With independence, African states received newly crafted constitutions. In the first wave of decolonization these constitutions were drafted by the colonial powers and were closely modeled on one another. Despite the inclusion of bills of rights, in the case of the formerly British colonies, and other post-Second World War innovations, these documents mostly failed to prevent the re-emergence of a bureaucratic authoritarianism reminiscent of the colonial order—whether in the guise of state socialism, one-party states, or simple military dictatorships.

In the most recent period of state reconstruction, following the end of the Cold War, new constitutions were once again spreading across Africa; this time, however, there has been a greater emphasis upon democratic forms, including in the South African case, the creation of a democratically elected constitution-making body. While there could be no formal model in this moment of democratic constitution-making, in fact this coincided with the efforts of a major rule of law movement in which legal models have become a source of symbolic currency in the process of state reconstruction.

While I have previously shown how different constitutional models and ideas are deployed by competing internal constituencies to advance their particular goals (Klug, 2000), in this article I want to explore the adoption of particular features of post-Cold War constitutionalism—constitutional courts; devolved forms of state authority;
and independent constitutional bodies—created with the purpose of
fragmenting and taming state power. While based on the available
‘hegemonic’ models, these constitutional arrangements take on new
forms in the postcolonial collage which has emerged from this latest
round of state reconstruction.

**Constitutional Models, Constitution-Making and State Reconstruction**

The defining feature of the wave of political reconstruction and con-
stitution-making that has characterized the end of the Cold War is its
historical timing (Arjomand, 1992). Not only has the alternative of state
socialism and many of its associated forms been at least temporarily
discredited but also there has emerged a hegemonic notion of electoral
democracy and economic freedom that is rooted in the history of 20th
century struggles for democracy and individual freedom. From the
suffragettes to the civil rights and feminist movements, from labour
struggles to the struggle for self-determination and decolonization, and
on to the struggles for democratization in Latin America, against apart-
heid in South Africa and state socialism in Eastern Europe, the sum and
combination of social movements and struggles that have characterized
the 20th century have shaped international political culture.

Apart from this prevailing political culture, it is also possible to define
certain trends that may be particularly salient in the context of each
episode or wave of state reconstruction. Particular institutions, such as
constitutional courts, have for example, reappeared at different times
as significant elements of the constitutional structure adopted in the
reconstruction of states, yet been completely absent as a viable option
at other times. Likewise, each new wave of state reconstruction seems
to produce new variations in the division of power, between centre
and periphery and between different organs of government, as well as
new conceptions of the relationship between different branches of gov-
ernment. The latest wave has seen the mass adoption of bills of rights
and constitutional courts as well as the creation of a range of new
independent institutions designed to both protect democracy on the
one hand and simultaneously circumscribe the powers of legislative
majorities and democratically elected governments on the other.

If this latest period of political reconstruction has been dominated by
an international political culture fashioned out of the political hegemony