Cambridge University Press, 2007), 89. The Hutu and Tutsis are choosing not to integrate trust networks (discussed in Chapter 2) into public politics.

and post-conflict transitional justice through truth and reconciliation commissions.

Consociationalism resolves political cleavages by guaranteeing political inclusion for those

opposed to the new state. Political cleavages are divisions between political leaders and political

groups, such as members of the previous ruling party, the revolutionary party, and other minority

groups. Truth and reconciliation commissions address social cleavages through the creation of a

collective identity and restorative justice that brings justice to victims of crimes. Social cleavages

are divisions between the remaining citizens, outside of political leaders, who will participate in

politics through elections; for example, this could be between the average citizens who supported

and opposed the old regime. Together, consociationalism and truth and reconciliation

commissions reconcile overall society for democracy to emerge. I then turn to South Africa as a

model for reconciliation where a consociational framework resulted in power-sharing. South

African society had significant political and social cleavages once the apartheid state was

removed. The power-sharing process in South Africa might be read as addressing Machiavelli's

troubling response; it created a democratic community in which opposing parties transitioned to

a nonviolent government. Tied to South Africa's process of consociationalism in the political

sphere, the state embarked on restorative justice to address the violence and lingering hatred in

society that came about as a result of violence and apartheid. South Africa followed an ambitious

reconciliation process through the Truth and Reconciliation Commission. Political cleavages

were largely tensions between the apartheid-ruling NP and the new majority-supported ANC.

Social cleavages were those stemming from racism between Afrikaners and Blacks during

apartheid rule. South Africa is still dealing with these problems today but through a

consociational framework and the TRC the country has avoided major violent outbreaks that

would undermine democratic progress. South Africa still has a ways to go in their

democratization process but at the moment they seem to be slowly moving forward, thus serving as an illustrious case study of what I have called a middle way.

The Need for Institutions

Institutions are necessary to sustain a democratic state. This section returns to problems I identified in the first chapter regarding Wolin's theory of fugitive democracy. Wolin believes institutionalization marks the end of democracy. The revolution is the only true democracy for Wolin where citizens have complete political equality. Wolin argues that institutionalization following revolution only binds the demos and creates boundaries of rule, and therefore cannot be considered a democratic progression by the state.[120] In response, I argue that democracy is unstable, and freedom and rights cannot be maintained without institutions. A revolution without institutionalization allows for an authoritarian regime to emerge and take control of the populace. Institutions can protect citizens' rights to maintain democratic processes and avoid cases of political exclusion. Additionally, institutions can serve as the medium for democratic change to avoid returning to violence. Therefore, institutions are necessary for a democratic state to come into existence even though it may not be a perfect democracy in Wolin's view.

To address this problem in Wolin's theory I turn to *At War's End* in which Roland Paris argues that an effective framework of institutions must be built before promoting democratic competition.[121] He terms this approach institutionalization before liberalization (IBL). Paris considers the context of a post-conflict state where international peacebuilders conduct state-building from scratch. In this scenario he believes that the establishment of institutions which provide political stability must come before democratic reforms, because democracy has a

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[120] Sheldon Wolin, "Fugitive Democracy" in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, Princeton University Press: 1996).
[121] Roland Paris, *At War's End* (Cambridge: Cambridge University Press, 2004), 187

destabilizing effect on states emerging from violence.[122] Paris gives six key elements in his IBL approach that international peacebuilders should follow to create a stable democracy. Although Paris does not take up my specific concerns of institutionalization led by the citizens of the state, I discuss Paris' argument to provide examples on how institutions in general can serve as commitments for democratization. Briefly, his six terms are: wait until conditions are ripe for elections, design electoral systems that reward moderation, promote good civil society, control hate speech, adopt conflict-reducing economic policies, and rebuild effective state institutions.[123] I will now consider each term individually and how it specifically relates to my concerns of Wolin.

The first element of IBL according to Paris is to wait until conditions are ripe for elections. By this he means that before democratic competition for power, conditions for peaceful and fair elections must be created.[124] Paris explains that elections, as democratic competition, does not necessarily foster peaceful competition but can lead to violence as political parties take hostile stances against each other. This is due to potential cases where political groups, in order to garner support, may appeal to societal fear and hatred between segments of the populace.[125] Therefore, Paris argues that democracy is promoted following civil war through institutional commitments that guarantee fair and peaceful election. The absence of effective government institutions, such as a neutral judicial body and state enforcement, leaves the country vulnerable to a reemergence of violence and the end of democratization.

The second element is also related to elections, but explains how institutions can promote political inclusion. Paris' second element is to design electoral systems that reward political

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[122] Ibid., 185
[123] Ibid., 188
[124] Ibid., 188
[125] Ibid., 189

moderation. By this, Paris means that institutions, such as an electoral system, can incentivize

political candidates to take moderate stances that include the entire populace rather than simply

one segment of the country. If political candidates are rewarded politically for being moderate,

Paris argues that more citizens will be included in the political process. Otherwise, political

candidates may attempt to only gain support from the majority party at the expense of minority

groups. For example, Nigerian presidential elections in 1979 required presidential candidates "to

win not only an absolute majority of national votes but at least 25 percent of votes cast in no

fewer than two-thirds of the nineteen states".[126] This meant that presidential candidates could not

win simply through a majority, but required votes from the other states which comprised of

different ethnic groups. As a result, election results were more inclusive with minority groups'

views taken into consideration by candidates.

The third element is promotion of a good civil society that is conducive to peaceful

democratic politics.[127] Civil society, while having a number of features most importantly

monitors and restrains democratic states' power so that it remains among the populace. Civil

society also gives opportunities for political participation and creates other channels for

representation. Institutionalization, therefore, can mobilize civil society in order to maintain

political inclusion and promote democracy. To do this, Paris explains that institutions can be

created to provide financial and logistical support to cross-factional organizations such as trade

unions, social clubs, and political organizations. [128] Paris also argues that the government should

shut down extremist organizations that advocate for violence to prevent these from creating a

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[126] Ibid., 191. Paris acknowledges that Nigerian democracy only lasted until 1983 but states that this failure was a result of problems in the national legislature and not the structure of the presidential election.

[127] Larry Jay Diamond, "Toward Democratic Consolidation," *Journal of Democracy* 5/3 (1994): 5, accessed March 30, 2014, DOI: 10.1353/jod.1994.0041. A civil society as defined by Larry Diamond is "the realm of organized social life that is voluntary, self-generating, (largely self-supporting, autonomous from the state, and bound by a legal order or set of shared values…Civil society is an intermediary entity, standing between the private sphere and the state."

[128] Paris, *At War's End*, 194

poor civil society. This is related to Paris' fourth (IBL) condition which calls for the control of hate speech. Free speech is good for a democracy, but liberalization of speech immediately following violence can also result in hate media that incites violence against particular groups.[129] An enforced code of conduct and a licensing process may be necessary in the beginning to ensure responsible media.[130]

Paris' fifth condition is adoption of conflict-reducing economic policies that give the state institutional capacity to manage market reforms and legal institutions to enforce contracts and financial transactions.[131] The sixth condition is the common denominator of IBL: the rebuilding of effective state institutions. Paris explains that democratic politics are not self-organizing but depend on institutions to maintain order and uphold basic rules. More specifically, state institutions make commitments to maintain democracy that allow for political inclusion and political equality. In this sense, institutions do not allow for political equality to the extent that Wolin argues, but they do make commitments to political equality in a post-conflict state that prevent an authoritarian regime from taking control of the state and binding the demos under a repressive rule.

Related to these points above is the constitutionalization of the polity to avoid the vagaries of undisciplined and angered political actors; these actors risk destroying political equality that emerged in the revolution. The most important and comprehensive moment, then, for the new democratizing state is the drafting of the constitution that procedurally specifies the kind of government that will be established. There are, as Adam Przeworski and Stephen Holmes explain separately, two characteristics of a constitution: articulating the substantive rights of the

[129] Ibid., 196
[130] Ibid., 198
[131] Ibid., 201

polity that shall be placed beyond the reach of future democratic change and binding future

generations.[132] As Holmes goes on to say, indicating the importance of this process:

> Present-day citizens are myopic; they have little self-control, are sadly undisciplined, and are always prone to sacrifice enduring principles to short-term pleasures and benefits…A constitution is Peter sober while the electorate is Peter drunk. Citizens need a constitution, just as Ulysses needed to be bound to his mast…By binding themselves to rigid rules, they can better achieve their solid and long-term collective aims.[133]

Holmes here explains that citizens are likely to throw away their political inclusion and political

equality unless they bind themselves to commitments of democracy. Only through constitutional

binding can citizens truly achieve long-term democratic aims without it being lost. This serves as

a direct response to Wolin who is concerned about rules and institutions binding the demos. In

contrast to Wolin's perspective, constitutional rules bind the demos so that they themselves do

not subvert their democratic aims for political equality. The constitution protects the political

equality of citizens by affording them rights that cannot be taken away.

In drafting a constitution, society faces three constitutional questions: substance vs.

procedure, agreement vs. competition, and majoritarianism vs. constitutionalism.[134] Substance vs.

procedure considers whether democratic institutions should be organized to reach some

normative judgment, such as social justice based on religion, or if they should establish

procedures for making policy decisions and leave substantive outcomes to the democratic

process. Agreement vs. competition is the question of identifying what institutions' decision-

making should be based on competition and what institutions do not require internal competition.

This contrast is demonstrated by a comparison between the US Senate which uses competition

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[132] Stephen Holmes, *Passions and Constraint: On the Theory of Liberal Democracy* (Chicago: University of Chicago Press, 1995), 134; Adam Przeworski, *Sustainable Democracy* (Cambridge: Cambridge University Press, 1995), 50. For a contrary view against constitutional pre-commitment see Jeremy Waldron, *Law and Disagreement* (New York: Oxford University Press, 1999), 275-81.
[133] Ibid., 135.
[134] Przeworski, , *Sustainable Democracy*, 40

and the US Joint Chiefs of Staff which decides military action through agreements among military leaders. The question of majoritarianism vs. constitutionalism is the extent to which society binds itself. In the United States, for example, society has bound itself to the Bill of Rights where freedom of speech cannot be changed simply through majoritarian view. In other states such as Ecuador, the constitution has been changed many times in response to a changing public.[135] Of course a society cannot be based entirely on either majoritarianism or constitutionalism. If a society is bound too tightly according to constitutionalism, then it will be unresponsive to emerging problems. For example, a society tightly bound to a constitution that guarantees freedom of speech will not be able to respond to new questions that come about as a result of the internet. A society too loosely bound according to majoritarianism, on the other hand, opens itself up to radical changes where minority rights may quickly be removed by a democratic majority. A structure that takes into account both can protect political equality while also being flexible to answer new problems.

The major problem in a newly created state following violence is that citizens will differ on their responses to the three constitutional questions.[136] The winners of political violence will want an institutional framework that better addresses their needs while the losers will want to maintain as much semblance to the pre-revolution state as possible. Machiavelli would say that in this dilemma those who wish to return to the old type of regime must be executed because they risk destabilizing the state. Protracted conflicts about institutional frameworks are likely to delay the state-building process and postpone democratization. To address these issues the political leaders must build the state in a fashion that reconciles disagreements within the

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[135] Cf Thomas Jefferson, "To James Madison," in *The Life and Selected Writings of Thomas Jefferson,* ed. Adrienne Koch and William Peden (New York: The Modern Library, 2004), 448. Thomas Jefferson in a letter to James Madison questions whether a constitution should bind future generations. He explains that perhaps a constitution should be changed over the course of time so that it belongs the living rather than the past.
[136] Przeworski, , *Sustainable Democracy*, 49

populace and strengthens the state inclusively without renewing violence. As Jochen Hippler explains, a negotiated settlement and compromise by warring parties is most likely to end violence and establish a democratic state.[137] The likelihood for peace and democracy depend on whether the root cause of conflict were addressed or glossed over, and if all the conflicting parties participated in the negotiations. Democratization cannot truly begin without a well-established state with institutions that guarantee political equality, which emerges from revolution, and integrate the populace to afford them inclusion within politics.[138] What type of institutional framework can reconcile political groups' views and put in place the conditions for the emergence of democracy that retains political equality? As I argue in the next section the answer is consociationalism.

Consociationalism

I take on consociationalism as the institutional framework that can reconcile political views and integrate the population. Consociationalism can put in place conditions for democratization. Arend Lijphart, for example, identifies four basic principles of consociationalism: grand coalition, mutual veto, proportionality, and segmental authority. Grand coalition is a power-sharing government with political leaders in a plural society governing together. Mutual veto gives minorities veto power when their key interests are at stake; this ensures that minority groups' rights are not oppressed by a majority. Proportionality "serves as

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[137] Jochen Hippler, "Democratization After Civil Wars – Key Problems and Experiences," *Democratization* 15:3 (2008): 560. Accessed November 23, 2013, doi: 10.1080/13510340801972270

[138] Ibid., 559-61. Hippler identifies four ways that civil war ends. The first scenario is the clear victory for one party. This scenario results in peace but democracy may not be created because the winner may exclude the loser. The second scenario is the result of a compromise as I discuss in this section. This scenario is most likely to result in a democracy if the compromise addresses the root causes of conflict. The third scenario is general exhaustion by both sides without a clear victor. This results in no political change within the state. The fourth scenario is external pressure or force by a foreign country. Democracy from an external source will depend on the role the foreign state takes.

the basic standard of political representation, civil service appointments, and the allocation of public funds."[139] Legislative elections based on proportionality gives minority groups representation in parliament, in contrast to winner take all majoritarianism where the ruling party is elected based on who receives the most votes.[140] Segmental authority states that decision-making is given to the leaders of other segments as often as possible and in particular when the issues concern them exclusively.[141] Segments are asymmetric so that they correspond to particular interests, ethnicities, etc. that make up a pluralist society. Segmental authority incorporates other political groups, in particular regional and ethnic groups, by providing them responsibility to govern themselves.

Consociationalism is an institutional framework of power-sharing. It is more likely that opposition groups will commit to democratic system where they have an opportunity to take part in politics, rather than supporting a majoritarian democracy that does not guarantee some political power. Unlike other types of power-sharing, consociationalism requires rigid institutions that guarantee executive power-sharing.[142] The scope of autonomy for segments must be extensive and genuine without potential risks of exclusion and oppression.[143] Extensive segmental authority reduces minority groups and politically weaker groups' worries of being excluded from the political system. The consociational constitution gives minority groups and parties power in the political system. For example Lebanon's parliament is based on confessional

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[139] Arend Lijphart, "Consociation and Federation: Conceptual and Empirical Links," *Canadian Journal of Political Science* XII:3 (1979): 501

[140] Jurg Steiner, "Consociational Democracy as a Policy Recommendation," *Comparative Politics, Vol. 19, No. 3* (1987): 362, accessed February 27, 2014, http://www.jstor.org/stable/421885.

[141] Lijphart, "Consociation and Federation: Conceptual and Empirical Links," 500

[142] Stefan Wolff, "Resolving Self-Determination Conflicts: The Emerging Practice of Complex Power Sharing," 8, accessed March 3, 2014, http://www.stefanwolff.com/files/CPS.pdf. Consociationalism requires rigid institutions for power-sharing after elections unlike integrative power-sharing where intergroup political accommodation achieved by electoral systems that incentivize parties to form coalitions across party lines.

[143] Ibid., 510.

distribution where each religious community is allotted a certain number of seats.[144] Thus, a consociational democracy can operate in a pluralistic society bringing together various groups that otherwise would not trust each other enough to participate in a democratic state.

 Later in this chapter I discuss consociationalism, but it is worth addressing potential concerns about the effectiveness of consociationalism in the post-violent state to strengthen its value. Although I do not have space to address every concern, I do take up the most significant ones. In some respects this is merely a restatement of Lijphart's position, but I reframe the arguments to explain how consociationalism can be effective in a democracy emerging from political violence. The first concern is whether consociationalism, rather than majoritarianism or federalism, will resolve conflicts in very polarized societies that have experienced high levels of violence or civil war.[145] It is important to note that consociationalism is not *guaranteed* to resolve conflicts or be successful, particularly if groups do not care for democracy.[146] Koelble and Reynolds in "Power-Sharing Democracy in the New South Africa" explain that consociationalism has a better probability of being successful than other institutional frameworks because it is based on the premise of a deeply divided society.[147] In the first chapter I discussed Schwarzmantel's theory that political violence emerges when people are excluded from politics. Leaders of minority groups in highly divided societies will be unlikely to support a majoritarian democracy because it risks political exclusion; the incentive therefore is to continue violent acts for political power if exclusion is likely. In this case minority groups cannot expect voluntary

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[144] "The Lebanese Electoral System," last modified March 2009, http://www.ifes.org/Content/Publications/Papers/2009/The-Lebanese-Electoral-System.aspx
[145] Arend Lijphart, *Power-Sharing in South Africa* (Berkeley: University of California, 1985), 89
[146] Ibid., 100
[147] Thomas Koelble and Andrew Reynolds, "Power-Sharing Democracy in the New South Africa," *Politics & Society* 24:221 (1996): 223, accessed February 26, 2014, DOI: 10.1177/0032329296024003003.

power-sharing by majority-elected groups.[148] Furthermore, majoritarianism risks political

exclusion in the early stages of a new state created by violence where groups are removed from

the institution-building process entirely. The state in this case will be politically exclusive in its

early founding, and fail to consider other political groups as institutions are built.

Consociationalism mitigates risks of political exclusion by requiring power-sharing in the early

years of the new state, reducing incentives to turn to violence.

Consociationalism is also better suited for deeply divided societies than federalism.

Federalism is a division of power between the central and regional governments.[149] Federalism

therefore involves territorial power-sharing. The problem with federalism, however, is that it

does not necessarily address worries of exclusion in post-violent pluralist societies. While

regional interests may be a concern by certain political groups, there may also be religious and

ethnic groups that are worried about political exclusion as was the case in Lebanon. Segmental

authority in consociationalism avoids the failings of federalism by providing broad

representation of social interests.[150] Overall, consociationalism allows groups in divided societies

to find an acceptable compromise of power-sharing in order to remove incentives for returning to

violence.

The second concern I respond to is whether consociationalism is democratic. I admit

consociationalism is not nearly as democratic as Wolin would hope for. As Courtney Jung and

Ian Shapiro explain, democracy requires an opposition which consociationalism sacrifices in

favor of consensus. Without opposition, the public is deprived of political debates that provide

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[148] Koelble and Reynolds, "Power-Sharing Democracy in the New South Africa," 233; cf. Lijphart, *Power-Sharing in South Africa*, 101
[149] Lijphart, "Consociation and Federation: Conceptual and Empirical Links," 102
[150] Koelble and Reynolds, "Power-Sharing Democracy in the New South Africa," 229

information and alternative ideas.[151] In this sense Jung and Shapiro argue that a civil society serves to compensate for democratic deficiencies of the state.[152] Additionally, consociationalism makes it difficult to remove parties from power because the institutional framework requires representation creating a case of insider politics where corrupt political leaders remain in power.[153]

In regards to the need for an opposition, Koelble and Reynolds argue that consociationalism allows for opposition particularly in divided societies. A majoritarian democracy can silence opposition groups and limit their political influence. Consociationalism, on the other hand, promotes opposition by ensuring minority groups political inclusion through power sharing, thereby opening up dialogue to groups that would otherwise have no power to form an opposition.[154] Additionally, consociationalism promotes the growth of civil society. A democratic government gives space for civil society to operate unlike an authoritarian government that limits the political and social freedoms of citizens. Formal institutions created according to consociationalism are democratic in that they grant political equality and political inclusion. This results in laws that are less likely to be repressive over the populace and more likely to give freedom for citizens to conduct their own autonomous activities separate from the state. As a result, consociationalism helps create conditions for informal institutions in civil society.

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[151] Courtney Jung and Ian Shapiro, "South Africa's Negotiated Transition: Democracy, Opposition, and the New Constitutional Order," *Politics & Society* 23 (1995): 273, accessed March 4, 2014, doi: 10.1177/0032329295023003002.

[152] Diamond, "Toward Democratic Consolidation," 7-11. Diamond explains the democratic functions of civil society in greater detail.

[153] Jung and Shapiro, "South Africa's Negotiated Transition: Democracy, Opposition, and the New Constitutional Order," 277.

[154] Koelble and Reynolds, "Power-Sharing Democracy in the New South Africa," 230

Whether we are talking about consociationalism, representative government, or parliamentary democracy, all are subject to corruption and collusion. Consociationalism is no more subject to collusion than these other forms of government. The US and British political systems, for example, have significant collusion and political elitism whether it is Congressional logrolling in the US or Members of Parliament in Britain charging companies consultation fees.[155] Furthermore, representatives in consociational systems can still be removed by election and replaced with different representatives. Simply because particular groups are guaranteed some political power does not mean that their leaders cannot be removed and replaced by others. Following violence, society will have considerable cleavages that risk civil war, but consociationalism is better suited than other institutional frameworks to reconcile differences and create a democratic society that avoids a return to violence.

Restorative Justice

While consociationalism addresses political reconciliation through an institutional framework, society must also find ways to move on from political violence and come to trust one another as I argue in chapter 2. Anger, created by violence, erodes trust and can lead to retributive acts by citizens. Citizens' retribution is an attempt for justice where the perpetrator is punished for the crimes they have committed. In a new state created by violence, retribution is aimed at those political actors who used violence for political aims. Retribution can be conducted through violence, imprisonment, economic punishments or other types of sanctions. The problem with retributive justice is that it involves a form of punishment that, rather than promoting trust, can escalate hostilities between groups. If the punishment is violence, such as executions or other physical harm, this can create a cycle of violence where groups respond to each other's violence

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[155] Ibid., 228

with more violence. Each group believes the other group deserves to be punished for previous acts of violence, thus creating a retributive cycle with escalating acts of violence.[156] Hannah Arendt explains that this cycle of violence can be broken by forgiveness and reconciliation. By forgiveness, Arendt means a process that is not itself conditions of violence. Whereas retribution responds in kind with violence, forgiveness marks an unanticipated response, "freeing from its consequences both the one who forgives and the one who is forgiven."[157] As such, it serves as a new act, contrary to the very anticipated response of violence with violence.[158] To create a unified democratic society, the state must institutionalize justice according to forgiveness and reconciliation that restrain acts of retribution where the populace feels that justice is absent.[159] Social relations must be restored through institutions for democracy to continue. Otherwise conflicts between groups will endure preventing groups from cooperating in a democratic framework. A transitional and restorative justice that restores relationships while also providing justice for victims of political violence is necessary to create a democratic society and prevent acts of retribution.

Transitional justice is the act of giving justice for victims of political crimes when the state is to attempting reestablish a peaceful society.[160] Various groups during political transition have opposing interests. The outgoing regime and its supporters want to avoid prosecution and public blame for violence. The victims of violence want retribution. The transitioning government wants to ensure political stability and create long-term goals of democratization.

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[156] Greg Moses, *Revolution of Conscience: Martin Luther King Jr., and the Philosophy of Nonviolence* (New York: The Guilford Press), 162-8.

[157] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 241.

[158] Charles Villa-Vicencio, "Á Difficult Justice: Reparation, Restoration, and Rights," in *To Repair the Irreparable*, ed. Eric Doxtader and Charles Villa-Vicencio (Cape Town: David Philip Publishers, 2004), 69.

[159] Ibid., 70.

[160] David P. Forsythe, "Human Rights and Mass Atrocities: Revisiting Transitional Justice," *International Studies Review* 13 (2011): 85, accessed February 26, 2014, doi: 10.1111/j.1468-2486.2010.01000.x.

Based on these interests there are three methods for transitional justice. A government in transition generally supports the use of criminal trials when the outgoing government and its supporters are politically and militarily weaker than the incoming regime. An example of this is the Nuremberg Trials. The government will support amnesties when the outgoing government is politically and militarily stronger than the incoming government. For example this could be a military giving up power to allow for civilian rule. An amnesty is a promise by the ruling party to refrain from prosecuting human rights violators.[161] When the two sides are relatively equal and public calls are made for justice, the government will likely choose truth and reconciliation commissions.[162]

Criminal trials are a form of retributive justice where the guilty are punished.[163] The trial examines allegations of violence through a judicial process.[164] The problem with criminal trials, however, is that it involves a debate process. Trials are based on debates about the facts of the case. In this debate defendants will contend that the facts presented by the other side are false, leading to arguments that the violent acts were never actually committed. By taking this stance the defendant will attempt to deny the crime and argue that a punishment is unjust. This may create social denial where segments of the population take up and support the arguments of the defendant.[165] Social denial divides groups as to whether a punishment is just or unjust.[166] If cases

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[161] Helga Malmin Binningsbø, Cyanne E Loyle, Scott Gates and Jon Elster, "Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset," Journal of Peace Research 49 (2012): 735, accessed February 25, 2014, doi: 10.1177/0022343312450886.

[162] Elin Skaar, "Truth Commissions, Trials: or Nothing? Policy Options in Democratic Transitions," *Third World Quarterly* Vol. 20, No. 6 (1999): 1110, accessed March 3, 2014, http://www.jstor.org/stable/3993661.

[163] Jennifer J. Llewellyn, "Doing Justice in South Africa: Restorative Justice and Reparation," in *To Repair the Irreparable*, ed. Eric Doxtader and Charles Villa-Vicencio (Cape Town: David Philip Publishers, 2004), 170.

[164] Binningsbø et al., "Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset," 734. Domestic trials have been used most commonly in post-conflict justice.

[165] Deborah Lipstadt, "Denying the Holocaust," last modified February 17, 2011, accessed March 2, 2014, http://www.bbc.co.uk/history/worldwars/genocide/deniers_01.shtml. Holocaust denialism is an example where some continue to deny the Holocaust. After World War II the Nuremberg Trials were criminal proceedings used

of violence were addressed through criminal proceedings in South Africa, a revolution may have been inevitable due to cleavages in South African society.[167] Some believed that convictions against members of the apartheid state were justified while others did not. Groups may have turned to violence if the state began punishing people that some deemed innocent.

An additional problem of criminal justice is that it opens up the debate as to how rulings should be made. Discrimination was legal in South Africa when apartheid was in effect. Therefore a person who followed apartheid law was a law-abiding citizen. In the new state apartheid laws were abolished. Should the citizen be punished for offensive practices during apartheid law before the political transition to democracy? How should previous legal rules be used in legal proceedings?[168] In a new state these legal questions weaken the rule of law where the government is unsure on how to rule upon previous violent acts.[169] Questions on how rulings should be made open up contentious debates about whether the criminal proceedings are just or unjust, undermining rule of law.[170] As a result, a better method of justice is needed to deal with the shame and outrage experienced by victims that does not question whether victims have been given justice. I am not proposing that the state should not grapple with these types of questions, but rather that these questions can undermine the legitimacy of justice for victims. Debates on what laws to use in criminal trials potentially risk an ineffective response to dealing with victims'

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against Nazis. Nazis denied the allegations and debated the facts. This debate should be avoided when reconciling society to avoid something similar to present-day Holocaust denialism.

[166] Andrea Lollini, *Constitutionalism and Transitional Justice in South Africa* (Bergahan Books: New York, 2011), 119.

[167] Villa-Vicencio, "Á Difficult Justice: Reparation, Restoration, and Rights," 68.

[168] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 126.

[169] Lon L. Fuller, "The Problem of the Grudge Informer," accessed April 2, 2014, http://content.csbs.utah.edu/~dlevin/Intro-Law-Politics/Grudge_Informer-Border_Guards.pdf. This article discusses a debate on how to treat people who followed old oppressive laws and committed what would be considered illegal activity in the new constitution. The article provides several legal options. In a real state following violence this debate of how to address past criminal activities is dangerous because it weakens the state's rule of law and questions whether the state is justified in punishing political crimes acts under the old constitution.

[170] Melissa Nobles, "The Prosecution of Human Rights Violations," *Annual Review of Political Science* Vol. 13 (2010): 167, accessed August 8, 2010, doi:10.1146/annurev.polisci.040108.110013.

pain. Victims may feel that they have been insufficiently compensated or perpetrators may believe they have been unfairly punished. In both instances neither party believes that justice has been carried out, potentially escalating hostilities. Following instances of political violence, the promotion of trust and reconciliation is needed to prevent acts of violence stemming from a desire for retribution.

An alternative to criminal trials is the use of amnesties. In a new state with democratic aims the public becomes heavily involved with the transition process. People harmed by violence will desire retribution for the crimes committed against them, and thus may turn to violence and vigilantism. A blanket amnesty is a "do nothing" approach with the hopes that tensions will resolve on their own; unlikely to occur since hatred from previous instances of violence will linger in society. The democratizing state will need some form of justice led by the state to avoid acts of retribution and reconcile the society. The solution is truth and reconciliation commissions that address public demands for justice while avoiding the problems of criminal proceedings.

Truth and reconciliation commissions (TRCs) are temporary institutions created by the government to investigate past cases of political violence and human rights violations that fall within a certain range of time. Thus, they focus on specific events in the state's history to achieve transitional justice.[171] Truth commissions serve as fact-finding organizations but the scope of their activity extends far beyond this role to promote reconciliation. With authority from the state, they collect information and foster dialogue between victims and perpetrators of violence to establish an accurate record of the past. This serves to build collective knowledge in

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[171] Eric Brahm, "What is a Truth Commission and Why Does it Matter?," *The Peace and Conflict Review* Vol. 3, No. 2 (2009): 6, accessed February 26, 2014, http://www.review.upeace.org/index.cfm?opcion=0&ejemplar=17&entrada=83.

the state about the instances of political violence, which is then released out to the public to

begin a process of healing.[172]

TRCs are not simply fact-finding organizations. Through their fact-finding role, TRCs

address human rights violations with restorative justice and collective knowledge. Restorative

justice responds to the victim's experience of political violence by considering how social

relations between the victim and the perpetrator can be restored. Restorative justice differs from

criminal justice which serves to punish the perpetrator of violence. TRCs, as part of the

restorative justice process, foster dialogue between the victim and the offender. TRCs set

hearings where the victim tells his story, confronts the perpetrator, and holds him accountable.[173]

Oftentimes, the perpetrator of violence receives amnesty or a reduced sentence if he confesses to

his crime and provides complete factual information about the crime.[174] Amnesties from TRCs

are overall preferable to trials because their consequences will not be as polarizing or generate

hostilities.[175] I leave to the state, however, to decide the extent that amnesties are provided. If the

government was highly violent in its oppressive rule then amnesty may not be possible for the

political leaders. In other cases wider uses of amnesties may be more feasible if the conflict

between the state and democratic-aiming actors was not significant and bloody. Most

importantly for restorative justice, TRCs then release information from hearings and testimonies

by victims and perpetrators to the public so the country knows the truth about violence. The

premise of TRCs is that collective knowledge of the past will lead to public reconciliation as

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[172] Priscilla B. Hayner, "Fifteen Truth Commissions–1974 to 1994: A Comparative Study," *Human Rights Quarterly* Vol. 16, No. 4 (1994): 604, accessed April 2, 2014, http://www.jstor.org/stable/762562.

[173] Melissa Nobles, "The Prosecution of Human Rights Violations," 167.

[174] Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter**,** and Eric Wiebelhaus-Brahm, "When Truth Commissions Improve Human Rights," *The International Journal of Transitional Justice* Vol. 4 (2010):464, accessed February 25, 2014, doi: 10.1093/ijtj/ijq021. Truth commissions contribute to transitional justice and improve human rights when they are used with trials and amnesties.

[175] cf. Melissa Nobles, "The Prosecution of Human Rights Violations," 172. Members of the Argentinian military were tried in criminal proceedings for human rights violations in the 1980s. These trials led to military unrest.

society moves towards democracy. This collective acknowledge heals wounds and repairs cleaves in society. [176]

TRCs are distinct in that they use reparations. Reparations are compensation given by the state to an individual or group harmed by political violence.[177] Amnesties by themselves face a major problem in the reconciliation process: the victim and community may still not accept the perpetrator because they may believe the perpetrator "got off easy". Reparation that works with amnesty serves two purposes for reconciliation: payment and acknowledgement. Payment by the state compensates the victim for harm inflicted by political violence, and demonstrates that the state will uphold its new laws. The second purpose --acknowledgement--is symbolic where the state acknowledges the victim's harm and that his grievances have been taken seriously through reparations.[178]

Reparation as payment is distinct from restitution and compensation, and is a key facet to restorative justice. Restitution is simply the return of something wrongly taken. Compensation recognizes that what was taken cannot be returned and instead is a payment or something of equal value given in place of what was taken. The problem with restitution and compensation is that they are only payments for a past event. Once these payments are made, restitution and compensation assume that what was wrong has been made right. For example in a legal case a contract break is punished by a fine. This fine serves to *compensate* for the damages caused by the contract break. In an economic approach a contract break with an existing client is perfectly

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[176] Laurence W. Sherman and Heather Strang, "Restorative Justice: The Evidence" (London: The Smith Institute, 2007), 88, accessed February 24, 2014, http://www.restorativejustice.org/10fulltext/restorative-justice-the-evidence. Victims were found to do better through restorative justice on average than those who did not receive restorative justice in factors such as post-traumatic stress disorders. Victims were also less likely to have a desire for violent revenge. Additionally, offenders who were dealt with through restorative justice were also less likely to repeat crimes, in particular those who committed violent crimes. Overall an offender was more likely to be brought to justice through restorative justice rather than prosecution.

[177] Binningsbø et al., "Armed Conflict and Post-Conflict Justice, 1946–2006: A Dataset," 735.

[178] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 96-9

acceptable if its expected value, such as the opportunity to create a more profitable contract with another client, is greater than the fine. The problem with this economic approach for reconciliation is that it does not consider the damage to social relations caused by violence. Social relations are more heavily based on trust and commitments to future interactions. Restitution and compensation cannot restore social relations because trust has eroded. Reparation, on the other hand, compensates for the harm while also taking into account the effects of the crime on future interactions.

Reparation, used by TRCs, has a forward view in restoring relations for society in contrast to restitution and compensation.[179] Thus, reparation looks at both the victim and the perpetrator to see how best relations can be improved instead of simply making sure that the victim is compensated for past harm. This is because TRCs realize the harm does not remain in the past, it continues to exist and influence social relations. Violent experiences do not simply leave the person over time; they remain in physical and mental changes. For example, an individual who loses his arm as a result of violence is not harmed only in the past. This harm remains with him for the rest of his life. No form of compensation removes his memory of pain or restores his arm.[180] Reparation therefore must take into account that harms do not exist only in the past but will continue to exist moving forward. Since reparation is forward-looking, the wrongdoer also cannot be harmed by the reparation process in a way that makes him oppose the victim. The wrongdoer must acknowledge the harm inflicted by violence and support reparation. Reparation in this sense cannot be a punishment against the wrongdoer, as this would undermine restorative justice. Reparation by TRCs is a key component of restorative justice where

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[179] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 176.
[180] Another case worth considering is posttraumatic stress disorder which comes about as a result of an ordeal that involved physical harm or threat of physical harm. The instance of harm has passed but the victim may continue experiencing fear of harm for the rest of their life. I consider a physical example above in the text but it is worth noting that harm can also remain in our mental capacities.

relationships for social equality are built so that mutual respect and trust allow the populace to

participate in a democratic society.

It is important to note that TRCs' effectiveness depends on the support provided by the

state. TRCs are vulnerable to political limitations.

> Its structure, sponsor, mandate, political support, financial or staff resources, access to information, willingness or ability to take on sensitive cases, and strength of final report will all largely be determined by the political realities in which it operates and the political forces at play when it is created.[181]

For example, the Ugandan TRC created in 1986 was unsuccessful and unable to publish a report

of human rights violations due to lack of funds.[182] TRCs also require some policing methods for

warranted searches and seizures. Otherwise they will be unable to collect information about

political violence. Most importantly TRCs requires the state to maintain rule of law. Otherwise,

TRCs become ineffective in promoting restorative justice. Public hearings endanger the lives of

victims who talk about their experiences. Amnesties, while refraining from prosecution, will not

protect perpetrators from vigilantes who may take matters in their own hands. Therefore it is

necessary for the state to institutionalize according to a consociational framework that puts in

place conditions where TRCs can create a collective knowledge of violence. Once these

conditions are in place TRCs can instill restorative justice for social reconciliation. South Africa

used both of these methods after ending apartheid. While the state did not experience a civil war

or widespread violence, South Africa had significant cleavages in society that needed to be

addressed if the state was to embark on democratization.

South African Consociationalism

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[181] Hayner, "Fifteen Truth Commissions–1974 to 1994: A Comparative Study," 635.
[182] Ibid., 619.

South Africa's major challenge was a transition from apartheid to democracy. Apartheid began in 1948 under British rule when the Afrikaner-based National Party (NP) separated Whites from Blacks. Among other inequalities, apartheid politically excluded Blacks from voting, limited the rights of Blacks to live in urban areas, and racially segregated public facilities and schools. In the 1980s Blacks began to revolt against the apartheid system. Initially these revolts were met by brutal policing methods by the NP but in 1989 this changed when NP leader F.W. de Klerk was elected president. De Klerk wished to end violence by transitioning South Africa into a democracy. De Klerk released ANC leaders such as Nelson Mandela to begin a process for democratization and reconciliation.[183] For democracy, a new political body needed to be created, one that was not divided and exclusionary according to race.[184] There were several major political parties in South Africa. Three of the major parties included the NP, African National Congress (ANC), and the Inkatha Freedom Party (IFP). The ANC was led by Nelson Mandela and represented the majority population of Blacks who opposed apartheid. The IFP, smaller than the ANC and NP, represented the KwaZulu-Natal province of South Africa. The NP wished to slowly transfer power to Blacks through negotiations but the parties each had different conceptions of a democratic South Africa. This led to disagreements on how to proceed in democratizing South Africa. As a result, the South African constitution became a process of successive acts over a period of time.[185] Over continued threats of violence driven by desires of revenge and hatred by both Whites and Blacks in the populace, the political parties negotiated a constitution, institutions, and democratic vision for South Africa. The first stage for democratization was the removal of apartheid, political equality for Blacks through suffrage, and

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[183] Marisa Traniello, "Power-Sharing: Lessons from South Africa and Rwanda," *International Public Policy Review* 3:2 (March 2008): 34, accessed February 23, 2014, https://www.ucl.ac.uk/ippr/journal/downloads/vol3-2/Traniello.pdf.

[184] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 20.

[185] Ibid., 27.

transitional justice. This was done by dismantling laws and political structures that promoted apartheid such as racially divided schools and hospitals.[186] Political crimes and common crimes also needed to be redefined so that actions previously considered illegal under apartheid could now be legal and vice versa. The second phase was the constitution-making process to lay groundwork for peaceful coexistence in South Africa.[187] In the following pages I will consider the South African constitution-making process where political groups with different democratic beliefs negotiated to share power through a consociational framework for institutionalization. The case study thus serves to illustrate the workings of the principles and institutional framework discussed.

> The constitution-making process in South Africa had several components:
>
> …three multiparty assemblies, that is, CODESA (Convention for a Democratic South Africa) I and II and the Multi-party Negotiating Process (MPNP); the writing of the Interim Constitution of 1993 and 34 Constitutional Principles, without which constituent power could not be exercised; the 1994 democratic elections and the summoning of the Constitutional Assembly; the institution of the Constitutional Court before the adoption of the definitive Constitution and the institution of the TRC.[188]

After beginning in December 1991, CODESA I and II were both unsuccessful because the ANC and NP were unable to agree on a constitutionalization process.[189] In 1993 the parties formed the MPNP as the third multiparty assembly to formally resume negotiations.[190] The MPNP was much more successful in its efforts. Political groups adopted an Interim Constitution, held democratic elections for the formation of the Government of National Unity (GNU), created the Constitutional Assembly and Constitutional Court, and addressed transitional justice where individual cases of amnesty were to be applied by the Truth and Reconciliation Commission.

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[186] Ibid., 35.
[187] Ibid., 21.
[188] Ibid., 49.
[189] Ibid., 50.
[190] Ibid., 52.

The MPNP successfully began state-building through negotiations of government rules that would successfully end the apartheid state.[191]

The 1993 Interim Constitution, based heavily on consociationalism, was pivotal in the South African political reconciliation process. The ANC, NP, and IFP each had differing views of the constitutional model for South Africa. ANC demanded a unitary state based on one person one vote for majority rule.[192] The problem for the ANC was that Blacks in South Africa had no economic power unlike Whites who had gained control over the South African economy during the apartheid era. The ANC needed the support of Whites' economic power to sustain South Africa or otherwise the country would face economic turbulence as investors removed capital from the country. One man one vote granted political equality for blacks, but risked destabilizing the country's economy because the minority Whites' would oppose the state and remove their capital. The NP and IFP, on the other hand, wanted to create a decentralized model that would give provinces exclusive competencies on matters that specifically pertained to them. The central government in this case would have sole power over defense, national security, and foreign policy.[193] The NP and IFP held this view of democracy because they were worried about an ANC majority repressing minority groups. The ANC had a clear majority through the support of South African Blacks and was unlikely to consider or potentially be hostile to the interests of Whites and other ethnic groups; the NP and IFP wanted to avoid an oppressive democracy built upon the interests of Blacks. Thus, the three major parties realized that a power-sharing agreement was necessary to ensure a transition to democracy, avoid an economic collapse, and protect minorities' rights through institutions.[194] In this key moment the parties realized that they needed

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[191] Ibid., 59.
[192] Ibid., 29.
[193] Ibid., 30.
[194] Traniello, "Power-Sharing: Lessons from South Africa and Rwanda," 35.

to turn to a consociational framework that addressed these problems. In the following pages I explain the South African framework and then discuss how it incorporated consociationalism.

South African democratization gave Blacks political equality through suffrage, and guaranteed political inclusion and equality for minority groups through institutions and power-sharing. For power-sharing, the MPNP created a General Assembly and the Government of National Unity in the 1993 Interim Constitution. They also granted autonomy to the nine provinces allowing them to draft their own provincial constitutions. Furthermore, the liberation's military forces led by the ANC were integrated into the South African Defense Forces and the police forces. The General Assembly (GA) was a 400-member body that was tasked to draft a new permanent constitution. In response to minorities' concerns, a two-thirds supermajority was required to pass the new constitution. The Government of National Unity consisted of a 27-member government cabinet as the executive branch that would serve under the Interim Constitution. Once a new constitution was created, the requirement for the GNU would end. The GNU proportionally included all the major political parties in the GA. Any party that won more than five percent of votes in the GA was granted a proportional number of seats in the GNU cabinet.[195] The first democratic elections were finally held in 1994 with universal suffrage. Almost 20 million South Africans voted giving power to the ANC, NP, and IFP in the new GNU. The ANC won 252 seats (62.6%), the NP won 82 seats (20.4%), and the IFP won 43 seats (10.5%).[196] Most of the cabinet positions in the government were filled with ANC members including the elected president Mandela but more importantly, however, the NP and IFP also gained seats within the cabinet to continue to take part in South African state-building.[197]

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[195] "South Africa – Interim Constitution (Old)," last modified May 29, 2010 , http://www.servat.unibe.ch/icl/sf10000_.html. See Section 88 Clause 2.

[196] "April 26-29, 1994 General Election Results," http://electionresources.org/za/provinces.php?election=1994.

[197] Traniello, "Power-Sharing: Lessons from South Africa and Rwanda," 36.

This approach by South Africa took account of the four basic principles of consociationalism at the first instance of state-building to put in place a democratic framework for political inclusion and political equality. I will go through each of the principles to elucidate how they granted political inclusion and equality in light of South African institutionalization. First, the principle of proportionality served as the basis for the South African GA and government cabinet thereby providing political inclusion. The GA was elected based on the proportion of votes from the different parties, and the cabinet was represented by the major groups in the GA. This ensured that Blacks were given political inclusion and equality, while also ensuring the inclusion of the NP in the legislative and executive branch.[198] Additionally, Mandela gave minority groups government positions such as ambassadorships. As a result of the proportional system, a plural government was created where all major groups were included within the institutional processes. In the early stages, this proportionality helped the legitimacy of the government where citizens felt that they were being included in the political process.

In addition to proportionality, minority groups' political inclusion was also extended into the cabinet through the GNU provision in the Interim Constitution. This created a grand coalition consisting of the ANC, NP, and IFP. As a result, these parties in the first post-apartheid government shared power. By guaranteeing inclusion for major parties in the executive branches, South Africa's consociational framework resolved concerns held by minority groups that their votes in the 1994 election would have little impact due to an overwhelming ANC majority, thereby excluding them from the post-apartheid government. The GNU, as a principle of grand coalition also granted minority groups political inclusion within the executive branch and helped ease South Africa into a democracy where citizens who voted for minority groups were well

[198] In many countries the legislative branch is based on proportion but the executive branch is not. Either the ruling party selects leaders to serve on the executive branch or a president chooses who he wants in his cabinet without any guarantees that he will select someone from another party.

represented in the early stages of politics. This overall made early South African

institutionalization legitimate because it was led by a coalition government that represented

South African plurality, not simply ANC or Afrikaner interests. Institutions, based on power-

sharing, were inclusive so that multiple parties could participate in the early processes of South

African institutionalization.

To guarantee political equality and include minority groups in the constitution-making

process, the South African GA operated with an implicit veto power held by minority groups.

This implicit veto was that the ANC needed a supermajority to pass a constitution. As a result, a

new constitution would require the support of other parties, thereby giving minority groups a say

in the constitution-making process. The ANC could not unilaterally pass a new constitution and

bind the rest of the populace to its rules. This was pivotal to South African development because

the ANC had to work with the NP and IFP despite their conflicting history to pass a constitution

that the parties agreed to. Therefore, the constitution-making process at the first instance was

made inclusive so that it addressed concerns of the entire society. The power-sharing processes

of the national government resulted in a constitution that made democratic commitments for the

political equality and inclusion of Blacks and minority groups.

Power-sharing was not limited only to national politics in the early stage. According to

the consociational principle of segmental authority, ethnic groups were also given permanent

authority to govern themselves for issues that were exclusive to them. The nine South African

provinces were allowed to form their own local governments and constitution for self-rule within

the scope of ethnic and regional interests[199] Segmental authority promoted the political equality

of ethnic groups and was a result of IFP concern that a national government led by the ANC

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[199] This is somewhat similar to US federalism, although the basis for regional autonomy was not geographical but on ethnic groups.

would put boundaries over the political rights of ethnic minorities. Segmental authority guaranteed political equality for ethnic groups where they could continue governing themselves even in the case that an ethnic group was not well represented in national politics. Therefore, the South African institutional framework was able to guarantee citizens' political equality.

Based upon these factors, the MPNP channeled consociationalism to conduct an inclusive institutionalization process that was relatively successful in promoting democratic transition. Throughout the constitution drafting process, the various ethnic and political groups remained represented despite ANC majority, and were able to take part in South African institution-building. This resulted in democratic commitments by the state to grant political inclusion while also ensuring political equality for all parties according to a consociational framework. With this approach, South Africa was able to reconcile political differences so that parties could cooperate and work within the state institutions to promote political change. The effectiveness of South African consociationalism is demonstrated by the Constitution which, passed in 1996, still remains today.[200] South Africa can now undergo political change through inclusive institutions rather than turn to protests or violence. Consociationalism, however, was only one component of South African reconciliation. It put in place a permanent a democratic framework but this alone was not the reason for South African reconciliation. Social reconciliation was still necessary to bridge cleavages within the populace and give justice to victims of apartheid and prevent violence.

South African Truth and Reconciliation Commission

South Africa created the Truth and Reconciliation Commission (TRC) in order to pursue social reconciliation. The TRC was officially established by the National Unity and

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[200] Ibid., 72.

Reconciliation Act 34 in 1995.[201] Overall, the TRC was relatively successful in addressing

reconciliation. A study by James Gibson found that truth in many cases contributed to

reconciliation in South Africa.[202] The TRC's task was to promote national reconciliation by

revealing truths of violence through the narrations of people talking about their pain and

suffering.[203] The TRC consisted of three subcommittees: the Human Rights Violations

Committee (HRVC), the Amnesty Committee (AC), and the Reparation and Rehabilitation

Committee (RRC). The HRVC collected information from victims about crimes committed

against them or their families. The AC was the body before which an offender could apply to and

publicly confess his/her crime in order to receive amnesty. The RRC was responsible for

recommending reparations to give to victims. With these three subcommittees the TRC

attempted to collect as much information as possible about human rights violations from all

segments of the populace between March 1, 1960 and May 10, 1994. The TRC then spread this

information to the public so everyone knew of the human rights violations.[204] The TRC had four

sources for gaining and spreading information:

> 1) The victims' statements made during the HRVC's investigations and hearings; 2) the results of the Investigation Units; 3) the special public hearings and submissions filed at the TRC. Anyone who had a specific interest in providing the Commission with articular information could file notes and documents; 4) the information from applications to and public confessions made before the AC.[205]

The HRVC was essential in reconstructing facts about apartheid-era human rights

violations committed by both apartheid supporters and liberationists. Victims applied to the

HRVC, which travelled throughout South Africa, by submitting information about the violent

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[201] Ibid., 63.

[202] James L. Gibson, "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process," *American Journal of Political Science* Vol. 48, No. 2 (2004): 202, accessed February 26, 2014, http://www.jstor.org/stable/1519878.

[203] Fiona C. Ross and Pamela Reynolds, "Voices Not Heard: Small Histories and the Work of Repair," in *To Repair the Irreparable*, ed. Eric Doxtader and Charles Villa-Vicencio (Cape Town: David Philip Publishers, 2004), 107.

[204] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 103.

[205] Ibid., 98.

incidents. The HRVC collected this information and entered it into the National Data Base to reconstruct the facts and cross-reference them. The HRVC then conducted further investigations and made a recommendation as to whether the case required a public hearing with radio and television broadcast. Due to the number of cases that came up, only very serious cases were recommended for public hearing.[206] Public hearings gave the individual an opportunity to be officially heard by the nation and provide information to the public about violence. The information-gathering process of the HRVC and public hearings were also aided by the Investigation Units that possessed police powers such as the right to conduct searches and seizures. With information provided by victims and Investigation Units, the HRVC gave facts to the public about human rights violations committed during apartheid.[207]

Victims applied to the HRVC. On the other side, perpetrators of violence could apply to the Amnesty Committee to receive amnesty for political violence. The perpetrator would confess his crime through an application which consisted of personal information and factual details about the criminal act.[208] The confession must have been truthful and could not contain any denial of guilt to be considered for amnesty.[209] Another requirement for amnesty was the nature of violence. Amnesty could only be granted to people who had committed violence and human rights violations for a political objective that were part of the conflict between the apartheid state and the liberation movements Therefore, the AC had to distinguish between normal criminal acts and political acts, and assess applications in a case-by-case basis to identify which ones were acts of political violence.[210] To make their decision on amnesty the AC collected information about political violence through applications. Using this information along with information provided

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[206] Ibid., 99.
[207] Ibid., 100.
[208] Ibid., 107.
[209] Ibid., 102
[210] Ibid., 99. The AC's specific criteria used to evaluate whether an offence was political.

by the HRVC, National Data Base, and the Investigation Units, the AC decided in chamber

without a hearing to grant amnesty if the act of violence fit required criteria. Public hearings

were used for cases of gross human rights violations. The hearing was a public confession made

by the individual of his crimes. The purpose of public hearings was to release this information to

the country. After a preliminary confession by the perpetrator, statements were provided by

witnesses and victims. The confessor then had an opportunity to review statements made by

others and fill any gaps to the story. The AC cross-examined everyone who spoke at the public

trial. The confessor at the end made a final conclusion and a formal request of amnesty. The AC

then assessed the crime and decided whether amnesty was to be granted.[211] The TRC did not use

a blanket amnesty over all crimes but carefully considered what crimes were political, and made

sure that these crimes were publicly revealed in order to create a new unified social body.[212]

The amnesty mechanism was important to reconciliation because it allowed perpetrators

the opportunity to willingly confess their crimes thereby helping the TRC in collecting

information. Often these perpetrators were imprisoned for criminal charges. The AC offered

criminals an option to choose between an amnesty and criminal process.[213] Because the amnesty

process was optional and required a willing self-confession, the amount of information revealed

by AC hearings was greater than information obtained through criminal trials.[214] In contrast, the

flow of information was limited in criminal trials because the perpetrator's aim was to protect

himself.[215] Information from amnesty hearings was also less ideological because it was a

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[211] Ibid., 108-9.

[212] Ibid., 133.

[213] Ibid., 120.

[214] Ibid., 119.

[215] Lirieka Meintjes van der Walt, "Comparative method: Comparing legal systems and/or legal cultures?," accessed April 2, 2014, http://www.academia.edu/933022/Comparative_method_comparing_legal_systems_or_legal_cultures. The trial serves as an information revelation process where both sides obtain and introduce evidence that supports their claims. The problem is that the defendant attempts to protect himself and

confession, giving the public a better image of apartheid and violent acts committed by liberationists and apartheid supporters.

Together, the HRVC and AC were integral to social reconciliation by collecting information about political violence, to then disseminate out to the public and create a collective truth. Testimonies by NP supporters and Black victims showed the entire populace the harm of apartheid by providing a non-ideological view from both sides. Blacks saw the harm and pain they had caused through their violent acts, while Whites saw the impact of apartheid. Because both sides brought up cases and confessed, restorative justice was conducted in both directions rather than simply justice for the ANC. The public was able to acknowledge crimes and avoid social denialism. For example, NP supporters could not deny harm from apartheid if Afrikaners publicly confessed crimes in the AC. Similarly, testimonies by Blacks and Whites in the HRVC demonstrated that neither side benefitted from apartheid and violence. Collective knowledge of the past helped reconcile social cleavages by fostering agreement of the country's past and present situation. Additionally, public acknowledgement of crimes and pain helped repair social cleavages as both sides realized that they needed to work together to rebuild the country.

In addition to collective knowledge, the TRC's amnesty process created a dialogue between the confessor, the victim, and the community to promote restorative justice. The perpetrator was able to express his recognition of the rules he broke and their importance by confessing his crimes. He also learned about the harm his violence caused. This dialogue helped both sides directly converse with one another to understand the nature of violence. Both sides were able to acknowledge their experiences rather than attempt to protect themselves as they would have in a criminal trial. Most importantly, the perpetrator willingly confessed his crime as an act of forgiveness, rather than attempt to deny it. As Arendt explains, a call for forgiveness

serves as an unanticipated response. The confession, therefore, was a formal rejection of political violence and a request calling for re-inclusion into the community. Following the public confession, society could then re-include and forgive an amnestied perpetrator who renounced his violent actions through public institutions.[216] This forgiveness was able to reduce hostilities and restrain potential acts of retribution on both sides where the perpetrator was reintegrated into society rather than be excluded.[217] The AC and amnesty process avoided a criminal approach to promote restorative justice and create a collective knowledge.

Apart from the HRVC and AC, the Reparations and Rehabilitation Committee was integral in the TRC's operation of restorative justice. While the HRVC and the AC served to collect information and disseminate it to the public, the RRC attempted to redress victims for crimes committed against them. The RRC made recommendations to the President and Parliament as to how the victim could be remedied. The South African government then provided reparations to the victim. The reparation process in South Africa was universal in that it was unbiased and provided reparations to all segments of society.[218] Payment was given to the victim similar to what he would have received as damages in a trial.

Payment, however, was not the basis of South African reconciliation as this would have treated harm as existing only in the past. Because pain and harm from violence would continue to exist, compensation alone could not suffice in restoring relations. Therefore, an encounter phase between the victim and perpetrator was necessary for reparations. In the encounter phase the victim's pain could be directly acknowledged by the perpetrator. Additionally, the TRC was able to collect and disseminate information for public acknowledgement of the victim's pain.

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[216] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 165.
[217] This, however, requires that the state has enforcement power. If the state cannot enforce the amnesty then some members of the populace may still carry out retributive justice.
[218] Lollini, *Constitutionalism and Transitional Justice in South Africa*, 100.

Based upon this, the purpose of reparations as payment was to demonstrate concrete understanding of the victim's pain where the perpetrator and state acknowledged the harm committed.[219] This acknowledgement helped reduce lingering anger held by victim where the victim was given payment for his pain, and the perpetrator and the public acknowledged the crime.[220] The payment was similar to what the victim would have received in a criminal trial, but the difference was that the perpetrator willingly confessed his crime and supported reparations given by the government. The perpetrator supported reparations because it was not an imposed punishment. This helped promote restorative justice where the perpetrator could also support the reparations given to the victim rather than believe he was unfairly or harshly punished. Reparations thus addressed the pain felt by the victim while also giving him justice. The TRC addressed political violence through restorative justice so that victims did not feel the need to turn to retributive justice. As part of this, the TRC fostered dialogue between victims and perpetrators and disseminated information so that South Africa could publicly recognize the harsh truth of apartheid and the harms it inflicted on society. Collective acknowledgement and reparations helped reconcile social cleavages to help move the country forward.

Conclusion

South Africa serves as a case example rejecting the Machiavellian view of killing the sons of Brutus. South Africa reconciled differences among apartheid supporters, liberation forces, and ethnic groups. This reconciliation was conducted through two methods: a permanent framework for political inclusion and equality based on consociationalism, and restorative justice

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[219] Ibid., 171.
[220] If the perpetrator of violence did not come forward in the amnesty process or had passed away the TRC was still able to provide the victim public acknowledgement of his pain and reparations. Public acknowledgement in this case also helps the victim feel that justice has been carried out.

guided by the temporary Truth and Reconciliation Commission. The political parties, rather than attempting to destroy one another, realized that for a viable democracy they needed to work together to institutionalize the state. Minority parties such as the NP and IFP were concerned that a majority-led ANC would easily achieve a supermajority and make laws that only benefited Blacks. The ANC, on the other hand, was worried about South Africa's economy and violent demands from minority groups for political power. Thus, South Africa followed an institutionalization process that granted political inclusion to Blacks without limiting political equality of minority groups.

Similarly, restorative justice was unique in South Africa to the extent the TRC publicized human rights violations, provided amnesties to those who confessed to committing political violence, and made reparations. By using the TRC, South Africa avoided the use of criminal proceedings which would have destabilized the state and further widened social cleavages. The TRC created a collective truth to avoid disputes over the harm inflicted by apartheid. South Africa made a sincere effort in restoring trust among the populace to build a democratic state. Today, South Africa continues to face problems related to its apartheid past. These include high income disparities, one of the highest crime rates in the world, and persistent racism. In no sense is South Africa perfect; political and social cleavages persist today. The country, however, has prevented major outbreaks of violence that would destabilize the tenuous democratic system in place. This has allowed the country to slowly transition from an oppressive political system to a democratizing state that continues to evolve over time as relations improve.

South Africa illustrates that institutions and reconciliation following the use of democratic violence can lay foundations for a stable democracy. Institutions commit the state to political equality and inclusion, while reconciliation repairs social cleavages that endanger

democracy. For violence to be successful in its democratic aims, political actors on the ground should have a sincere desire for democracy, follow consociational institutionalization that maintains political equality and grants political inclusion, and institute a reconciliation process that ends violence.

Conclusion – Theory in Practice

Political actors today have turned to violence in attempts for democratic change. The problem, however, is that existing literature does not give guidance on how violence can be used for democratization. In this thesis I explain two stages of democratization. The first stage is the use of an inclusive and organized violence to bring about conditions for democracy. Essentially, this is a process that uses violence to achieve democratic change without undermining the move towards democracy. The second stage is the construction of institutions and restorative justice that promotes social and political reconciliation to establish a new political system. To put it crudely, this process explains how we get on with the business of democratic life with those who were opponents of democracy. These issues are philosophically relevant because they reveal how we might reconcile democracy and violence at a moment when many have dismissed attempts to combine the two. More importantly, the claims I have made can be practically embodied in real-world situations—a kind of political philosophy that can be lived. In the following pages I will briefly take up two examples that connect claims made in this thesis to situations on the ground. The first example, the Romanian Revolution, is a positive case where violence was successful in bringing about democratization. The second example, present-day Libya, demonstrates how violence can be unsuccessful if the aforementioned standards I present are not used. These examples do not serve to introduce new philosophical claims, but to summarize arguments I have made and to demonstrate their plausibility in practice.

The Romanian Revolution

The accuracy of my argument is not resolved only in the domain of philosophical precepts, but at the point that they hit the ground of practice. We need only look at the use of violence in the Romanian Revolution in December 1989 to understand how a middle way

between Schwarzmantel and Wolin can achieve democratization. While Romania is not a perfect example, as it did not use a consociational framework or truth and reconciliation commissions, it overall serves as an excellent demonstration of the middle way proposed in this thesis. The Romanian Revolution illustrates the violent emergence of political equality and inclusion in a country that had never in its history experienced democracy, which was then maintained through institutions.

The Romanian Revolution was against communist leader Nicolae Ceausescu who served as the communist party leader for 24 years and president for 21 years.[221] Under his rule, the Romanian government was highly oppressive, with centralized control over the economy and politics. Furthermore, Ceausescu restricted citizen' political rights with his secret police, the Securitate. The Securitate was one of the largest secret police forces in the Eastern bloc with about 11,000 agents and a half-million informers that kept a watchful eye over the Romanian populace. Through the Securitate, the state suppressed all political opposition, imprisoning hundreds of thousands of Romanian citizens and killing many others.[222] To further cement his rule, Ceausescu created a cult of personality where the state-controlled media portrayed Ceausescu and his wife as the source of all national accomplishments and the guarantor of national progress.[223]

Emergence of Democracy from Violence

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[221] "Romania's Bloody Revolution," *BBC News*, December 22, 1999, accessed March 29, 2014, http://news.bbc.co.uk/2/hi/europe/574200.stm.

[222] Craig S. Smith, "Eastern Europe Struggles to Purge Security Services," *The New York Times*, December 12, 2006, accessed March 29, 2014, http://www.nytimes.com/2006/12/12/world/europe/12spooks.html?_r=0.

[223] Ronald D. Bachman, "The Ceausescu Era," in *Romania: A Country Study*, ed. Ronald D. Bachman (Washington: GPO for the Library of Congress, 1989), accessed April 2, 2014 http://countrystudies.us/romania/72.htm.; cf. "Half-Kilometre Long Kim Jong-Un Propoganda Message Visible from Space," *National Post*, November 23, 2012, accessed March 29, 2014, http://news.nationalpost.com/2012/11/23/half-kilometre-long-kim-jong-un-propaganda-message-visible-from-space/. Romanian cult of personality is similar to present-day North Korea where the government wrote an enormous propaganda message visible from space. The message says "Long Live General Kim Jong-un, the Shining Sun [of North Korea]".

Opposition to the Ceausescu regime emerged in December 1989 when László Tökés, a pastor in Timisoara, was persecuted by the Securitate for sermons criticizing the state for lack of freedoms. In response, his congregation and many other residents began protesting in support of Tökés. The government ordered these crowds to disperse but inspired by other anti-communist movements in Eastern Europe, the citizens in Timisoara defied the government and escalated their demands calling for the end of the communist regime. Angrily, Ceausescu ordered the Securitate to fire upon the protesters thereby prompting violent actions by both sides. News of this state-violence and uprisings in Timisoara quickly spread to the rest of Romania. Outraged at the government, the rest of the populace began conducting protests and committing acts of violence. On December 22, Ceausescu attempted to address protesters in Bucharest but was unsuccessful. At this point the military joined the protesters and refused to fire on them despite Ceausescu's demands. Realizing his futile attempts to maintain power, Ceausescu and his wife attempted to flee the country but were captured and quickly sentenced to death by firing squad for "crimes against people."[224] By the end of the revolution, about 1,000 Romanians were killed, making it the bloodiest revolution in Eastern Europe to topple communism.[225]

Prior to the revolution, Romanians had lived under communist rule since 1947 and a monarchy before communism. As a result, the country had very little experience with democracy because political power was generally centralized and held by the government. Yet when violence began, citizens suddenly felt the opportunity to influence politics; they realized they could gain political inclusion and political equality by overthrowing communism. With this

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[224] Ronald D. Bachman, "Almost Free, 1989-1990," in *Romania: A Country Study*, ed. Ronald D. Bachman (Washington: GPO for the Library of Congress, 1989), accessed April 2, 2014 http://countrystudies.us/romania/2.htm.

[225] Donald G. McNeil Jr., "Romania's Revolution of 1989: an Enduring Enigma," *The New York Times*, December 31, 1999, accessed March 29, 2014, http://www.nytimes.com/1999/12/31/world/romania-s-revolution-of-1989-an-enduring-enigma.html.

emergence of political equality from violence, the Romanian populace mobilized together with the aims to democratize the state. Violence began in Timisoara but it quickly became inclusive, with the rest of the Romanian population, as well as the military becoming part of the revolutionary cause. The Romanians mobilized to form a national movement thereby generating enough power to use violence and combat the communist regime. Ceausescu, without military support, was quickly deposed. In this glorious moment of inclusive revolution the Romanian population used violence and transgressed authoritarian laws to gain political equality.[226]

Post-Revolution Democratization

After the overthrow of Ceausescu, The National Salvation Front (NSF) came into power to fill the political vacuum and Ilon Iliescu, a Communist party official who had fallen out of favor with Ceausescu, was selected to serve as president of the interim government. The NSF quickly made several reforms including the implementation of an election process, placement of the Securitate under military control, and opening of foodstuffs for the deprived citizens. Presidential and parliamentary elections were then held on May 20, 1990 with universal suffrage, resulting in a landslide victory for the NSF. This moment of revolutionary political equality, however, was soon almost lost. Elections were not perceived as fair due to NSF's control of state media, postal service, and municipal administrations, which limited campaigning of other political groups. Unhappy with elections and disgruntled with the direction Romania was going, many citizens once again took to the streets in Bucharest to protest against the NSF government.[227] In response, rather than placate citizens' concerns, Iliescu appealed to coal

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[226] Romanian Revolution was against communist rule by Ceausescu. Further violence was not undertaken against the communist party. Instead, Romanians hopes were to liberalize politics and make it competitive so that parties had to compete for political power rather than complete control by the communist party.

[227] With the emergence of democratic beliefs from the revolution, Romanians were no longer willing to submit to authoritarian rule.

miners in the Jiu valley to brutally break up demonstrations, similar to Ceausescu's military

approach. The violent approach elicited widespread anger and belief that the NFC had hijacked

Romanian democratization to reinstate authoritarian rule.[228]

Despite cases such as these where it appeared that the government would continue

previous methods of rule, Romania slowly did democratize through institutionalization. The

success was a result of unrelenting public pressure for democratic reforms. A constitution, to

commit Romania to a democratic future, was passed by Parliament on November 21, 1991, and

approved by the Romanian citizens through a referendum on December 8, 1991. The constitution

instituted a republic that granted political inclusion for citizens through national elections where

the populace could elect the president and members of Parliament.[229] This constitution remained

unaltered until 2003 when amendments were added to integrate Romania into the North Atlantic

Treaty Organization and the European Union.[230] Romania moved further down the road to

democracy when the NFC split. Iliescu supported a pro-communist Romanian future but many in

the NFC hoped to create a less repressive government based upon the democratic sentiment that

had emerged during the revolution. As a result, the NFC separated and Iliescu formed the

Democratic National Salvation Front in 1992.[231] With multiple parties competing for votes,

Romanian citizens gained greater control of politics than they did previously under communist

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[228] Bachman, "Almost Free, 1989-1990."

[229] Romania does not perfectly fit the mold of consociationalism as the constitution did not guarantee minority rights. It, however, did allow the communist party to continue to participate in politics rather than exclude them entirely. This was an excellent approach because it prevented instituting political exclusion that could have potentially led to a wider conflict between pro-Communists and pro-democrats. The Romanian constitution opened politics up for competition, and worries about further protests and riots caused the communist party to slowly democratize the state.

[230] Gheorge, Ciahandu, "Romania: From Revolution to European Integration," accessed March 29, 2014, http://www.ii.umich.edu/UMICH/ces/Home/Resources/Michigan%20Paper%20Series/Ciuhandu_Romania_from_Revolution.pdf.

[231] Ludolfo Paramio, "Romania: An Excessively Long Transition," in *Democratic Transition in Romania* (Madrid: FRIDE, 2002), 10, http://www.fride.org/descarga/CR_rumania_ing_abr02.pdf.

rule.[232] Additionally, to gain popular support, parties in power conducted market reforms to liberalize the Romanian economy and promote growth as many protesters had demanded during the Romanian Revolution.

Overall, the Romanian Revolution brought about democratization through a middle way. Democracy emerged from violence which was organized to overthrow the communist regime. After revolution, institutions were created to transition the state. A new constitution was created, allowing Romanians to commit the country to greater political inclusion and equality. Many, however, have complained that democratic reforms have been too lethargic or too little.[233] This sluggish pace is to be expected because Romania is new to a democratic approach. The NFC was an improvised political organization and had no past experiences working in a democratic model. Additionally, the Ceausescu regime had imposed a dissuasive image of political opposition and as a result it took time for opposition groups to organize.[234] Furthermore, new institutions had to be created and this process was often undermined by nationalist parties and personal interests rooted in former state enterprises.[235] It is difficult to create a democratic state immediately after violent revolutions, particularly in countries that have limited experience in democracy. Romania, however, has slowly institutionalized democratic reforms culminating into its acceptance as a member of the European Union. Violence in Romania brought about the emergence of democratic conditions. Democratization then continued through the construction and reform of institutions to grant greater political equality and inclusion.

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[232] "Making of Romania: The 1989 Revolution and the Road to Democracy," *Romania Insider*, July 28, 2010, accessed March 29, 2014, http://www.romania-insider.com/making-of-romania-the-1989-revolution-and-the-road-to-democracy/4912/. In 1996 Iliescu failed to win reelection because Romanians were dissatisfied with his leadership.

[233] Dan Bilefsky, "Romania Strains to Build True Democracy," *The New York Times*, October 12, 2012, accessed March 29, 2014, http://www.nytimes.com/2012/10/12/world/europe/12iht-romania12.html?pagewanted=all&_r=1&.

[234] [234] Ludolfo Paramio, "Romania: An Excessively Long Transition," 9.

[235] [235] Ibid., 11.

Libyan Civil War

I now turn to an assessment of present-day Libya which provides an example of violence

and reconstruction that is not in accordance with the method I proposed and, as a result,

demonstrates considerable difficulties for the polity to achieve its democratic aspirations. In

February 2011, citizens began protesting against Muammar Gadhafi's regime, calling for greater

political freedoms and economic opportunities. Gadhafi, rather than reforming institutions or

addressing protesters' concerns, attempted to put down demonstrations by force. In response, the

protests quickly escalated into violent clashes between protesters and security forces. Revolution

erupted as citizens formed a National Transition Council (NTC) as a new government, and rebel

groups took to the streets to battle Gadhafi's forces for political power.[236] NATO forces then

intervened to support rebel groups in response to escalating conflicts and Gadhafi's violent

measures against the populace. Despite international pressure, Gadhafi refused to step down

from power. Over time, Gadhafi began to lose the war as NATO and rebel forces took over

Libyan cities. In August 2011, rebel forces captured the capital city of Tripoli thereby ending

Gadhafi's political rule. Gadhafi and his remaining supporters retreated to his hometown of Sirte

only to be captured and killed, thus ending the Libyan Civil War.[237]

Violence

Today, Libya is attempting to transition to a new and more inclusive government that

provides greater political freedom. The country, however, is having considerable difficulties

democratizing as a result of rebel groups' failure to use inclusive and organized democratic

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[236] "Anti-Gaddafi Figures Say Form National Council," *Reuters*, February 27, 2011, accessed March 21, 2014, http://www.reuters.com/article/2011/02/27/libya-council-revolution-idUSWEB194120110227.

[237] "Libya Civil War Fast Facts," *CNN*, September 25, 2013, accessed March 21, 2014, http://www.cnn.com/2013/09/20/world/libya-civil-war-fast-facts/.

violence. Retired Air Force General Mike Dunn, who participated in the NATO coalition against the Libyan government, describes the rebels during the revolution as "a poorly defined group of mutually hostile and suspicious tribes and factions that have thus far, at any rate, failed to coalesce into a meaningful military force."[238] The Libyan rebels were not a cohesive group organized together. Militias, united against a common enemy, were successful by generating enough power to wage war against the Gadhafi regime. They, however, did not coordinate their efforts. The NTC, while serving as the face of the revolution, never truly led rebel forces to create a standing army and no unified violent organization was formally created.[239] Violence in Libya failed because it was not used by a single major violent organization with democratic aims.

This lack of organization is preventing Libyan democratization. Militias were initially united in their efforts against Gadhafi, but now have chosen to retain their weaponry, pursue their own agendas and act independently from the state.[240] The Libyan state unfortunately does not have the legitimacy or force to reign in militias and integrate them into a single national force. A large reason for militias' refusal to integrate is caused by internal rivalries and distrust between social groups, instituted by Gadhafi in order to control them and keep them divided. He intentionally pitted communities against each other through a divide-and-rule policy. Tribes loyal to Gadhafi were given greater influence in the military and government while other tribes were severely repressed.[241] The refusal by militias to integrate creates two problems. The first problem is that the state does not have an adequate military force to provide security for the nation.

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[238] "Who Are the Rebels Fighting Libyan Government Forces," *VOA News*, March 29, 2011, accessed March 21, 2014, http://www.voanews.com/content/who-are-the-rebels-fighting-libyan-government-forces-118929984/137307.html.

[239] Christopher S. Chivvis, Keith Crane, Peter Mandaville, and Jeffrey Martin, "Libya's Post-Qaddafi Transition," *Rand Corporation*, 2012: 2, accessed March 21, 2014, http://www.rand.org/content/dam/rand/pubs/research_reports/RR100/RR129/RAND_RR129.pdf.

[240] Chivvis et al., "Libya's Post-Qaddafi Transition," 4

[241] Mansouria Mokhefi, "Gaddafi's Regime in in Relation to the Libyan Tribes," *Al Jazeera Centre for Studies*, March 20, 2011, accessed April 2, 2014, 2.

Security in post-Libyan society is the biggest concern for the state moving forward. Without an adequate military the state cannot provide for citizens' safety, promote law, or rebuild the country. The second problem is that militias have clashed with other militias and tribes, and taken law into their own hands. Cleavages between social groups and militias will only be exacerbated as they turn to violence to resolve their disputes. Militias will serve as autonomous power clusters to control politics in their region and limit political inclusion of groups they oppose. This prevents an inclusive democracy where all citizens have equal political opportunities. Additionally, more powerful militias will promote categorical inequality by marginalizing weaker segments of the populace. On the other hand, an inclusive unified organization could have quickly integrated its military into the national security forces and avoided conflicts within the populace.[242]

Constitutionalization

Now that Gadhafi's regime has been overthrow, Libya is undergoing state-building to create a new polity. On February 20, 2014, Libya held direct elections for a Constitutional Assembly that will draft a new constitution.[243] The Commission consists of 60 members divided among the regions: 20 each from the east, west, and south. In order to ensure representation of ethnic minorities and women, six seats were reserved for women and six seats were reserved for three ethnic minorities.[244] The constitution drafted by the Commission must then be approved by Congress.

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[242] "Guide to Key Libya Militias and Other Armed Groups," *BBC*, November 28, 2013, accessed March 21, 2014, http://www.bbc.com/news/world-middle-east-19744533.

[243] "Libyans To Elect Constitutional Commission on Feb 20," *Ahram Online*, January 30, 2014, accessed March 21, 2014, http://english.ahram.org.eg/News/93079.aspx.

[244] "Elections in Libya," *IFES*, February 18, 2014, accessed March 21, 2014, http://www.ifes.org/~/media/Files/Publications/White%20PaperReport/Libya%20FAQs%202014%20Constitution%20Drafting%20Assembly.pdf.

The problem with the current setup is that Libya's constitutional process is not effectively reconciling the post-revolutionary disagreements. One concern among the populace is the limited size of the Commission. 60 members do not represent the nation as a whole, but only a segment of the population. Another perceived problem is the allotted seats for women and ethnic groups. Nearly 50% of voters were women but the quota for women on the commission is only six out of 60 or 10%.[245] Additionally, six seats divided among three minority groups gives little political power to these minority groups when drafting the constitution. A more inclusive Commission would guarantee additional seats for women and minorities. In this pivotal moment of constitution-making, Libya faces the danger that it will not address the concerns of all citizens, thereby potentially undermining the constitution's value and legitimacy for democratic inclusion. If segments of the citizens fail to obtain representation in the new constitution, Libya will likely have considerable difficulty reconciling disagreements between groups to achieve cooperation in a common political system. More importantly, Libya risks politically excluding segments of the populace not represented in the Commission in the first instance. Little protection exists from a democratic majority that may repress a minority group or fail to consider the interest of minorities when drafting a constitution. These problems are real concerns held by the populace and are evident by citizens' disillusionment over the election and low voter registration.[246] At the moment, Libya's current Commission is failing to create a necessary inclusive political process because it does not guarantee adequate political representation.

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[245] Mustafa Fetouri, "Libya's Troubled Elections," *Al-Monitor*, February 20, 2014, accessed March 21, 2014, http://www.al-monitor.com/pulse/originals/2014/02/libya-elections-troubled.html#.

[246] Carlotta Gall, "Disillusionment in Libya Over Vote on Charter Assembly," *The New York Times*, February 29, 2014, accessed March 21, 2014, http://www.nytimes.com/2014/02/20/world/africa/disillusionment-in-libya-over-vote-on-charter-assembly.html?_r=2.

While literature on nonviolent methodology for political change already exists, we cannot always expect political actors to turn to nonviolence. The use of violence is pervasive throughout history and as a result, we cannot ignore its usage and simply hope it is successful when used. Worse, we should not attempt to arbitrarily support rebel groups we believe are democratic-aiming. Instead, a more concrete and systematic guidance is needed for well-organized violence that successfully promotes democracy. This concrete approach is organized and inclusive violence that allows for democracy to emerge. In the wake of violence, permanent institutions constructed according to consociationalism and temporary TRCs put in place commitments for the development and sustainment of democracy for the future.

A real need exists for guiding the use of violence to avoid situations such as those in Libya. Otherwise, political actors on the ground are left abandoned, having to fend for themselves, on how they can institute political change successfully We cannot leave citizens unguided, as history shows the consequences of political violence are often further violence and repression that can take nations decades to overcome. Political theory must seek to correct this problem. At this point, abstract thought and theoretical concepts are no longer of importance, but the lives of individuals and future generations are at stake.