How can societies grappling over the common values and shared vision of their state draft a democratic constitution? This is the central puzzle of *Making Constitutions in Deeply Divided Societies*. While most theories discuss constitution-making in the context of a moment of revolutionary change, Hanna Lerner argues that an incrementalist approach to constitution-making can enable societies riven by deep internal disagreements to either enact a written constitution or function with an unwritten one. She illustrates the process of constitution-writing in three deeply divided societies – Israel, India and Ireland – and explores the various incrementalist strategies deployed by their drafters. These include the avoidance of clear decisions, the use of ambivalent legal language and the inclusion of contrasting provisions in the constitution. Such techniques allow the deferral of controversial choices regarding the foundational aspects of the state to future political institutions, thus enabling the constitution to reflect a reality of divided identity.

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MAKING CONSTITUTIONS IN DEEPLY DIVIDED SOCIETIES

HANNA LERNER
For my parents,

RACHEL AND MICHAEL POSTAVSKI
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ACKNOWLEDGMENTS

My work on this book began in New York, continued in Jerusalem and Tel Aviv, and ended in Princeton. Throughout my journey I was fortunate to receive the generous aid of numerous teachers, colleagues and friends. I would like to thank, first and foremost, Jean Cohen and Alfred Stepan, my doctoral advisors at Columbia University, who encouraged me from the very first steps of this project. I was blessed by their wise guidance and continual support not only in writing this book but much beyond. I am also in debt to Andrew Arato from the New School of Social Research who gave generously of his time and expertise, challenged my thinking on constitutional issues and thus helped me refine and hone the arguments made in the book. Special thanks also granted to Nadia Urbinati and Jeremy Waldron who provided extremely helpful suggestions. I was fortunate to have met with the late Shmuel Noah Eisenstadt, who read an early version of the entire manuscript, and was generous in sharing with me his wisdom and his insightful advice. Many colleagues and friends have read selected chapters and offered their invaluable comments and suggestions which made this book a much better work. Among them I am particularly grateful to Murat Akan, Granville Austin, Richard Bourke, Niki Cunningham, Neri Horowitz, Christophe Jaffrelot, Amal Jamal, Bill Kissane, Mirjam Künkler, Menachem Lorberbaum, Bajeera McCorkle, Faina Milman-Sivan, Ohad Nachtomi, Scott Morrison, Philip Oldenburg, David Ponet, Zuleika Rodgers, Shylashri Shankar, Gila Stolper and Steven Wilkinson. My undying thanks and gratitude to Aliza Belman Inbal, who read every word of multiple drafts of this project and provided invaluable editing and moral support. At the Mandel Leadership Institute in Jerusalem I would like to thank the late Seymour Fox, Annette Hochstein and especially Varda Shiffer who in many ways is responsible for initiating the journey that resulted with this book. In the Department of Political Science at Tel Aviv University, I was fortunate to receive the support and encouragements of my colleagues, among them I particularly would like to thank Eyal Chowers, Azar Gat, Amal Jamal, Yossi Shain, and Michal Wilkinson.
Shamir for their sage advice at critical moments of the project. At the Princeton Institute for International and Regional Studies, Princeton University, I enjoyed the most suitable environment that allowed me to work on the necessary final revisions of the manuscript. I am especially grateful to Mirjam Künkler and Amaney Jamal for their enthusiastic support. Special thanks and gratitude to Finola O’Sullivan, Richard Woodham and to the anonymous reviewers at Cambridge University Press for their useful comments that much improved the book. I would also like to thank Adam Vital and Peter Lemish for their editorial assistance, and to Yael Maisel, Noa On, Itai Pollack, and Reut Tondovsky for their devoted research assistance.

For financial support I would like to thank Columbia University, Tel Aviv University, The Mandel Foundation-Israel, the EU’s Marie Curie International Reintegration Grant, Israel’s Ministry of Immigration Absorption, Princeton Institute for International and Regional Studies and the Luce Foundation.

Finally, it is my family who deserves my endless thanks. They have always been the source of my strength. My parents, Rachel and Michael Postavski, to whom I dedicate this book, supported me like only family can. This book could never have been born without them. My partner for life Natan, never tired of helping me fulfill my dreams, and was with me every step of the way, across the ocean and back. Together with our daughters Adaya and Dana they are the light and joy of my life.

Some of the chapters/sections in this book are re-working of the following articles:


