

**14 February 2018, Wednesday ✦ 10.30am – 12.00pm**

Lee Sheridan Conference Room, Eu Tong Sen Building, Level 1, NUS (Bukit Timah Campus)

## **Severely Divided Societies and the Rule of Law**

**Speaker: Professor Donald L. Horowitz, Duke University**

**Chairperson: Professor Kevin Tan, NUS Law**

### **ABSTRACT**

A severely divided society contains two or a few ethnic or religious groups that seek to dominate the state or to escape the domination of others. Most such societies do not manage to adopt institutions that enable groups to share power and avoid domination. Among those that do manage to adopt conciliatory institutions, the durability of those institutions tends to be quite limited. In some states, the arrangements lapse or degrade, and in others they actually create new problems related to ethnic relations and conflict.

Consider three such problems: (1) the bias of electoral commissions that undermines the fairness of those electoral systems that initially facilitated interethnic accommodation; (2) the stalemate that usually afflicts states committed to a regime of strict minority guarantees and prevents them from producing compromise on issues that divide ethnic groups; and (3) the actual workings of federalism and regional autonomy in which minorities at the level of the overarching state manage to gain control of federal units or devolved regions but then fail to accord minorities within those units or regions a fair share of power and opportunities, thereby creating new conflicts at those lower levels.

All these recurrent problems might be mitigated if conflicted states had a vibrant rule of law that could (1) make electoral commissions operate fairly, (2) enforce norms of intergroup accommodation in decision making and policy outputs, and (3) prohibit discrimination against local minorities in devolved units. The neglected element in studies of severely divided societies is the absence of such a rule of law. For that reason, it becomes imperative to consider how the rule of law develops, whether its development can be encouraged, and if so by what means. That is the subject of this seminar, which is devoted to speculation, hopefully informed speculation, about the rule of law in severely divided societies.

### **ABOUT THE SPEAKER**



Donald L. Horowitz is the James B. Duke Professor of Law and Political Science Emeritus at Duke University. He holds law degrees from Syracuse and Harvard and a Ph.D. in political science from Harvard. Professor Horowitz is the author of seven books. His most recent book 'Constitutional Change and Democracy in Indonesia' was published in 2013 by Cambridge University Press and issued in a Bahasa Indonesia translation in 2014. Professor Horowitz is currently writing a book about constitutional process and design, particularly for divided societies, a subject on which he has advised in a number of countries. Elected to the American Academy of Arts and Sciences in 1993, Professor Horowitz served as President of the American Society for Political and Legal Philosophy from 2007 to 2010. In 2011, he was awarded an honorary doctoral degree by the Vrije Universiteit Brussel, the Flemish-speaking Free University of Brussels.

### **REGISTRATION**

There is no registration fee for this seminar but seats are limited.

Light refreshment will be provided on a first-come, first-served basis.

Closing Date: **9 February 2018, Friday**

For enquiries, please contact Alexandria at [cals@nus.edu.sg](mailto:cals@nus.edu.sg)

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