Outcomes of Wars over Government

At the heart of all civil war endings is the question of institutional choice. At stake in these conflicts, in the most general sense, is the configuration of the political system. The question is not (or no longer) the boundaries around the state, but what type of government should rule its population. At stake too, in the aftermath of war, is the issue of rebuilding a viable political system that reduces, not exacerbates, conflict. A civil war can destroy a country’s infrastructure as well as administrative and political institutions, and typically cause a high degree of conflict and distrust between different population groups. Such conditions are not fertile grounds for the establishment of democracy. Thus, determining the appropriate political system for a country emerging from an internal war is just the first step—the second, and often more difficult, step is determining the appropriate process of establishing a viable democracy.

In keeping with the overall goal of this book, this chapter first discusses what we should regard as a just outcome to a war fought over government. The moral baseline in these types of conflicts is a democratic political system. Individuals have basic political rights, such as the right to vote, the freedom to assemble and associate with others, and the right to participate in the political process. These rights are best protected in a democracy. Thus, one would be hard pressed to explain why a war fought over government should not end in some kind of democracy. Who started the war and how it was fought seem irrelevant to this baseline judgment. It is implausible, for instance, to argue that if a substate group starts an armed rebellion to gain political rights, it should be denied these rights at the end of the war. The question is rather
what kind of democracy is best for a country that has just been through a war, especially if the country has not had an established and well-functioning democracy before.\textsuperscript{1} I give a qualified defense of the power-sharing model of democracy, and argue that while there are clear problems with this type of political system, it seems better than all the alternatives.

Michael Walzer has said that the beginning of peace is the restraint of war.\textsuperscript{2} By the same token, the beginning of a stable democracy will often require the restraint of democratic procedures and rights. Because postwar democratization can exacerbate conflict, we have to ask what types of restraints we should accept in order to lay the foundations for a healthy political system. I will discuss two broad strategies that seek to enable the transition to democracy. First, the international community, especially through the United Nations, has sought to strengthen the political institutions of war-torn countries. These statebuilding operations temporarily set aside democratic principles in order to promote democracy and stability in the long run. Operated by unelected foreigners, statebuilding missions are by their very nature a paternalistic intrusion in the domestic affairs of a country. There are obvious and good moral reasons to embrace such operations—without them chances are that the country in question will revert back to repressive politics and violent conflict. Yet, the nondemocratic nature of these operations is problematic, and we should consider ways to lessen their most troublesome aspects. The goal of the second part of the chapter, is to discuss the dilemmas involved in statebuilding operations and some of the ways they can be managed and abated.

Second, the practice of lustration, or vetting as it is sometimes also called, also restrains democratic rights in order to enable a political transition. A form of lustration has been carried out in places like post–Second World War Germany, in many of the former eastern European countries, and more recently in Bosnia and Iraq. Lustrations usually target individuals or groups with close ties to a former repressive regime, or people suspected of war crimes, and deny their rights to participate in the political process and their right to work in the public sector. I discuss lustrations both as a punitive measure and as a way to promote postwar political legitimacy, and argue that the moral acceptability of this practice depends in important ways on how it is carried out. A careful consideration of lustration measures is important because they