

Constitutionalism in fragmented societies: the integrative function of  
constitutionalism and its challenges  
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I.

The most succinct definition of a constitution was laid down by the framers of the French Declaration of the Rights of Man and of the Citizen of 1789. Its legendary Article 16 reads: “A society in which the guarantee of rights is not assured, nor the separation of powers defined, has no constitution at all”. This definition became the forefather of all minimalist concepts of the constitution according to which a constitution does not need more than a bill of rights, stipulations about the machinery of government and amendment rules. In the 1970s a distinguished US-German constitutional theorist condensed the essence of constitutionalism even more, into two words: “Limited Government”<sup>1</sup>. In fact, the function of a constitution to limit state power – both through the separation of powers and the guarantee of individual spheres which were closed to any kind of state intervention – was the key concern of the forces which at the end of the 18<sup>th</sup> century struggled for a constitution in France and in the newly independent American states. The reason is easy to understand: in France the members of the Third Estate had suffered from the omnipresence and omnipotence of the royal bureaucracy which had suffocated the frail beginnings of civil autonomy. In the former British colonies of North America the fear of royal despotism and of any kind of autocracy, even one based upon democratic elections, motivated them to think first and foremost of the restraining attributes of a constitution.

However, we must not misunderstand this time-dependent concept of the constitution as the definitive fixing of its inherent meaning and rationale. Rather, the concept which predominated at the end of the 18<sup>th</sup> century must be comprehended as the first instance of the historical experience that constitutions mirror and process the key societal and political conflicts of any particular historical epoch. Either the text or its interpretation, or both undergo changes in which each generation tries to find an appropriate institutional solution of the most relevant societal and political problems of the time. Thus, in the dawn of modern constitutionalism, at the end of the 18<sup>th</sup> century, the the key political issue was the struggle of the emerging bourgeois

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<sup>1</sup> Friedrich, Carl J. (1974). Limited government: a comparison. Englewood Cliffs, N.J., Prentice-Hall.

class against dynastic absolutism. Its power-sensitive agenda entailed its imprint as liberal constitutionalism. During much of the 19<sup>th</sup> century, after the demise of absolutism and the establishment of the constitutional state as a system of bourgeois class domination, it was the battle of broad segments of the excluded inferior classes for their recognition as citizens through the extension of the suffrage<sup>2</sup>. In some European countries this was not achieved until after World War I, when – as a new challenge to liberal constitutionalism – the organized working class claimed their “entry into the arena of national politics” (Bendix) and set off the epoch of mass democracy<sup>3</sup>. In each of these developmental stages constitutionalism changed its character, its institutions, and the legal instruments for coping with new challenges. The changing meaning of the concept of citizenship is the most significant indicator of this development<sup>4</sup>.

Hence, we can trace back the different dimensions of our contemporary concept of constitutionalism to the different historical constellations of social and political conflict. As we have seen, the basic and original function of constitutionalism – the *limitation of power* – must be assigned to the beginning of modern constitutionalism when it was a forceful weapon of the emerging bourgeois class in its power struggle with the old regime. In the US, where the successful struggle for independence of the former colonies had bonded the people, the main issue of the constitution was to find appropriate institutional devices for constituting the multitude of individuals – largely freedom-loving settlers – as “we the people”, i.e., as a sovereign polity in the first place. At the same time the constitution had to protect the individuals’ liberty against the power of the collective will of that very sovereign polity, the unified people. Obviously this was the central theme of the Federalist Papers of the founders of the USA<sup>5</sup>.

The US example points to the *constitutive function* of the constitution and the need to find a balance with its freedom-protecting function. This is the starting point of what Stephen Holmes has called the Janus face of the constitution<sup>6</sup>. Above and beyond its originally purely negative and defensive dimension it also plays a positive role in that it constitutes the unorganized multitude of people as a political body by

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<sup>2</sup> Bendix, Reinhard (1996). Nation-building & citizenship : studies of our changing social order. New Brunswick, NJ, Transaction Publishers.

<sup>3</sup> Offe, Claus (1983). "Competitive Party Democracy and the Keynesian Welfare State: Factors of Stability and Disorganization " Policy Sciences 15 (3): 225-246.

<sup>4</sup> Marshall, T. H. (1964). Class, citizenship, and social development, Doubleday.

<sup>5</sup> Cf. Hamilton, Alexander, James Madison, et al. (1961 [1788]). The Federalist Papers (ed. Clinton Rossiter). New York and Scarborough, The New American Library.

<sup>6</sup> Holmes, Stephen (1988). Precommitment and the paradox of democracy. In: J. Elster and R. Slagstad, Eds. Constitutionalism and Democracy. Cambridge, Cambridge Univ. Press 195-240.

establishing basic institutions of self-rule. The constitutive function plays a central role in constitutions which are primarily concerned with the creation and maintenance of the integrity of a democratic state power. In the case of the US the framers were worried about the construction of a superior power of a centralized authority, the Union. In the continental European context of the 19<sup>th</sup> century where popular sovereignty had still to be gained by strenuous efforts – where, in other words, political power was effectively organized, if in an undemocratic mode – the key problem of constitutionalism was the *legitimation of the existing political authority*. Of course, since the French Revolution the only legitimizing principle of modern constitutions has been the principle of popular sovereignty. But political realities were not up to this political principle. As a result, in addition to the aforementioned struggle for the extension of the suffrage different devices of power-sharing between the traditional monarchical power and the newly emancipated social classes surfaced. Incidentally, power-sharing was also the constitutional solution of some of the social and political conflicts of the 20<sup>th</sup> century in cases where the principle of popular sovereignty could not be realized due to the continuing power of an old regime. The Round Table agreement which the then communist government of Poland concluded with the Solidarity movement in 1989 is an obvious illustration. The National Peace Accord of South Africa, a multiparty agreement signed in September 1991, which started the negotiations about a peaceful transition to a non-racial democratic political system, is another case in point.

## II.

These examples lead us to the *integrative function* of many modern constitutions, the focus of this paper. It deals with the question of whether constitutions do not only organize the machinery of government and establish basic rights but, beyond that, create a sense of commonness, mutuality and civic solidarity among the citizens. In other words, the question is whether a constitution has the capacity to unite a society which is riven by manifold cleavages – economic, social, cultural, religious, ideological and political – into a nation. The idea of an integrative function of the constitution was first put forward by the German constitutional lawyer Rudolf Smend in 1928 with respect to the Weimar Constitution of Germany<sup>7</sup>. Smend argued against a purely liberal understanding of the constitution as a system of limitations and demar-

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<sup>7</sup> Smend, Rudolf (1928). Verfassung und Verfassungsrecht. München und Leipzig, Verlag von Duncker & Humblot.

cations of state competences. He maintained that the Weimar Constitution, rather, embodied the national spirit of the German people and its will to live together and to form a political community, frequently labelled as a 'community of fate'. However, this claim was by no means a descriptive account of the function of the Weimar Constitution. On the contrary, it was a kind of normative cry of help and an attempt to mitigate the troubled situation of the Weimar Republic which was strongly polarized along class divisions, confessional cleavages, and ideological schisms.

It is a matter of debate whether the appeal to the people's national feelings as such is an effective remedy against deep social divisions. But constitutions can contain elements which encourage integrative effects, especially by the invocation of aspirations, values and basic beliefs which its members commonly hold and which bind them together. In this case a constitution may serve as a kind of secular catechism. The US constitution played this role at least in the first decades of its existence<sup>8</sup>. Today the most apparent property of constitutions which have been designed with the aim to fulfill an integrative function is their more or less detailed catalogue of state goals and the concomitant guarantee of social rights and economic rights (such as the rights to education, to health, to shelter, to labor). Many of the new constitutions in the post-communist countries of East and Central Europe exhibit these attributes<sup>9</sup>.

It is not by accident that the issue of the alleged or actual integrative force of constitutions came up in the 20<sup>th</sup> century. It was no earlier than in the 20<sup>th</sup> century that constitutions embraced the whole society, which means: the complexity of a modern differentiated and cleaved society. In the early periods of constitutionalism the constitutions presupposed the unity and homogeneity of the polity because the polity consisted basically only of one social class, the tax-payers, i.e. of the members of the bourgeoisie. Women and the inferior classes were excluded and did not count as members of the polity – they were considered unable to enjoy the status of citizenship. Hence, the constitution did not have to cope with the problem of social integration and disintegration. In the 19<sup>th</sup> century, as mentioned, the main constitutional struggles were connected with the claim of the hitherto excluded segments of the population into the polity; the issue was how to draw the lines between those who qualified for citizenship and those who did not. The issue was not

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<sup>8</sup> Cf. Preuss, Ulrich K. (1995). Constitutional Revolution. The Link Between Constitutionalism and Progress. Atlantic Highlands, N.J., Humanities Press, pp. 25 et seq.

<sup>9</sup> Elster, Jon, Claus Offe, Ulrich K. Preuss (1998). Institutional Design in Post-communist Societies. Rebuilding the Ship at Sea. Cambridge, Cambridge University Press.

yet the capacity of the constitution to sustain a polity in which all nationals have acquired citizenship. This situation was only reached in most European countries after World War I.

Despite the triumphal procession of constitutionalism since the end of the 18<sup>th</sup> century it was not the only pattern of political order. There were two powerful rivals who challenged its legitimacy – socialism and nationalism. The former was based on the theories of Karl Marx and Friedrich Engels who regarded constitutionalism as a subtle means of bourgeois class domination (what was not entirely wrong for the early periods of constitutionalism). They envisioned a world in which the solidarity of the working class would provide the appropriate principles of political order beyond legal institutions and render constitutions superfluous. The latter claimed that the commonness of ethno-national belonging should be the basis of political organization which, too, could dispense with a constitution. As constitutionalism embodies the principle of equal citizenship irrespective of ethnic affiliation, in the view of nationalists it had to be rejected offhand.

Note that each of these two contenders of constitutionalism included an implicit program of social integration of their own: socialism in its Marxist version relied on working class solidarity (during the period of the struggle for the classless society); nationalism claimed the inherent social solidarity based upon ethnic sameness and homogeneity of the society. Both ideological strands were incompatible with the universalist axioms of constitutionalism: a political system in which the collective goals of a classless society or, respectively, of ethno-national homogeneity are the highest values cannot respect a polity which is governed according to the rule of law and the recognition of each individual's dignity and freedom.

After World War I, when the entirety of the society became politically organized by constitutions, constitutionalism came under pressure from powerful and militant social movements which identified with the communist and nationalist-fascist ideology respectively. Obviously most of the European constitutional states could not withstand these pressures in the inter-war period and fell prey to some kind of authoritarian or totalitarian regime. Their constitutions were simply not up to the dynamics of social conflicts which propelled those movements. The collapse of the Weimar Constitution in Germany mentioned above and the rise to power of Nazism has proved as the most dramatic and momentous result of this development. Must we assume that

constitutions are only appropriate institutional devices for societies which are largely consolidated?

### III.

There is a long and venerable history of political reasoning which claims that economic development is an important, perhaps even indispensable precondition for the sustainability of democracy. "Democracy" in this context means "constitutional democracy", i. e. a system of popular rule embedded in a constitutional framework. In 1959 Seymour Martin Lipset published his seminal article in which this paradigm was elaborated for the first time. According to a statistical survey of the countries of that time he concluded that "the factors of industrialization, urbanization, wealth, and education, are so closely interrelated as to form one common factor. And the factors sub-sumed under economic development carry with it the political correlate of democracy"<sup>10</sup>. As Lipset explicitly admitted exception to this correlation, his theory is still today widely accepted. Needless to say that modifications are necessary which, however, do not concern me here. But there is one recent analysis which is of particular interest for our topic of the integrative function of constitutions. Its subject is a comparison of the capacity of the democratic systems of the US, Canada and India to cope with deep social divisions<sup>11</sup>. This comparison is relevant for our topic because its author selected these three countries not because they were particularly significant or typical of the division between poor and rich, but because they are marked by divisions which are "formed by birth and are, for the most part and for most persons, inerascable: race, ethnicity, religion, and native language"<sup>12</sup>. In the US this is "the racial divide that has been so central to its history; Canada by the founding division between Francophone and Anglophone; and India by grave divisions in caste, religion, and language"<sup>13</sup>. Obviously India is of special interest because this country, in addition, its immense economic progress in the last decade notwithstanding is still "a poor country, and yet it is a well-established democracy"<sup>14</sup>.

In fact, when we speak of a country's divisions we must distinguish between the socio-economic rift between poor and rich and the one which pertains to issues of identity, which *Glazer* calls inerascable and which I call identity conflicts. Conflicts

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<sup>10</sup> Lipset, Seymour Martin (1959). "Some social requisites of democracy: Economic development and political legitimacy." *The American Political Science Review* 53 (1): 69-105 [80].

<sup>11</sup> Glazer, Nathan (2010). "Democracy and Deep Divides." *Journal of Democracy* 21 (2): 5-19.

<sup>12</sup> Ibid, p. 5.

<sup>13</sup> Glazer, *ibid.*, p. 8.

<sup>14</sup> Glazer, *ibid.*

arising from those deep divides tend to be particularly intense and uncompromising. While pursuant to a well-known liberal line of argument in the social sciences conflicts have a positive effect upon the social coherence of societies, this can hardly be said with respect to identity conflicts.<sup>15</sup> The American political economist Albert O. Hirschman offers an important distinction. In his view not all conflicts further coherence in all kinds of societies; rather, he claims, social conflicts have only positive effects in democratic market societies, and even this may be true only for a certain genre of conflicts. “Many conflicts of market society are over the distribution of the social product among different classes, sectors, or regions. Highly varied though they are, they tend to be divisible; they are conflicts over getting more or less, in contrast to conflicts of the either-or, nondivisible category that are characteristic of societies split along rival ethnic, linguistic, or religious lines”.<sup>16</sup> These conflicts, which Hirschman labels as categorical and which I call absolute, are disputes about the moral, legal and political status of members of ethnic minorities or religious communities, about philosophical truths or political ideologies. By contrast, conflicts about the appropriate policies for the whole polity, including distributional conflicts, are relative conflicts characteristic of pluralist societies.

Thus, we should distinguish conflicts about how a country should be governed from disputes about who belongs to the polity and who is qualified and entitled to rule over the people. Conflicts about the former question are usually settled within the framework of liberal constitutionalism. They are disputes about the direction of political action, about the right options among alternative policies, or about what justice requires in a given situation – they are largely conflicts about the right pattern of distribution both of fundamental rights and liberties and of economic and social benefits (in the Rawlsian sense)<sup>17</sup>. The basic institution is equal citizenship: all individuals are integrated into a polity irrespective of their sex, birth, language, ethnic and social origin, faith, religion or political opinion, let alone socio-economic status. Obviously the concept of equal (national) citizenship is blind, if not hostile towards any claim to the recognition of a distinct identity of individuals in the public sphere. This is due to its strong commitment to the universalist principle that each individual has an equal value (dignity) as a human being and merits equal respect irrespective of his or her particular attributes. Moreover, since the inereseable properties of

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<sup>15</sup> See the overview of the literature in Albert O. Hirschman, *Social Conflicts as Pillars of Democratic Market Societies*, in idem, *A Propensity to Self-Subversion*. Cambridge, Mass.-London 1995 (Harvard University Press): 231-248 [236 ff.]

<sup>16</sup> Hirschman, *ibid.*, p. 244.

<sup>17</sup> Rawls, John (1978). *A Theory of Justice*. Cambridge, The Belknap Press of Harvard University Press, pp. 195 et seq.

individuals which form their identity have most of the time in many countries been the reason for severe forms of discrimination liberal constitutionalism is particularly suspicious of any kind of recognition of identity as a constituent element of the polity.

Indeed, were the constitutional state prepared to recognize the identity of individuals or of groups as a relevant parameter of the cohesion of the polity, it might open Pandora's box. While obviously it would have to make the demand upon its citizens to recognize each other as equally constituent parts of the polity, the official acknowledgment of the significance of their differences may impede rather than facilitate these demanded acts of civic recognition. What follows from the incidence of, say, a deeply rooted antipathy, disdain and distrust of major segments of the population against certain minorities whom they deny the quality to belong to the polity? A society in which major conflicts exist about the morally justified belonging of certain classes of individuals to the political community as equal citizens and about the question of who is morally entitled to rule is a fragmented or deeply divided society. On this view the US society in which the moral right of the Afro-American part of the population to rule the country has long been called into question was a fragmented society for a long period of time, perhaps up until our days. In many East and Central European states ethnic and national conflicts dominated the political discourse since their very foundation at the beginning of the 20<sup>th</sup> century and have remained the main causal factor of their contemporary divisions. In Western Europe, where the ideal of equal national citizenship prevailed and where during the 20<sup>th</sup> century the confessional conflicts subsided in the wake of developing secularization the pluralist mode of political integration prevailed after World War II and became an integral element of their stability and socio-economic success. However, there are now signs for their fragmentation as well.

Ideally, the entirety of the citizens of a polity constitute the nation - the nation is the community of citizens<sup>18</sup>; this is an equivalent term for the nation-state (*état nation*). Membership in the civic nation (or in the nation-state) - which is tantamount to being a citizen - is the source of a sense of pride and self-esteem, it is the symbol of successful integration into the polity. Citizenship is a status which imports recognition and esteem because the owner of this status participates actively in the rule of the polity, in contrast to individuals who are mere passive subjects. The source of a citizen's self-esteem is not his or her personal, pre-political quality – in other words:

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<sup>18</sup> Schnapper, Dominique (1994). *La communauté des citoyens. Sur l'idée moderne de nation*. Paris, Gallimard.



his or her identity – but the fact that he or she has left the subaltern status of passive subjecthood and has entered into the role of somebody who rules his and her equals and is ruled by his and her equals<sup>19</sup>. Citizenship means to share a valuable experience with one's fellows. Thus, the ideal concept of citizenship as it was revived in the French Revolution amounted to the paradox that being one's equal is a status of distinction. Conversely, all particularities which constitute an individual's identity – race, ethnicity, origin, native language, membership in extra-political communities like religious communities and the like - are banned from the public sphere because their representation would undermine the coherence and the unity of the political body.

Consequently, when the politics of integration into the civic nation (or nation state) is under study people do not normally refer to the question of how to include members of ethnic groups, religious dissenters or national minorities in the polity. In this concept of nation these identity-defined categories simply do not exist; the refusal of the French Republic to ratify the 'European Charter for Regional or Minority Languages', sponsored and promoted by the European Council and adopted by some twenty European states in 1992, is an obvious example for the inherent incompatibility of the identity-blind civic nation and the claim of individuals or groups that their particular identity be recognized as constituent elements of the polity.

#### IV.

Today, however, cleavages resulting from cultural and ethnic differences have acquired a new relevance. There are several reasons for that. Let me just mention one which is of special relevance for the relations of our two countries. I mean the fact of mass immigration into many of the OECD- and the EU-countries. It has sharpened the sense of ethnic differences and strained the feelings of solidarity in many of the host countries. The members of immigrant communities tend to emphasize their identity as members of their ethnic or religious community for the reason that the host state denies them a status of recognition as an equal. Conversely, the citizens of the host state frequently sense the alienage of the immigrants, their different habits and cultural imprint as a threat to their traditional way of life and have a propensity to conceive of their polity as of a culturally homogeneous and exclusive community. But even if a country – e.g. traditional immigration countries like the USA, Canada, or Australia – grant immigrants the status of equal national citizenship in a quite straight-

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<sup>19</sup> Pocock, J.G.A. (1995). The Ideal of Citizenship Since Classical Times. In: Ronald Beiner, Ed. Theorizing Citizenship. Albany, State University of New York Press: S. 29-52.

forward manner this does not necessarily keep many of them from defining themselves primarily through their ethnic belonging. Even more and more indigeneous citizens of the host society identify more with a particular community whose members share certain characteristics – e.g. gender, sexual orientation, age, physical handicaps, origin in a particular region and the like – than with the seemingly abstract nation-state. For many equal citizenship has lost its distinctive quality because the price of this status has been the polity's indifference, even hostility towards his or her particular attributes which the individual regards as identity-engendering. In the view of these citizens the status of equal citizenship has become a symbol of the polity's disrespect for their individuality. For them this is all the more obnoxious since membership in extra-political communities - religious, political, ethnic, or social - frequently gives the individual the motives and the power to make use of his or her civic rights. Thus, the quest for recognition of one's particularity, i.e. of one's otherness has become one of the most important challenges to the traditional constitutional state and its essential premise of equal citizenship. 888

Obviously this is a challenge to the the difference-blindness of civic institutions. According to this principle each individual has the *right to equal treatment*, but the fulfillment of this right may not satisfy, or even violate another right of the individual, namely the *right to treatment as an equal*<sup>20</sup>. This latter right does not aim at “the same distribution of some burden and benefit”, e.g. obligations and rights, but at the right “to be treated with the same respect and concern as anyone else”<sup>21</sup>. This points to the identity-shaping characteristics of the individual. If these characteristics are group-specific like ethnicity, race or religion, the recognition of the respective group as an equally constituent part of the polity is an appropriate means to fulfill their members' right to be treated as equals.

This, then, suggests a modification of the traditional structure of modern constitutions and its principle of equal citizenship in the spirit of recognition of group identities. Kymlicka and Norman rightly state that, “while differenceblind institutions purport to be neutral amongst different ethnocultural groups, they are in fact implicitly tilted towards the needs, interests, and identities of the majority group; and this creates a range of burdens, barriers, stigmatizations, and exclusions for members of

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<sup>20</sup> This distinction was introduced by Dworkin, Ronald (1978). Taking Rights Seriously. Cambridge, Harvard University Press, p. 227.

<sup>21</sup> Dworkin, *ibid.*

minority groups"<sup>22</sup>. Of course, there are very diverse groups in the various countries of the world, and there is no ready-made constitutional pattern for all<sup>23</sup>. But first and foremost the politicians and constitutional theorists of contemporary constitutional states have to take into consideration the fact that only very few countries do *not* have major minorities which form a relevant part of the polity. Almost four decades ago Walker Connor counted that of the total of then 132 only 12 (9.1 per cent) could be described as essentially homogeneous from an ethnic viewpoint<sup>24</sup>. Even today, after the disintegration of the Soviet Union and of Yugoslavia and the increase of the number of states to almost twohundred this portion has hardly raised since the new states which arose from the disintegration of the aforementioned multinational states were by no means ethnically homogeneous.

If ethnic, cultural and religious diversity has become a trait of contemporary states the integration of minorities has become an inescapable objective of constitutions. After all, constitutions are supposed to be the basic legal order of a polity which requires the inclusion of all portions of the population as its constituent elements. Obviously the partition of a country or the secession of a minority are no options in the search for an appropriate constitutional design for a polity, and the same applies both to forced mass-population transfers and to forced assimilation<sup>25</sup>. From the viewpoint of constitutionalism and its inherent axiom of treating all human beings as equals only methods of managing, not suppressing diversity can come into consideration. To give a few examples which merit reflection<sup>26</sup>:

- Federalizing a country to the effect that territorially concentrated minorities enjoy a certain degree of selfdetermination within a territorial subunit of the state
- Granting autonomy to territorially dispersed minorities in certain domains of special interest like family law or religious traditions
- Special representation of groups or their members within government or other public/semipublic institutions (e.g. mass media, school boards)
- Granting exceptions from the general laws of the land for members of minorities (like, e.g., the dispensation from the obligation to wear helmets

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<sup>22</sup> Kymlicka, Will and W. J. Norman, Eds. (2000). Citizenship in diverse societies. Oxford ; New York, Oxford University Press, p. 3.

<sup>23</sup> See the typology of groups in Kymlicka/Norman, pp. 18 et seq.

<sup>24</sup> Connor, Walker (1972). "Nation-building or nation-destroying?" World Politics: a quarterly journal of international relations 24 (3): 319-355 [320].

<sup>25</sup> Cf. Kymlicka/Norman Citizenship in diverse societies, p. 12.

<sup>26</sup> See also Kymlicka/Norman, *ibid.*, pp. 24 et seq.

of Sikh motorcyclists in Canada, or the exemption from the prohibition of ritual slaughter for Islamic butchers in mainly Christian countries)

- Facilitating the access to the labour market for members of disadvantaged minorities

This is not to say that the realization of these options is a guarantee of a decrease of tensions and conflicts which result from ethnic, cultural or religious diversity. It may well be that largely symbolic gestures of recognition of minority groups as constituent parts of a diverse polity (like, e.g., bi- or trilingual names for villages and cities of a region with considerable minorities) have a more integrative effect than for instance policies of affirmative action mentioned in the last bullet point.

In sum, the traditional constitutional pattern of the nation as the community of equal citizens has to be advanced towards a doctrine which provides institutional devices for polities which more and more metamorphose into communities of ethnically and culturally unlikes. As the example of India, the largest and most diverse constitutional democracy of the world shows<sup>27</sup>, cultural, religious or ethnic diversity as such is not inherently incompatible with the idea of constitutionalism – the foundation of the polity upon the principle of equal respect and concern for all members of the society. Thus, despite new kinds of conflicts at the beginning of the 21<sup>st</sup> century there is no reason for defeatism.

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<sup>27</sup> See the account of Glazer *Democracy and Deep Divides* (N. 11), pp. 14 et seq.