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DESIGNING ETHNOCULTURAL IDENTITIES IN DIVIDED SOCIETIES AND CONSOCIATIONAL DEMOCRACY AS A POSSIBILITY

BÖLÜNMÜŞ TOPLUMLARDA ETNO-KÜLTÜREL KİMLİKLERİN DÜZENLENMESİ VE BİR İMKAN OLARAK ORTAKLIKÇI DEMOKRASİ

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Makale Bilgi	Özet	10.21492/inuhfd.1277926 些
Gönderi: 05/04/2023 Kabul : 11/07/2023	Etno-kültürel çeşitliliğin yönetilmesi ve bu kimliklerin düzenlenmesi, çağdaş siyaset biliminin ve anayasa hukukunun en temel sorunlarından biri haline gelmiş bulunmaktadır. Günümüz dünyasındaki birçok ülke, farklı biçim ve düzeylerde de olsa, politik kimliklere dönüşmüş bulunan etno-kültürel kimlikler ekseninde ortaya çıkan taleplerle ve bu kimliklerin yaratmış olduğu	
Anahtar Kelimeler		kültürel hatlar üzerinden derin bir biçimde bölünmüş
Bölünmüş Toplumlar, Etno-Kültürel Kimlikler, Ortaklıkçı Güç Paylaşımı,	toplumlarda etno-kültürel kimliklerin düzenlenmesine yönelik yaklaşım ve stratejileri araştırarak, bu tür toplumlarda söz konusu kimliklerin düzenlenmesi için en reel ve en demokratik yöntemi tespit etmeyi ve sunmayı amaçlamaktadır. Bu çerçevede, öncelikle bölünmüş toplum kavramının çerçevesinin belirlenmesi ve tanımlanmasına yönelik açıklamalar yapıldıktan sonra makro-siyasal bir analizle etno-kültürel kimliklerin yönetilmesine yönelik temel yaklaşım ve yöntemlerin tespiti yapılacaktır. Etno-kültürel çeşitliliğe ve kimliklere yönelik demokratik devletler tarafından kullanılan yöntem ve stratejiler kamusal alanda tek kimliklilik politikasını savunan bütünleştirme ile kamusal alanda çeşitliliği koruyan ve çok kimliklilik politikasını savunan bütünleştirme ik iş genel yaklaşım altında ele alınacaktır. Daha sonra ise, bölünmüş toplumlarda etno-kültürel kimliklerin düzenlenmesi konusunda tespiti yapılan bu yaklaşım ve strateji seçenekleri arasında uzlaşı potansiyeli açısında öne çıkan bir yöntem olarak ortaklıkçı güç paylaşım sistemi analiz edilecektir. Ortaklıkçı güç paylaşım yönteminin bölünmüş toplumlarda etno-kültürel kimliklerin tasarımı için rasyonel ve demokratik olup olmadığına dair bir inceleme yapılacaktır.	
Article Info	Abstract	
Received: 05/04/2023 Accepted: 11/07/2023	The management of ethnocultural diversity and design of related identities constitute one of the most fundamental questions of contemporary political science and constitutional law. Many countries in today's world, albeit in different versions and degrees, are faced with challenges caused by ethnocultural identities that have transformed into political identities. Demands and problems arising in the line of ethnocultural identities occupy the agenda of many developed and developing	
Keywords		
Divided Societies, Ethnocultural Identity, Consociational Power Sharing,	countries. This article aims to highlight the m such management and design through res ethnocultural identities in ethnoculturally deep explanation of the concept of a divided society the main approaches and methods. Metho ethnocultural diversity will be discussed under the policy of single identity in the public sphere advocates multiple identity in the public sphere	so trealistic and democratic method and strategy for earching approaches and methods employed for ly divided societies. In this context, following a brief , a macro-political analysis will be used to determine ds and strategies used by democratic states for two general approaches: Integration, which advocates re, and accommodation, which protects diversity and e. Following will be an examination as to whether the hited as a design for ethnocultural identities in divided

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I. INTRODUCTION

Almost all the states of today's world have a diverse social structure in terms of ethnocultural identities and contain different ethnocultural groups. Even if at one time a state was relatively ethnoculturally homogeneous, through the course of history this is no longer the case, due to various events such as wars, conquests, colonization and migrations. As stated in the United Nations Development Program's 2004 Human Development Report, approximately 200 countries in the world have approximately 5000 ethnocultural groups, and more than half of these states have at least 10 percent of their population belonging to an ethnic minority group¹. Managing ethnocultural diversity constitutes one of the most fundamental challenges facing contemporary politics. One of the features of 21st-century politics is the requirement that ethnocultural identities be recognized and supported in the public sphere, something that has long been perceived as a threat to social cohesion and harmony. Many countries in different parts of the world face demands and problems arising within the framework of ethnocultural identities. In many developed and developing states, the prominence of ethnocultural identity politics is increasing and its rise is striking.

Demands and policies that emerged in the axis of ethnocultural identities became more widespread, especially in the post-cold war period. Violent conflicts have mostly been experienced between ethnocultural groups rather than between states since the end of the cold war. Ethnocultural groups demand that their linguistic, religious, and cultural differences be recognized and supported in the public sphere. In this context, various challenges come to the fore, for instance regarding official languages, political participation and representation, and especially demands for self-government (from autonomy to federation). It becomes apparent that ethnocultural identities are determining the main political arguments, and the transformation of such identities into political identities is causing a deep division in societies.

One of the most important issues that arises in this context is how to address ethnocultural identities within divided societies, how to respond to the demands of ethnic groups, and how to maintain peace and accommodation between them. Approaches, methods, and attitudes toward solving such problems vary considerably. These diverse political approaches have been classified in different ways. Excluding those that have no ethical and legal legitimacy and conflict with democratic values, it is possible to classify the approach adopted by democratic states towards ethnocultural identities under two categories: single public identity and multiple public identities.

This study aims to identify and present the most rational and democratic approach by researching design for ethnocultural identities in deeply divided societies along ethnic, religious, linguistic, and cultural lines. Within this framework, firstly, after explaining the concept of a divided society, the main approaches will be determined with a macro-political analysis. Then, consociational power-sharing, which represents the most prominent alternative method for designing ethnocultural identities in divided societies, will be discussed.

II. DIVIDED SOCIETY: DEFINITION AND REASONS FOR DIVISION

In order to understand the characteristics, framework, and dimensions of the concept of societies divided along ethnocultural lines, it is useful to discuss briefly what the term "ethnocultural" means. The concept of ethnocultural consists of the combination of the terms "ethnic" and "culture", which are two different concepts. There are many broad explanations, debates, and contradictory definitions for both the term "ethnic" and "culture". For a long time, the common equating of ethnic groups with cultural groups has been a misleading approach. Smith defines ethnic groups as cultural collectives that incorporate myths and historical memories associated with a particular ethnicity, recognized and distinguished by one or more cultural differences such as religion, tradition, language, or institutions². However, the possession of certain shared cultural attributes as a defining characteristic of an ethnic group does not imply that an ethnic group is equal to a cultural group or that all cultural groups are ethnic groups. Because the existence of an ethnic group and ethnicity requires more than a shared cultural heritage, it necessitates the presence of social relationships. A settlement that is entirely mono-ethnic lacks ethnicity since there are no individuals to engage in discussions about cultural differences³. Thus, ethnic groups emerge through contact and interaction. Specifically, ethnic groups manifest as social relationships among individuals who perceive themselves as culturally distinct from members of groups with whom they have limited regular interaction⁴. Within this framework, ethnic groups can be metaphorically and imaginatively likened to an imaginary kinship, founded on contrasting with others, thereby defining ethnic groups as social identities. In other words, ethnic groups and ethnicity are created in an imaginary way through contact and relationship. Culture, which can be defined as the opposite of "nature" in the broadest sense, is also purely constructive⁵. A comprehensive analysis of the concepts of "ethnic" and "culture" cannot be made here, as it would go beyond the scope of this study. The term of "ethnocultural", which is a combination of both concepts, refers to people's beliefs, philosophy of life, religion, ethnic and national traditions, and languages.

When evaluated within the framework of political analysis, a divided society is not only a pluralistic

¹ United Nations Development Programme (UNDP): Human Development Report 2004: Cultural Liberty in Today's Diverse World, Oxford University Press, New York 2004, p.2, 27.

² SMITH, Anthony D.: Milli Kimlik, Trans. Bahadır Sina Şener, 8. Baskı, İletişim Yayınları, İstanbul 2016, p.41-42.

³ ERIKSEN, Thomas Hylland: Etnisite ve Milliyetçilik: Antropolojik Bir Bakış, Çev. Ekin Uşaklı, Avesta Yayınları, İstanbul 2004, p.58.

⁴ ERIKSEN, p.27.

⁵ For detailed information on the concept of culture, see KUPER, Adam: Culture: The Anthropologists' Account, Harvard University Press, Cambridge/MA 1999.

or diverse society ethnoculturally but also expresses something beyond this. It is almost impossible to find a country that does not have ethnocultural diversity in today's world. However, for societies where ethnocultural diversity becomes evident and further, transforms into political identities and forms the basis of political mobility, the concept of a divided society or deeply divided society, depending on its degree, is used. When societies are divided among ethnic groups, ethnocultural diversity becomes a major source of polarization and division in politics, claims and arguments of political parties are reflected in and through ethnocultural spectacles, and political conflicts coincide with those of ethnocultural groups⁶. As Allison McCulloch puts it, "when membership in an ethnic segment becomes overtly politicized and relations between segments continue in antagonistic and potentially violent fashion, a polity can be considered as deeply divided"⁷. In short, the concept of "deeply divided society" in the most common sense defines a society marked by ethnic divisions and separations that are violent enough to threaten the existence of the state.

Divided societies often have an antipathic relationship among ethnocultural groups, and ethnocultural identities tend to dominate alternative/other political identities. In divided societies, people generally consider belonging to an ethnocultural group as a natural value. By ignoring the fact that ethnocultural identities are constructed in such societies, people may perceive these identities as natural boundaries between different groups⁸. However, this perception of ethnocultural identities in divided societies virtually imprisons people within ethnocultural identities. In divided societies, the divisions and conflicts developed along the axis of ethnocultural identities mutually feed and reinforce each other. This situation leads to the emergence of radical political parties that centre on ethnocultural identities. Like a circle, these emerging parties mobilize members of an ethnocultural group on the basis of this identity. In this context, the dominant political parties in divided societies are those based on ethnocultural identity. Therefore, the paradigm of classical democracy means the competition of ethnocultural identities in divided societies. As Horowitz points out, the election held in deeply divided societies essentially corresponds to a census of ethnocultural groups rather than a political election⁹. Therefore, more specific mechanisms are required for divided societies than undivided societies.

Through an understanding of the causes of social division and conflict along ethnocultural lines, it is also possible to determine the proposed mechanisms for resolving these disputes. Among various theoretical approaches to such ethnocultural conflicts and divisions that develop, it is possible to classify them as primordial or instrumentalist¹⁰. The primordial approach, which considers ethnocultural identities as natural and fixed structures, sees ethnocultural diversity as the cause and source of social division and conflict. This approach, which is attributed to unalterable and pre-existing elements, is no longer widely accepted.

In the instrumentalist perspective, a diverse ethnocultural identity and diversity in general are not problems by themselves but can lead to conflict and social divisions in some contexts. Ethnocultural friction is mainly related to contextual problems and arises from socio-economic and political reasons. Due to inequalities in the distribution of resources and lack of social and political rights as well as opportunities within ethnocultural groups, antipathic and hostile attitudes, conflicts, and polarizations in society along these lines are common¹¹. One of the main reasons for the polarization of society on the axis of ethnocultural identities is that these different groups live under a nation-state roof that is based on a single identity. In other words, the incompatibility of nation-state identity and ethnocultural identities can cause antagonism. With nation-building, a dominant understanding and goal of the 20th century, most states aimed to build an ethnoculturally homogeneous society with a single identity. There was a predominance of a political approach against the recognition of ethnocultural identities. This understanding has sometimes led to "ruthless" suppression of such identities. These identities were suppressed not only by ruthless methods such as "ethnic cleansing", but also by socio-economic and political discrimination in daily life¹². Such policies of the modern nation-state have caused ethnocultural hostility and divisiveness. As Will Kymlicka points out, ethnocultural conflicts are often almost integral parts of nation-building processes that produce a common national identity valid in all parts of the state to be shared by all citizens¹³. Thus, one of the primary reasons for the division of society and the emergence of ethnocultural tensions is the nation-building and state-building process¹⁴.

⁶ CHOUDHRY, Sujit: "Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies", in Choudhry, Sujit (ed.), Constitutional Design for Divided Societies: Integration or Accommodation?, Oxford University Press, Oxford & New York 2008, p.5.

MCCULLOCH, Allison: Power-Sharing and Political Stability in Deeply Divided Societies, Routledge, London 2014, p.3.

 ⁸ O'FLYNN, Ian: 'Democratic Theory and Practice in Deeply Divided Societies', Representation, 46(3), 2010, p.281.
⁹ HOROWITZ, Donald L.: "Ethnic Conflict Management for Policymakers", in Montville, Joseph V. (ed.), Conflict and Peacemaking in Multiethnic Societies, Lexington Books, Lexington 1990, p.116.

¹⁰ HENDERSON, Errol A.: "Culture or Contiguity: Ethnic Conflict, the Similarity of States, and the Onset of War, 1820-1989", The Journal of Conflict Resolution, 41(5), 1997, p. 655-657; ÇELIK, Ayşe Betül: "Etnik Çatışmaların Çözümünde Siyaset Bilimi ve Uyuşmazlık Çözümü Yaklaşımları", in Beriker, Nimet(ed.), Çatışmadan Uzlaşmaya Kuramlar, Süreçler ve Uygulamalar, İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2009, p.165.

¹¹ BRASS, Paul R.: Ethnicity and Nationalism: Theory and Comparison, Sage Publication, London 1991, p.41.

¹² UNDP, p.1.

¹³ KYMLICKA, Will: Multicultural Odysses: Navigating the New International Politics of Diversity, Oxford University Press, Oxford 2007.

¹⁴ KURUBAŞ, Erol: "Etnik Sorunlar: Ulus-Devlet ve Etnik Gruplar Arasındaki Varoluşsal İlişki", Doğu ve Batı Düşünce Dergisi, (44), 2008, p.22-24.

One of the reasons for the division, polarization, and conflict of society along ethnocultural lines is the exclusion of some of these groups from administrative, political and economic power. This situation corresponds to what is defined as structural violence by Johan Galtung, who states that violence can occur in a wide variety of dimensions. Structural violence refers to socio-economic and political inequality; unequal distribution of resources, as well as inequality of opportunity and power constitute examples. Such violence, which is the suppression and withdrawal of a person or a group due to such inequities, can also cause direct violence¹⁵. It is at this point that structural violence within ethnocultural groups causes friction among the groups as well as polarization.

In the event that an ethnocultural group fears it will lose its identity for any reason (which could be attributed to a variety of factors), it will typically clamp down harder on asserting this identity and make stronger demands on the political level¹⁶. In this case, the threat of losing ethnocultural identity maybe imagined. However, the important point is that the group has such a feeling and perception about its own identity. The ethnocultural group's sense of being at risk under pressure will politicize that group on an ethnocultural axis and may cause social divisions.

Public policies and methods for solving problems that arise along the lines of ethnocultural identities in divided societies are mainly derived from those used for managing ethnocultural diversity, which is a more general situation. Some of these approaches and practices (genocide, forced population transfers, forced assimilation, etc.) no longer have any legitimacy. It must be noted, however, that the approaches and policies employed by democratic states do not have the same resolution potential or equally democratic characteristics when it comes to resolving such problems.

III. APPROACHES TO THE DESIGN OF ETHNOCULTURAL IDENTITIES

Approaches and methods for managing ethnocultural diversity and designing ethnocultural identities in divided societies are classified in various ways. As a result of the experiences of European nations, John Coakley categorizes them into eight categories: indigenization, accommodation, assimilation, integration, population transfers, changing borders, genocide, and ethnic suicide¹⁷. Except ethnocultural suicide, which is theoretically a contingency option but is not rational and does not have any examples in practice, all the other options are encountered in the practices of states¹⁸. John McGarry and Brendan O'Leary classified the approaches adopted by states towards the management of ethnocultural and national conflicts in divided societies into eight types determined at the macro-political level with an inductive analysis. These could then be put under two main groups as eliminating ethnocultural diversity and managing this diversity. While genocide, forced mass-population transfers, partition and/or secession, integration and/or assimilation are methods to eliminate ethnocultural and national diversity, hegemonic control, arbitration, cantonization and/or federalization, consociationalism or power-sharing also constitute ways to manage ethnocultural and national diversity¹⁹. Despite the fact that all of the methods included in this classification are empirically verifiable, some of them cannot be morally and legally justified nor democratically defended. Apart from methods and practices that are radical - not accepted as legitimate and conflict with democratic values for the management of ethnocultural diversity - others more moderate are acceptable in terms of democratic principles and vary widely. These can be categorized into two groups: integration, which aims to eliminate ethnocultural diversity in the public sphere by bringing it all under one identity; and accommodation, which supports this diversity in the public sphere and regulates multiple public identities²⁰. Integration and accommodation, which are two common public policies for democratic states to manage ethnocultural diversity, are not uniformly applied and take different forms. These policies are located between the two ends of a line, where assimilation is one side and partitions and/or secession are the other. Their applicability is influenced by many factors such as ethnocultural groups' demographic and other identity characteristics, geographical location, relationship with the state, cultural context, political structure, as well as and the state's historical background.

One method for managing ethnocultural diversity is partition and/or secession, which involves giving sovereign regions to each of the ethnocultural groups so they can implement their ethnocultural agenda by reshaping state borders based on ethnic and national lines. Nevertheless, the method of partition/secession cannot offer a rational resolution to the problem of ethnocultural identities, except for some exceptional cases, and it is not easy for various reasons²¹. However, when the territorial integrity and unity of the state

¹⁸ Sometimes the conflicts and divisions between ethnocultural and national groups can be so deep that all other methods to reconcile these groups under the same state roof fail. In other words, if it is impossible for these groups to live together in a state and these groups are geographically concentrated in a region, separation/splitting may come into play as an option. The realization of the option of separation and division is only possible with the coexistence of many interrelated conditions.

¹⁵ GALTUNG, Johan: "Violence, Peace, and peace Research", Journal of Peace Research, 6(3), 1969, p.169-191.

¹⁶ KURUBAŞ, p.20-21.

¹⁷ COAKLEY, John: "The Resolution of Ethnic Conflict: Towards a Typology", International Political Science Review, 13(4), 1992, p.343-358.

¹⁸ COAKLEY, p.343-358.

¹⁹ MCGARRY, John/O'LEARY Brendan: "Introduction: The Macro-Political Regulation of Ethnic Conflict", in McGarry, John/ O'Leary, Brendan (ed.), The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts, Routledge, London 1993, p.4.

²⁰ MCGARRY, John/O'LEARY Brendan/SIMEON Richard: "Integration or Accommodation? The Enduring Debate in Conflict Regulation", in Choudhry, Sujit (ed.), Constitutional Design for Divided Societies: Integration or Accommodation?, Oxford University Press, Oxford & New York 2008, p.41.

remain unchanged, other options for managing ethnocultural diversity come into play. Morally unacceptable "radical" methods such as genocide and mass population transfer, also called "ethnic cleansing," and forced assimilation, meaning "cultural genocide" will not be examined in this study. Instead, only those methods used by democratic states on ethnocultural identities that can be politically defended and morally grounded will be examined.

IV. MULTIPLE PUBLIC IDENTITY VERSUS SINGLE PUBLIC IDENTITY

There are two main approaches toward managing ethnocultural diversity and ethnocultural identities that are widely adopted and implemented by democratic states. The first, integration, advocates and regulates the policy of single identity in the public sphere. The second, accommodation, is a power-sharing approach promoting and regulating the policy of multi-identity in the public sphere²². Each of these has been variously interpreted and used different sub- methods. For instance, the integration approach has taken republican, socialist, and liberal forms, while the accommodation approach has sub- methods in the form of centripetalism, multiculturalism, consociationalism, and territorial pluralism²³. Although these sub- methods differ from one another in terms of their political underpinning, they are classified under the fundamental approaches of integration and accommodation in terms of the similar characteristics they have vis a vis ethnocultural identities. For instance, although the foundations and goals of republican, socialist, and liberal integrations are different versions of integration, the common feature of all of them is that they propose a single public identity that will coincide with the borders of the country.

Integration policies toward ethnocultural groups represent the traditional thinking of most states, and propose a single public identity based on a common national identity. Due to the goal of individual equality for all citizens before the law and in public institutions, the integrating approach displays a kind of blindness to ethnocultural differences²⁴. Although there are practices that carry the potential for or lead to assimilation from time to time, the two policies should not be confused. Seeking homogeneity in all areas of life - both in the public and private spheres – assimilation aims at the erosion and convergence of ethnocultural differences in the pursuit of a common public identity. However, whereas integrating also organizes a common identity in the public sphere, it is not involved in maintaining ethnocultural differences in the private sphere and respects ethnocultural diversity. In other words, integration envisages and defends a political order based on a common identity in the public sphere, without requiring ethnocultural unity and homogeneity in the private sphere²⁵. In such a system the constitutional identity and basic institutions of the state as a whole as completely isolated and free from ethnocultural sub-identities, and includes all citizens individually. Yet, such purification and isolation are not possible for many elements on which ethnocultural identities are based. Brain Barry, who is a strong supporter of the integration approach, advocates a policy in which ethnocultural differences are restricted to the private sphere without including them in the public sphere. Specifically, this focus is based on removing religion from public spheres and confining it to the private spheres as a means of addressing ethnocultural diversity²⁶. Nevertheless, this idea, based on liberal integration, is theoretically possible for religious diversity, but not for linguistic diversity, because the state has a compulsory relationship with language and necessarily performs some of its functions and operations through language.

As a result of the belief that differences among ethnocultural identities can be a source of political instability and group-based conflict, the integration approach promotes the creation and support of a single public identity that is free of such identity in the public sphere. According to this approach, the recognition and official support of different ethnocultural identities in the public sphere will cause a society to be divided along ethnocultural lines, or in an already divided society will further increase the fractures. Furthermore, by recognizing some ethnocultural groups in the public sphere and providing public services based on their interests and identities, the state may contribute to their mobilization and hostility²⁷. However, this claim is far from valid in the case of divided societies. Because ethnocultural communities in divided societies persistently want to preserve their group identity, attempts to integrate them around a common public identity can backfire and deepen the social division. As Lipphart mentioned, as a solution to the problems that arise within the framework of ethnocultural identities in a divided society, an attempt to replace groups with a common national identity by eroding or eliminating their attachment to such identities will lead to increased ethnocultural loyalty and the formation of intergroup violence²⁸. In other words, the arrangements envisaged by integration for ethnocultural identities may constitute the source of the problem rather than a resolution in divided societies.

27 MCGARRY/O'LEARY/SIMEON, p.45.

²⁸ LIJPHART, Arend: Democracy in Plural Societies: A Comparative Exploration, Yale University Press, New Haven 1977, p.24. Salim ORHAN

²² MCGARRY/O'LEARY/SIMEON, p.41.

²³ MCGARRY/O'LEARY/SIMEON, p.41-67.

 ²⁴ MCGARRY/O'LEARY/SIMEON, p.41, 45; MCGARRY/O'LEARY, "Introduction: The Macro – Political Regulation of Ethnic Conflict", p.17; O'LEARY, Brendan: "Power Sharing in Deeply Divided Places: An Advocate's Introduction", in McEvoy, Joanne/O'Leary, Brendan (ed.), Power Sharing in Deeply Divided Places, University of Pennsylvania Press, Philadelphia 2013, p.17. ²⁵ MCGARRY/O'LEARY/SIMEON, p.42; MCGARRY/O'LEARY, "Introduction: The Macro – Political Regulation of Ethnic Conflict", p.17; O'LEARY, "Power Sharing in Deeply Divided Places", p.17; CHOUDHRY, p.27.

²⁶ BARRY, Brian: Culture and Equality: An Egalitarian Critique of Multiculturalism, Harvard University Press, Cambridge/MA 2001, p.25.

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The integration approach argues that such ethnoculturally-based arrangements strengthen "closed" identities, deepen the divisions on this axis, and foster unequal and unfair relations among citizens. As such, the official recognition and support of ethnocultural groups, for instance, those that oppress and discriminate against women, may cause members' rights to be violated²⁹. However, the common public identity built by states to be shared by all citizens is not an abstract identity independent of all ethnocultural identities. It is an identity that is usually formed based on that of the majority group. A further misconception is that the majority ethnocultural group in the state necessarily ignores the potential for violating the individual rights of its members.

The expectation that ethnocultural groups will be integrated within the framework of a common public identity as a supra-identity is the result of the integration approach's evaluation of ethnocultural identities as structures that can transform/change and have "soft" qualities. However, in societies that are deeply divided along ethnocultural lines, ethnonational identities may be more and rigid structures resistant to change³⁰. The main difference between integration and accommodation in the design of ethnocultural identities in already divided societies is in the perception toward the resilience of these identities³¹. The accommodation approach accepts that ethnocultural identities are not immutable, but are more persistent in divided societies, and based on this recognizes such identities in the public sphere.

Accommodation through power-sharing methods, which are commonly adopted and applied by democratic states towards ethnocultural groups, recognize and support ethnocultural identities in the public sphere based on an understanding of equal respect. Within this framework, the accommodation approach advocates a multi-identity policy, as opposed to one of single-identity through integration in the public sphere. More than one ethnocultural community is officially recognized and supported within the borders of the state³². Based on the idea that more than one "form of belonging" can be combined in the same political unit ethnoculturally, organizing a common public identity based on a single sense of citizenship is avoided³³. According to this line of thinking, a common public identity that erodes ethnocultural diversity will increase polarization among communities and intensify conflict, especially in divided societies. Further, the peaceful coexistence of ethnoculturally different communities within the same state depends on these groups feeling secure in their own identities and depends on the recognition of identities in the public sphere. Looking at the causes of polarization and conflict of ethnocultural groups in a society reveals that these groups' identities are related to their sense of being damaged and destroyed.

Accommodation or power-sharing methods officially recognize ethnocultural diversity and maintain "ethnocultural pluralism" in the public sphere, and prevent the "ethnocultural hegemony" of a single group ³⁴. In the most general sense, power-sharing, which expresses authority and power not to be monopolized but shared, envisages designs that will prevent an actor or a collective structure from unilateral authority and power – temporarily or permanently³⁵. Modern power-sharing methods aim to provide institutional regulations based on dividing authority and power among ethnocultural groups by recognizing and supporting them in the public sphere. It is no longer a single public identity supported by the state; there are multiple public identities.

Methods for the protection of ethnocultural diversity that maintain pluralism can also be described as "cultural protectionism". Such policies have been criticized as primordial – assuming that ethnocultural identities have existed since ancient times, have not changed much, and will always remain the same politically. Yet, advocates of multi-identity policy in the public sphere argue that ethnocultural identities are not unchangeable but on the contrary, constructed and by no means primordial. However, in the special context of divided societies, ethnocultural identities turn into more durable, resistant, and stable structures rather than transformable/changeable and soft structures because their members feel threatened ³⁶. As a result, designs that are appropriate for the characteristics of ethnocultural groups in divided societies must recognize and support, rather than corrode, or destroy these identities.

²⁹ O'LEARY, "Power Sharing in Deeply Divided Places", p.35.

³⁰ MCGARRY/O'LEARY/SIMEON, p.52-53.

³¹ CHOUDHRY, p.27. ³² MCGARRY/O'LEARY/SIMEON, p.41, 52.

³³ SCHWARTZ, Alex: "Patriotism or Integrity? Constitutional Community in Divided Societies", Oxford Journal of Legal Studies, 31(3), 2011, p.503-504.

³⁴ McGarry, O'Leary, and Simeon, there are four different forms of democratic power-sharing (accommodation), centripetalism, multiculturalism, consociationalism, and territorial pluralism. MCGARRY/O'LEARY/SIMEON, p.53; O'LEARY, "Power Sharing in Deeply Divided Places", p.19; CHOUDHRY, p.28. ³⁵ The concept of "power-sharing" should not be confused with the concept of "separation or division of powers", which is another

term aimed at preventing the concentration of authority and power. Although there are etymological and philological similarities and semantic intersections between these two concepts, they are different. Power-sharing refers to the inclusion of ethnocultural groups in the decision-making process and the distribution of authority/power among these groups. The separation of powers, on the other hand, refers to the distribution of authority and power among different institutions and the limitation of these institutions to each other (check and balance). In this framework, power-sharing requires commonality in the joint decision-making process and autonomy in the group decision-making process in coordination. However, there is no such coordination in the separation of powers, on the contrary, policy is determined as a result of the clash of forces distributed among different institutions. Also, power-sharing is not an alternative to the separation of powers principle; It is an additional regulation that complements and adds to the deficiencies of classical constitutional principles in divided societies. O'LEARY, "Power Sharing in Deeply Divided Places", p.11-12. ³⁶ O'LEARY, "Power Sharing in Deeply Divided Places", p.5, 19; MCGARRY/O'LEARY/SIMEON, p.52-53.

The concept of "multiculturalism" refers to the policy of accommodation/power-sharing that recognizes and supports ethnocultural identities in the public sphere, that is, multi-identity. Multiculturalism, which requires equal recognition of different ethnocultural identities³⁷. Necessitates communities with these identities have the authority to take decisions on issues related to them and, in this respect, to be "autonomous". Another point on which equal recognition of communities depends is the proportional representation of ethnocultural groups in the main political institutions of the state³⁸. The minimum level of multi-identity policy in the public sphere depends on the recognition of ethnocultural identities in the public sphere and, accordingly, the empowerment and political representation of groups with these identities "exclusively" in matters about them. This level of multiculturalism policy provides strong guarantees for the preservation and maintenance of ethnocultural identities. Such assurances, which eliminate the perception of threat to the groups' existence, also allow these groups to live together in peace. Yet, in divided, polarized, and conflicted ethnocultural societies, the high level of political separation among them, and the heightened perception that their identities are threatened require designs to contain more specific principles to ensure they feel their ethnocultural identities are secure. To this end, the multicultural policy of consociationalism comes to the forefront in providing democratic solutions..

V. CONSOCIATIONALIST METHOD

Consociationalism has been described as a result of the comparative analysis of democracies in a few small European countries such as the Netherlands, Switzerland, Austria, and Belgium which are all divided along ethnocultural lines. Arend Liphart, who is identified with the concept of consociationalism through his work³⁹, states that it emerged from the analysis of several exceptional examples where stable democracy is possible in divided societies. What they have in common is the application of the principles of the grand coalition, autonomy, proportionality, and minority or mutual veto, which conflict with those of majoritarian democracy⁴⁰. However, consociationalism has changed over time to become not only a "description" or "exploration" method but also one that offers "suggestion" and "prescription". In this context, the consociational power-sharing construct has developed on two grounds: "empirical" and "normative". It offers the "description" of divided societies that have experienced this system and the "prescription" of a democratic solution that should be aimed at divided societies based on ethnocultural identities⁴¹. Consociationalism as a prescription has become a must-have for managing and resolving ethnocultural and ethnonational conflicts in divided societies. Consociational power-sharing systems have been empirically designed for divided societies in very different regions, moving away from those which originally formed the basis for the concept⁴². The consociational power-sharing method has been discussed and revised with each implementation.

The main motives behind the consociational power-sharing system, which is a non-majoritarian and even anti-majoritarian democracy, are to share, distribute, spread, divide, decentralize and limit authority and power⁴³. Consensus democracy, which is another non-majoritarian form of democracy, essentially aims to share and spread power. In this respect, there are similarities and intersections between consociational democracy and consensus democracy, as well as some differentiating features.

Liphart states that consensus democracy and consociational democracy are closely related to each other in that they are both non-majoritarian models of democracy, and the differences between them can largely be explained by how they are derived⁴⁴.

³⁷ According to Charles Taylor, identity is a modern requirement and is dialogic in nature. Due to this feature, it should be recognized as equal. The policy of equal recognition, or the policy of differences, as the recognition of everyone's unique identity, corresponds to the policy of multiculturalism. TAYLOR, Charles: "Tanınma Politikası", in Amy Gutmann (ed.), Çokkültürcülük: Tanınma Politikası, Trans. Yurdanur Salman, 3. Baskı, Yapı Kredi Yayınları, İstanbul 2010, p.46-93.

 ³⁸ O'LEARY, "Power Sharing in Deeply Divided Places", p.25; MCGARRY/O'LEARY/SIMEON, p.57-58.
³⁹ Brendan O'Leary argues that consociationalism has a long pedigree and that while it can be traced back to the Protestant philosopher Johannes Althusius, who lived between 1557 and 1638, and then the Austrian Marxists Karl Renner and Otto Bauer of the early 20th century, it can also be evaluated in consociationalism; he states that consociationalism in its contemporary sense is essentially based on the work of Arend Lijphart. O'LEARY, Brendan: "Debating Consocational Politics: Normative and Explanatory Arguments", in Noel, Sid (ed.), From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies, McGill-Queen's University Press, Montreal 2005, p.3.

⁴⁰ LIJPHART, Arend: Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice, Routledge, London 2008, p.7.

⁴¹ TAYLOR, Rupert: "Introduction: The Promise of Association Theory", in Taylor, Rupert (ed.) Consociational Theory: McGarry and O'Leary and Northern Ireland, Routledge, London 209, p.2; LIJPHART, Thinking About Democracy, p.269.

 ⁴² Taylor classifies strong consociationalism examples (he listed 29 consociational examples) into four different categories "classic", "past", "contemporary" and "new wave". Of the 29 cases, 6 are "classical" (Netherlands, Belgium, Switzerland, Austria, Luxembourg, Liechtenstein), 13 are "past" (examples such as Cyprus, South Africa, Fiji, Czechoslovakia), 10 are "contemporary" (Malaysia, South Tyrol, Lebanon, Bosnia and Herzegovina, Northern Ireland, Macedonia, Afghanistan, Iraq, and Kenya) as examples. He describes six of the contemporary examples (Bosnia-Herzegovina, Northern Ireland, Macedonia, Afghanistan, Iraq, and Kenya) as "new wave" consociational cases. The studies and research on consociationalism are not on classical examples such as Switzerland, Belgium, Netherlands, and Austria; He also states that he especially focuses on the Northern Ireland example. In this context, the first example that comes to mind as consociationalism now is that of Northern Ireland. TAYLOR, "Introduction: The Promise of Association Theory", p.6, 8.

⁴³ CHOUDHRY, p.18; LIJPHART, Arend: "Consociation: The Model and its Applications in Divided Societies", in Rea, Desmond (ed.), Political Co-operation in Divided Societies, Gill and Macmillan, Dublin 1982, p.168. 44 LIJPHART, Thinking About Democracy, p.6.

"The concept of consociationalism arose out of the analysis of a set of deviant cases where stable democracy was found to be possible in divided societies, and where the explanation of this phenomenon was the application of the principles of grand coalition, autonomy, proportionally, and minority veto – the four defining characteristics of consociational democracy – all of which clearly contrast with majoritarian principles"⁴⁵.

Liphart states that an obvious difference between the consociational and consensus models is that the former is defined in terms of four and the latter in terms of ten characteristics. In this context, it is also stated that another difference between the two models is that the four consociational principles are broader than the ten characteristics of consensus democracy⁴⁶.

Liphart summarizes the relationship between these two models in the context of divided societies as follows:

"Consociational and consensus democracy have a large area of overlap, but neither is completely encompassed by the other. [...] Finally, although both consociational and consensus democracy are highly suitable forms of democracy for divided societies, consociationalism is the stronger medicine. For instance, while consensus democracy provides many incentives for broad power sharing, consociationalism requires it and prescribes that all significant groups be included in it. Similarly, consensus democracy facilitates but consociational democracy demands group autonomy"47.

For ethno-culturally heterogeneous societies, both these non-majoritarian forms of democracy are more suitable than majoritarian democracy. However, consensus democracy may not be sufficient for societies that are not only ethno-culturally heterogeneous but also divided along these lines. Liphart recommends consociational rather than consensus democracy for deeply divided societies.

In addition to stating that the differences between consensus democracy and consociational democracy do not conflict with each other and that they are perfectly compatible with each other, Liphart adds the features of consensus democracy that are compatible with consociationalism in his work, where he proposes detailed constitutional arrangements for divided societies⁴⁸. Based on these explanations of Lijphart, Ergun Özbudun argues that "consociational democracy can be considered as a sub-type of consensus democracy specific to divided societies"49.

Consociationalism realizes the purpose of sharing power and authority among ethnocultural groups in divided societies through four basic principles. These principles, which are interrelated, are as follow: executive power-sharing or the grand coalition, in which all the main ethnocultural groups are included in the political decision-making mechanisms, especially the executive; proportionality, which is the representation and benefit of groups proportional to their overall size in political representation, public service, employment and allocation of financial resources; autonomy in which communities have authority in their internal affairs (especially in the fields of culture and education); and the veto power of the groups to legal changes on issues that are of vital importance for them⁵⁰. It is worth noting that Lijphart does not consider these four features equally important in his later work. While identifying sharing executive powersharing and group autonomy as the "primary characteristics" of consociational democracy, he ranks proportionality and veto power as "secondary characteristics"⁵¹. Proportionality and the right of veto for groups were considered capable of strengthening executive power-sharing and autonomy, respectively. Nevertheless, all four characteristics of consociationalism are related to each other and are intended to ensure the peaceful coexistence of ethnocultural groups within a stable democratic order by sharing power and authority among subgroups in divided societies.

One of the most prominent principles – and characteristics - of the consociational power-sharing system is that of the "grand coalition" or "executive power-sharing", which involves representatives from different ethnocultural groups. In McCulloch's words, "the central and perhaps most recognizable feature of consociationalism is the grand coalition, which entails the participation of major segments in the executive decision-making process"⁵². This prevents ethnocultural minority groups from being permanently excluded from political power, government, and authority⁵³. The "grand coalition" in Lijphart's early works was considered to include all ethnocultural groups in society⁵⁴. However, more recently, he has concluded that such an inclusive coalition is not possible, and that it is sufficient to include the main groups in the coalition. McGarry and O'Leary, particularly described as revisionist consociationalist, state that it is important that only some elements of it are realized but form an understanding of "jointness" in the executive among notable ethnocultural groups by using the concept of "executive power-sharing" instead of the concept of "grand

⁴⁵ LIJPHART, Thinking About Democracy, p.7.

 ⁴⁶ LIJPHART, Thinking About Democracy, p.8.
⁴⁷ LIJPHART, Thinking About Democracy, p.8.

 ⁴⁸ LIJPHART, Arend: "Constitutional Design for Divided Societies", Journal of Democracy, 15(2), 2004, p.96-109.
⁴⁹ ÖZBUDUN, Ergun: Anayasalcılık ve Demokrasi, İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2015, p.95.

⁵⁰ LIJPHART, Democracy in Plural Societies, p.25-44; SISK, Timothy D.: Power Sharing and International Mediation in Ethnic Conflict, United States Institute of Peace, Washington DC 1996, p.36-38.

⁵¹ LIJPHART, Arend: "The Wave of Power-Sharing Democracy", in Reynolds, Andrew (ed.), The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy, Oxford University Press, Oxford 2002, p.39; LIJPHART, "Constitutional Design for Divided Societies", p.97. ⁵² MCCULLOCH, p.11.

⁵³ SISK, p.36.

⁵⁴ LIJPHART, Democracy in Plural Societies, p.31-36.

coalition⁵⁵. In such an order, the political elites representing the ethnocultural groups resolve their differences by negotiating to reach a common decision.

One of the most important institutional designs for the realization of the grand coalition or executive power-sharing is the system of government. In this context, the grand coalition is "typically associated with the formation of a multiparty cabinet in a parliamentary system"⁵⁶. Liphart explicitly states that the parliamentary system should be preferred since it has greater potential to include political parties representing certain social groups, and therefore more executive power-sharing than other systems of government⁵⁷. However, O'Leary points out that a collective presidential system may also be an appropriate institutional design for executive power-sharing, citing the Swiss Federal Executive Council of seven people, which consists of representatives of different linguistic and territorial groups⁵⁸. Essentially, what is important is the realization of power-sharing in the executive.

Another important principle of consociationalism is proportionality, which means that major ethnocultural groups are represented in all significant public political institutions, especially structures with political representation, such as the legislature and executive branch, and benefit from public funds in proportion to their population. Liphart states that proportionality, as a primary and fundamental principle of consociational democracy, is valid not only in electoral institutions but also in the establishment of public services and the allocation of public resources⁵⁹. According to McCulloch;

"Proportionality in political representation, civil service appointments and in the allocation of financial resources is another key aspect of consociation intended to facilitate the inclusion of all groups at all levels of government"⁶⁰.

The most important institutional design for the proportionality principle is the electoral system. A proportional representation election system is proposed to ensure adequate representation concerning the parliament. Although the supporters of consociationalism differ in some aspects, they generally agree on this point. In addition to the proportional representation of groups, such a system allows minority groups to employ their symbols and banners in parliament and prevents them from being temporarily or permanently excluded from the administration. Therefore, it may reduce the potential for the monopolization of authority and power in the hands of a group, which will cause conflict and separation in divided societies.

Nevertheless, when one ethnocultural group in a divided society has a sufficiently large population to alter legislation on its own without requiring the support of other groups, the proportionality principle can work against minority groups. In the face of such a dangerous situation, the importance of the "autonomy" and "veto" principles of consociationalism becomes clear. Autonomy means that ethnocultural groups in society have the authority to manage their internal affairs (especially in matters such as education and culture). As Liphart states, the autonomy of ethnocultural groups is their dominance over the issues that are exclusively related to them⁶¹. Autonomy provisions can be applied in territorial and "non-territorial" forms. If ethnocultural groups in divided societies are geographically concentrated in a particular region, then territorial autonomy or a multi-ethnic federation that coincides with the boundaries of ethnic groups may be a way to reduce $conflict^{62}$.

In cases where ethnocultural groups are not concentrated in certain geographical regions and are scattered, group autonomy can be organized in a non-territorial way. The concept of non-territorial autonomy, commonly known as "cultural autonomy," can be defined as the granting of autonomous powers to ethnocultural groups regardless of where members reside, in areas related to their exclusive domain, such as education and cultural affairs⁶³. In such cases, it depends on the geographic dispersion or location and the demographic structure of the ethnocultural groups in divided societies to determine the most effective form of autonomy. Although territorial autonomy and cultural autonomy are two separate models, they are not necessarily mutually exclusive. On the contrary, they complement each other because they are derived from the same wisdom. Cultural autonomy can also be practiced within regions with territorial autonomy as in the examples of Belgium and Canada. Autonomy is a much more effective system for ethnocultural groups when applied together with other principles of consociationalism. The minority veto or mutual veto principle of

⁵⁵ MCGARRY/O'LEARY/SIMEON, p.58; O'LEARY, "Debating Consociational Politics", p.12-13.

⁵⁶ MCCULLOCH, p.11.

⁵⁷ LIJPHART, Thinking About Democracy, p.80-81; LIJPHART, "The Wave of Power-Sharing Democracy", p.49.

⁵⁸ O'LEARY, Brendan: "Power Sharing: An Advocate's Conclusion", in McEvoy, Joanne/O'Leary, Brendan (ed.), Power Sharing in Deeply Divided Places, University of Pennsylvania Press, Philadelphia 2013, p. 389; See also O'LEARY, Brendan: "Consociation: Refining the Theory and a Defence", International Journal of Diversity in Organizations, Communities, and Nations, 3, 2003, p.693-755. The concept of a "collective presidency system" has been used to describe the fundamental characteristics of any system, rather than being a specific government system within the classification of constitutional law. Although the Swiss government system is typically classified as an assembly government system in the classification of government systems conducted by constitutional law, it is considered a sui generis system due to its many aspects that distinguish it from the classic assembly government system. GÜLSÜN, Ramazan: "Isviçre Hükümet Sistemi", International Journal of Legal Progress, 2(2), 2016, p.138-148. ⁵⁹ LIJPHART, "The Wave of Power-Sharing Democracy", p.52; LIJPHART, Democracy in Plural Societies, p.38-39.

⁶⁰ MCCULLOCH, p.12.

 ⁶¹ LIJPHART, Democracy in Plural Societies, p.41.
⁶² LIJPHART, "Constitutional Design for Divided Societies", p.104; LIJPHART, "The Wave of Power-Sharing Democracy", p.51. "Territorial pluralism" systems, which will ensure the autonomy of ethnocultural groups on a geographical or territorial basis, are possible in many different forms. WOLFF, Stefan: "Consociationalism: Power-Sharing and Self- Governance", in Yakinthou, Christalla/Wolff, Stefan (ed.), Conflict Management in Divided Societies: Theories and Practice, Routledge, London 2011, p.29-30. 63 MCCULLOCH, p.16.

consociationalism is one that guarantees autonomy.

According to the minority veto principle, ethnocultural groups in divided societies have power to reject any legislation or constitutional amendment that they perceive threatens them. It gives each ethnocultural group in a divided society an assurance that they will not be excluded when it comes to their "vital issues"⁶⁴. This principle of consociationalism makes it impossible to make legal designs with the will of the majority on such issues without the consent of ethnocultural groups. Lijphart describes this principle as the final weapon that minorities need to protect their vital interests⁶⁵. As Özbudun points out, "minority veto is the most radically conflicting with the principle of majority rule among all means of consociational democracy"66. Through this principle, it becomes more possible for ethnocultural groups who see their identities as secure, to live together in peace by transforming social polarization into accommodation.

On the other hand, consociational power sharing is typically criticized as further entrenching and institutionalizing pre-existing and often conflict-hardened ethnocultural identities, thus decreasing the incentives for elites' moderation. This empirically valid criticism of the traditional or corporate form of consociationalism has lost its validity with liberal consociationalism⁶⁷; whereas a "corporate consociation accommodates groups according to ascriptive criteria," a liberal consociation "rewards whatever salient political identities emerge in democratic elections, whether these are based on ethnic groups, or on sub-group or trans-group identities".

The consociational power sharing method for divided societies being a more democratic solution compared to other existing strategies and methods does not imply that it is flawless and perfect⁶⁹. Furthermore, consociationalism is not a panacea or an easily applicable system. In this context, various criticisms are made about consociational power sharing, which can be categorized into three perspectives: theoretical, normative, and pragmatic, as classified by Wolff. The theoretical perspective argues that consociationalism is built upon an uncertain and evolving conceptual basis. The normative perspective claims that it is not democratic. The pragmatic perspective contends that consociationalism does not lead to stable consensus and resolution⁷⁰. Advocates of the consociational power-sharing system have rejected some of these criticisms as baseless, while in response to others, they have reviewed and improved their theories. However, within the framework of these criticisms, they believe that there are very few if any, serious alternatives presented against the consociational power sharing model for deeply divided societies⁷

The most prominent criticism against consociationalism is that the consociational system is unsustainable and cannot be successful due to its complex nature. The consociational system can hinder efficiency in decision-making and lead to stagnation and instability. The extensive executive power-sharing among ethnic groups can make decision-making difficult and even impossible. Consequently, such a situation can lead to the system's gridlock and collapse. Furthermore, the principle of mutual veto, another element of consociationalism, can also contribute to the deadlock of the system⁷². This critical approach also argues empirically that very few consociational experiences have been successful and that consociational democracies generally collapse. Despite claims that very few consociational examples have been successful, there are indeed many consociational experiences that have been successful for a considerable period. Moreover, it is not possible to attribute the failure of empirically unsuccessful experiences solely to the nature of consociationalism⁷³. For instance, the failure of the consociational experience in Northern Ireland during 1973-1974 was not inherent to the nature of the consociational system but rather due to inadequate implementation of the consociational system. Based on the lessons learned from this failed experience, a

⁶⁵ LIJPHART, Arend: "Self- Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems", in Kymlicka, Will (ed.), The Rights of Minority Cultures, Oxford University Press, Oxford 1995, p.278.

66 ÖZBUDUN, p.100.

⁶⁴ LIJPHART, Arend: "Majority Rule versus Democracy in Deeply Divided Societies", Politikon, 4(2), 1977, p.118.

WOLFF, Stefan: "Post-Conflict Building: Choice". State The Debate Institutional on Third World Quarterly, 32(10), 2011, p.1783.

⁶⁸ MCGARRY, John/O'LEARY Brendan: "Iraq's Constitution of 2005: Liberal Consociation as Political Prescription", International Journal of Constitutional Law. 5(4), 2007, p.675.

⁶⁹ LIJPHART, "The Wave of Power-Sharing Democracy", p.46.

 ⁷⁰ WOLFF, "Consociationalism: Power-Sharing and Self- Governance", p.38; WOLFF, "Post-Conflict State Building", p.1789.
⁷¹ LIJPHART, "Constitutional Design for Divided Societies", p.98.

⁷² MÜHLBACHER, Tamirace Fakhoury: Democracy and Power-Sharing in Stormy Weather: The Case of Lebanon, Vs Verlag Publisher, Wiesbaden 2009, p.48.

⁷³ Lijphart asserts that the practical failures of consociationalism are often exemplified by the cases of Cyprus (1960-1963) and Lebanon (1943-1975). However, it is important to note that these two examples are not the only instances of unsuccessful consociationalism; there are other instances as well. Nevertheless, there exist numerous consociational experiences that have been successful and stable over extended periods. Notable examples include Switzerland (since 1943), Belgium (since 1970), the Netherlands (between 1917-1967), Austria (between 1945-1966), Bosnia-Herzegovina (since 1995), Northern Ireland (since 1998), and Macedonia (since 2000). These contemporary cases serve as exemplars of successful and enduring consociationalism. It is worth mentioning that the Lebanese experience, often cited as an unsuccessful example of consociationalism, persisted for a significant duration from 1943 to 1975. The collapse of the consociational system in Lebanon was attributable to various factors, not solely internal ones. The civil war that erupted in 1975 was not a typical internal conflict but rather an international struggle unfolding on Lebanese soil. Furthermore, weaknesses in the Lebanese consociational power-sharing system contributed to its downfall. Subsequently, Lebanon established a new consociational system through the Taif Treaty in 1989, rectifying the shortcomings of the previous system. Since 1989, the consociational system has been reinstated in Lebanon. Liphart argues that the key lesson to be gleaned from the Lebanese example is the necessity of repairing and enhancing the consociational system for divided societies, rather than replacing it entirely. LIJPHART, "The Wave of Power-Sharing Democracy", p.41-42.

consociational system was later established in Northern Ireland through the Belfast Agreement in 1998, addressing the previous shortcomings.

VI. CONCLUSION

Many states in today's world must confront various challenges related to conflicts among ethnocultural groups. Demands developed within the framework of ethnocultural identities have transformed them into political identities. This transformation reflects political arguments through ethnocultural spectacle, in which political and ethnocultural conflicts correspond to each other.

Although each society, polarized and divided along ethnocultural lines, has its own dynamics and conditions, each also shares many common features. Ethnocultural diversity in any society is not itself a cause of societal division; on the contrary, such conflicts – just like ethnocultural and national identities – are of a "constructive" nature and occur due to various social and political reasons.

A society in which ethnocultural identities and nation-state identity are incompatible can lead to the denial of recognition of some ethnocultural groups, especially minority groups, in the public sphere. Their exclusion from political authority and power mechanisms causes ethnic conflicts and social divisions. Realizing the requirements of their ethnocultural identities without facing any restrictions and/or fearing and being recognized equally in the public sphere constitutes the most fundamental demand of ethnocultural groups. A policy that denies or represses the demands for freedom and recognition of ethnocultural groups will cause sub-communities in society to consolidate around ethnocultural identities and to divide/polarize based on these identities. In this sense, the integration approach, traditionally employed in modern nation states and based on the single-identity policy in the public sphere, does not have the potential to offer a resolution for the design of ethnocultural identities in divided societies. On the contrary, the designs envisaged by the integrating approach may be the main reason for the polarization and conflict among a ethnocultural groups, particularly in divided societies. Moreover, the evaluation of ethnocultural identities as easily transformable constituting one of the reasons that enable integration to support a common single identity in the public sphere does not correspond to the more resistant characteristics of ethnocultural identities in divided societies. In these societies, ethnocultural groups adopt a more defensive manner to protect their identities.

Contrary to the integration approach, policies that recognize ethnocultural identities in the public sphere and thus give them more assurance and a sense of trust, are more appropriate for the structure of divided societies. Such an approach is accommodation/power-sharing, which is based on the policy of multiidentity in the public sphere, and advocates the equal recognition of ethnocultural identities. In this approach, "multiculturalist" methods reflect the "multiculturality" of society in the public sphere. Multiculturalism, on the other hand, requires groups with ethnocultural identities to be "autonomous" and to be proportionally represented in the main political institutions of the state, giving them the power to take decisions on issues related to them. The autonomy and representative participation of ethnocultural groups as the minimum level of multiculturalism policy provides strong guarantees for preserving and maintaining ethnocultural identities. Such designs, which eliminate the perception of the threat that ethnocultural identities will be damaged or destroyed, allow ethnocultural groups to live together in peace. However, the high level of political polarization of ethnocultural groups in ethnocultural groups in societies that are deeply divided requires designs to include more specific principles to ensure the safety of their identities. For this reason, the importance and effectiveness of the consociational power-sharing method, which is one of the sub-forms of the multiculturalism policy or the accommodation/power-sharing approach, specific to societies that are deeply divided along ethnocultural lines, acquire meaning. Consociationalism gives more confidence to ethnocultural identities by providing a multi-identity policy with special principles and additional designs in societies that are deeply divided and/or conflicted along ethnocultural lines, thus providing more opportunities for ethnocultural groups to co-exist peacefully.

BIBLIOGRAPHY

BARRY, Brian: Culture and Equality: An Egalitarian Critique of Multiculturalism, Harvard University Press, Cambridge/MA 2001.

BRASS, Paul R.: Ethnicity and Nationalism: Theory and Comparison, Sage Publication, London 1991.

CHOUDHRY, Sujit: "Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies", in Choudhry, Sujit (ed.), Constitutional Design for Divided Societies: Integration or Accommodation?, Oxford University Press, Oxford & New York 2008.

Integration or Accommodation?, Oxford University Press, Oxford & New York 2008. COAKLEY, John: "The Resolution of Ethnic Conflict: Towards a Typology", Int. Political Science Review, 13(4), 1992.

ÇELIK, Ayşe Betül: "Etnik Çatışmaların Çözümünde Siyaset Bilimi ve Uyuşmazlık Çözümü Yaklaşımları", in Beriker, Nimet (ed.), Çatışmadan Uzlaşmaya Kuramlar, Süreçler ve Uygulamalar, İstanbul Bilgi

Üniversitesi Yayınları, İstanbul 2009.

ERIKSEN, Thomas Hylland: Etnisite ve Milliyetçilik: Antropolojik Bir Bakış, Trans. Ekin Uşaklı, Avesta Yayınları, İstanbul 2004.

GALTUNG, Johan: "Violence, Peace, and Peace Research", Journal of Peace Research, 6(3), 1969.

GÜLSÜN, Ramazan: "İsviçre Hükümet Sistemi", International Journal of Legal Progress, 2(2), 2016.

HENDERSON, Errol A.: "Culture or Contiguity: Ethnic Conflict, the Similarity of States, and the Onset of War, 1820-1989", The Journal of Conflict Resolution, 41(5), 1997.

HOROWITZ, Donald L.: "Ethnic Conflict Management for Policymakers", in Montville, Joseph V. (ed.), Conflict and Peacemaking in Multiethnic Societies, Lexington Books, Lexington 1990.

KUPER, Adam: Culture: The Anthropologists' Account, Harvard University Press, Cambridge/MA 1999.

KURUBAŞ, Erol: "Etnik Sorunlar: Ülus-Devlet ve Etnik Gruplar Arasındaki Varoluşsal İlişki", Doğu ve Batı Düşünce Dergisi, (44), 2008.

KYMLICKA, Will: Multicultural Odysses: Navigating the New International Politics of Diversity, Oxford University Press, Oxford 2007.

LIJPHART, Arend: Democracy in Plural Societies: A Comparative Exploration, Yale University Press, New Haven 1977.

LIJPHART, Arend: "Majority Rule versus Democracy in Deeply Divided Societies", Politikon, 4(2), 1977.

LIJPHART, Arend: "Consociation: The Model and its Applications in Divided Societies", in Rea, Desmond (ed.), Political Co-operation in Divided Societies, Gill and Macmillan, Dublin 1982.

LIJPHART, Arend: "Self- Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems", in Kymlicka, Will (ed.), The Rights of Minority Cultures, Oxford University Press, Oxford 1995.

LIJPHART, Arend: "The Wave of Power-Sharing Democracy", in Reynolds, Andrew (ed.), The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy, Oxford University Press, Oxford 2002.

LIJPHART, Arend: "Constitutional Design for Divided Societies", Journal of Democracy, 15(2), 2004.

LIJPHART, Arend: Thinking About Democracy: Power Sharing and Majority Rule in Theory and Practice, Routledge, London 2008.

MCCULLOCH, Allison: Power-Sharing and Political Stability in Deeply Divided Societies, Routledge, London 2014.

- MCGARRY, John/O'LEARY Brendan: "Introduction: The Macro-Political Regulation of Ethnic Conflict", in McGarry, John/ O'Leary, Brendan (ed.), The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts, Routledge, London 1993.
- MCGARRY, John/O'LEARY Brendan: "Iraq's Constitution of 2005: Liberal Consociation as Political Prescription", International Journal of Constitutional Law, 5(4), 2007

MCGARRY, John/O'LEARY Brendan/SIMEON Richard: "Integration or Accommodation? The Enduring Debate in Conflict Regulation", in Choudhry, Sujit (ed.), Constitutional Design for Divided Societies: Integration or Accommodation?, Oxford University Press, Oxford & New York 2008.

O'FLYNN, Ian: "Democratic Theory and Practice in Deeply Divided Societies", Representation, 46(3), 2010.

O'LEARY, Brendan: "Consociation: Refining the Theory and a Defence", International Journal of Diversity in Organizations, Communities, and Nations, 3, 2003.

- O'LEARY, Brendan: "Debating Consocational Politics: Normative and Explanatory Arguments", in Noel, Sid (ed.), From Power-Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies, McGill-Queen's University Press, Montreal 2005.
- O'LEARY, Brendan: "Power Sharing in Deeply Divided Places: An Advocate's Introduction", in McEvoy, Joanne/O'Leary, Brendan (ed.), Power Sharing in Deeply Divided Places, University of Pennsylvania Press, Philadelphia 2013.

O'LEARY, Brendan: "Power Sharing: An Advocate's Conclusion", in McEvoy, Joanne/O'Leary, Brendan (ed.), Power Sharing in Deeply Divided Places, University of Pennsylvania Press, Philadelphia 2013.

ÖZBUDUN, Ergun: Anayasalcılık ve Demokrasi, İstanbul Bilgi Üniversitesi Yayınları, İstanbul 2015.

SCHWARTZ, Alex: "Patriotism or Integrity? Constitutional Community in Divided Societies", Oxford Journal of Legal Studies, 31(3), 2011.

- SISK, Timothy D.: Power Sharing and International Mediation in Ethnic Conflict, United States Institute of Peace, Washington DC 1996.
- SMITH, Anthony D.: Milli Kimlik, Trans. Bahadır Sina Şener, 8. Baskı, İletişim Yayınları, İstanbul 2016.
- TAYLOR, Charles: "Tanınma Politikası", in Amy Gutmann (ed.), Çokkültürcülük: Tanınma Politikası, Trans. Yurdanur Salman, 3. Baskı, Yapı Kredi Yayınları, İstanbul 2010.
- TAYLOR, Rupert: "Introduction: The Promise of Association Theory", in Taylor, Rupert (ed.) Consociational Theory: McGarry and O'Leary and Northern Ireland, Routledge, London 209.

United Nations Development Programme (UNDP): Human Development Report 2004: Cultural Liberty in Today's Diverse World, Oxford University Press, New York 2004.

WOLFF, Stefan: "Post-Conflict State Building: The Debate on Institutional Choice",

Third World Quarterly, 32(10), 2011.

WOLFF, Stefan: "Consociationalism: Power-Sharing and Self- Governance", in Yakinthou, Christalla/Wolff, Stefan (ed.), Conflict Management in Divided Societies: Theories and Practice, Routledge, London 2011.

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