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Framing the National Question in Central and Eastern Europe: A Quadratic Nexus?

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This paper stems from research on the 'national question' in Estonia during the past decade – the relationship between the restored Estonian Republic, its large, mainly Russophone 'non-titular' population and a Russian state which has reserved the right to defend the rights of so-called 'compatriots' residing in the non-Russian republics of the former Soviet Union (Smith 1997).¹ At first sight, the Estonian case apparently constitutes a clear example of what Rogers Brubaker has famously termed the 'triadic nexus' – the dynamic interaction of three forms of nationalism which has informed the politics of the post-socialist states. Estonia's citizenship and language policies, for instance, are commonly depicted as 'nationalising' measures intended to restore a unitary nation-state.² These policies have been condemned both by the Russian Federation and by representatives of 'Russian-speaking' political parties and organisations within Estonia, who continue to argue for a bi-national or multi-national variant of statehood (Vetik 1999). In the course of my own research, however, it has become clear that the bases of Brubaker's theory can be questioned on a number of counts. What follows is therefore a critical analysis of the 'triadic nexus'. Above all, I argue, Brubaker neglects the crucial role of international organisations such as the EU, NATO, the OSCE and the Council of Europe in shaping the post-communist identity politics of Central and Eastern Europe. In this regard, I suggest it would be more apt to talk of a quadratic nexus linking nationalising states, national minorities and external national homelands to the institutions of an ascendant and expansive 'Euro-Atlantic space'. I will attempt to illustrate what I understand by the 'quadratic nexus' by making reference to the Estonian case.

Brubaker's Triadic Nexus Theory

Brubaker developed his theory in a series of essays, published from 1993 onwards. These were then combined together to form the book *Nationalism Reframed: Nationhood and the National Question in the New Europe*, published in 1996. The point of departure of the latter work is to deny any suggestion that post-Cold War Europe might be entering a 'post-nationalist' era. On the contrary, Brubaker claims that 'the future displayed by Europe to the world looks distressingly like the past' (Brubaker 1996: 2). The supposed drive towards institutionalised supranationality in Western Europe, symbolised by the year 1992, was 'rudely pre-empted' by the outbreak of a bloody war in Yugoslavia, whilst a number of developments across the continent suggested that Europe was moving *back* to the nation-state rather than *beyond* it (ibid.). The aim of his work, however, is not to 'engage in an unproductive debate about nationalism and the nation-state in general', but rather to 'grapple with the 'actually existing nationalisms' of a particular - and particularly volatile - region' (Brubaker 1996: 3). The region in question is the area once occupied by the Habsburg, Ottoman and Romanov Empires. The defining feature of this region during the 19th and 20th centuries, he argues, has been the progressive nationalisation of political space. The reorganisation of 'loosely integrated, polyethnic, polyreligious and polylinguistic' empires along ostensibly national lines began with the gradual disintegration of the Ottoman Empire during the 19th century, gained huge impetus following World War One, but remained incomplete until the recent break-up of the Soviet Union, Yugoslavia and Czechoslovakia (ibid.). As was the case with the states which emerged from the ruins of the Habsburg, Ottoman and Tsarist empires after World

¹ For a summary, see David J. Smith (1998). I have also referred to aspects of this work as part of a general survey of post-soviet transition in Estonia (Smith 2001b).

² For a summary of Brubaker's theory, see Brubaker (1996: 4-5); for a depiction of Estonia as a 'nationalising' state, see, for example, Graham Smith (1999: 80-83).

War One, however, the new (or recreated) successor states to Yugoslavia and the USSR are only putatively national, in so far as nearly all contain significant ethnic minority populations within their borders. Recent changes have thus failed to solve the national question; rather, they have simply recast in a different form.

This 'reframed' national question is characterised in terms of the interaction between three elements. The first of these is what Brubaker calls the 'nationalising' state'. In his view, the dominant mode of nation building in the countries created or restored following the collapse of Yugoslavia and the USSR inevitably revolves around a 'nationalising' discourse which portrays the state as property of a single 'core' or 'titular' nation, defined in *ethno-cultural terms* and distinct from the state citizenry as a whole. Typically, the nationalising discourse portrays the state as an 'incomplete nation-state'. Despite having attained a state 'of its own', the core nation is defined as being in a weak cultural, economic or demographic position within it. This state of affairs is held to be a legacy of past discrimination against the nation in the period before it attained independence. In the light of this weakness, specific action is needed to promote the language, culture, demographic position, economic welfare and political dominance of the core nation. This discourse forms the basis for 'nationalising' state policies and practices towards minority groups. Nationalising policies might attempt to *assimilate* a minority linguistically and culturally into the core nation. Alternatively, if it is felt that a minority cannot or should not be assimilated, then the policy is more likely to be one of *dissimilation*. By dissimilation, Brubaker understands attempts to displace or exclude minority groups from certain key positions. Here the aim is weaken the minority as an organised group, thereby preventing it from exercising undue influence over the political, cultural or economic life of the new state (Brubaker 1996: 79-106).

This 'nationalising' model is sharply distinguished from what Brubaker terms the civic state. The latter is described as state of and for all of its citizens, irrespective of their ethnicity. Ethnicity has '*no public significance*' (my italics) and individuals are the constituent units of the polity. This understanding, Brubaker asserts, captures well the historical experience of western state nations (Brubaker 1996: 34, 105). Among other potential models of statehood, he lists the binational or multinational state, understood to be a state of and for two or more ethnocultural core nations. Here, ethnicity has major public significance and ethnonational groups are the constituent units of the polity. Finally, there is the 'hybrid model' of minority rights. Here, 'the state is understood as a national, but not a nationalising, state; members of minority groups are guaranteed not only equal rights as citizens (and thus protected, in principle, against differentialist nationalising practices) but also certain specific minority rights, notably in the domain of language and education (and are thus protected, in principle, against assimilationist nationalising practices)' (Brubaker 1996: 105). According to Brubaker, however, neither the civic nor the binational-multinational model has much chance of prevailing in the new states of Eastern Europe and the former Soviet Union. With regard to the former, he notes that 'it is hard to imagine a civic self-understanding coming to prevail given the pervasively institutionalised understandings of nationality as fundamentally ethnocultural rather than political, as sharply distinct from citizenship and as grounding claims to ownership of polities' (ibid.). For the same reason, he asserts, it is hard to imagine a binational or multinational understanding of the state coming to prevail.

National minorities make up the second element of the national question as framed by Brubaker. Nationalising state practices are apt to evoke a backlash on the part of non-titular groups residing within the borders of the state. According to Brubaker, the term 'national minority' denotes 'a dynamic political stance, or, more precisely, a family of related yet mutually competing political stances, not a static ethnoc-demographic condition (see below)' (Brubaker 1996: 60). Minority nationalism defines the identity of



the non-titular ethnocultural group in specifically 'national' rather than merely 'ethnic' terms. On this basis, it asserts certain collective rights. Such demands are likely to find support from 'external national homelands' to which the group is linked by virtue of ethno-cultural identity (but not citizenship). Political spokesmen in these states assert the right – obligation – to protect the interests of their ethno-national kinfolk residing in other states. Such claims are typically made when the ethnonational kin are seen as threatened by the nationalising nationalism of the state in which they live.

In his opening chapter 'Rethinking nationhood', Brubaker disputes the long-standing view of nations as real entities, as substantial, enduring collectivities. The problem with this approach, he argues, is that it adopts categories of practice as categories of analysis. The reality of the group, he notes has been called into question by a number of developments in social theory: the flourishing of network theory and of theories of rational action with their relentless methodological individualism; the shift away from structuralism towards a variety of more 'constructivist' theoretical stances; and 'an emergent postmodernist theoretical sensibility which emphasises the fragmentary, the ephemeral and the erosion of fixed forms and clear boundaries.' (Brubaker 1996: 13) Brubaker's own analysis treats nation 'not as substance but as institutionalised form; not as collectivity but as practical category; not as entity but as contingent event.' (Brubaker 1996: 16) The world as he sees it is not a world of nations. Rather, 'it is a world in which nationhood is pervasively institutionalised in the practice of states and the state system. It is a world in which [the concept of] nation is widely, if unevenly available and resonant as a category of social vision and division.' (Brubaker 1996: 21) Rather than asking the question 'what is a nation?', we should instead ask 'how is nationhood as a political and cultural form institutionalised within and among states? How does nation work as practical category, as classificatory scheme, as cognitive frame? What makes the nation-evoking, nation-inducing efforts of political entrepreneurs more or less likely to succeed? (Brubaker 1996: 17)

Nationalising states, national minorities and external national homelands should therefore be viewed not as fixed entities, but rather as dynamic and relational concepts. Using methodology developed by Pierre Bourdieu, he depicts them as variably configured and continuously contested political fields in which different organisations, parties, movements or individual political entrepreneurs vie to advance their own particular political stance and to gain acceptance as the legitimate representative of the group. These three forms of nationalism are interlocking and interactive. They are bound together in a single interdependent relational nexus. In this regard, Brubaker (1996: 58) notes that:

Projects of nationalisation or national integration in the new nation states ... 'exist' and exercise their effects not in isolation but in a relational field that includes both the national minority and its external national homeland. In this relational field, minority and homeland elites continuously monitor the new nation-state and are especially sensitive to any signs of projects of 'nationalisation' or 'national integration'. When they perceive such signs, they seek to build up and sustain a perception of the state as an oppressively or unjustly nationalising state. And they might act on this perception.

The 'Triadic Nexus' – a Critique

The 'Triadic Nexus' theory has done much to shape research on the national question in post-communist states. Recently, however, a number of authors have criticised Brubaker's ideas on statehood as confusing and potentially misleading. Not least, I would argue, Brubaker's theory reflects a long-standing tendency to treat Central and Eastern Europe as a distinct region with what C. A. Macartney euphemistically termed a 'special

quality' all of its own.³ In this respect, talk of a study of the 'actually existing nationalisms' of CEE is revealing, since it implies that nationalism is a dormant force in the West. As Taras Kuzio has demonstrated, Brubaker's sharp distinction between 'western civic' states and 'eastern nationalising' states is deeply questionable, since, in most cases, it is difficult to differentiate the so-called 'nationalising' practices of CEE states from earlier processes of 'nation-building' which occurred in the putatively 'civic' states of the West (Kuzio 2001). In unitary nation-states such as Britain, France and the USA, national identity has been constructed around an ethno-cultural core. If one accepts this argument, then it follows that 'all civic states are *de facto* nationalising to varying degrees' and the validity of Brubaker's ideas is thereby undermined (*ibid.*). As Kuzio notes, the difference between a civic and an ethnic state rests not so much on the presence of ethno-cultural components - these are something that all states possess. Rather, it hinges upon the degree of democratisation and of inclusivity: the readiness of the state to allow all residents to integrate into the polity and the societal culture, regardless of origin. This is to say that the state does not encourage dissimilating practices, as defined by Brubaker, or even worse, practices such as ethnic cleansing - the systematic killing and/or expulsion of a particular ethnic group. Today, one could equally argue that a civic state does not engage in attempts to assimilate forcibly ethnic minority groups - i.e., that integration into a common societal culture is consistent with the internal diversity and the possibility for minority groups to practice their own culture where they desire to do this. The extent to which multiculturalism should be actively encouraged within civic societies is, however, obviously open to debate (*ibid.*).

Thus, one could argue that although Brubaker refutes the Kohn tendency to differentiate between 'good civic western' and 'bad ethnic Eastern' nationalism, his work is in fact grounded in the long-standing stereotype. Arguing that this image is badly in need of revision, Kuzio (2001: 151) has devised a new taxonomy of civic/ethnic (nationalising) states embracing the whole of Europe and North America. According to this scheme, only Belarus and Yugoslavia can be classed as nationalising ethnic states. Kuzio's analysis is valuable in that it highlights the homogenising logic of the modern state. This logic became apparent in the longer-established 'civic' states of the West during the 19th-early 20th century, when ethnic minorities were progressively assimilated into a new transcendent national identity founded on the notion of a single official language of education and administration. If the homogenisation of statehood was at times deeply conflictual in the West, it was even more problematic in the multinational empires of the East, which, by the late 19th century, already contained 'substantial and self-conscious national minorities' in the sense defined by Brubaker (1996: 35). Whilst the Mazzinian precept of 'to each nation a state of its own' quickly became the dominant conception of national self-determination in this part of the world, the complex ethnic geography of the region meant that, in practice, it would be impossible to realise this vision. Rightly foreseeing the dangers of trying to apply the western model of the 'homogenising' state to the multi-national patchwork of Central and Eastern Europe, more prescient political actors stressed the need to recognise ethnic diversity and to seek to manage it rather than seeking a definitive 'resolution' of the problem. For some, territorial federalism represented the best way of accommodating the national diversity of the region. Other thinkers, most notably the Austrian Marxists Karl Renner and Otto Bauer, argued that the question of minority rights in multiethnic states could not be resolved solely according to the territorial principle. This contention led them to devise a system of non-territorial cultural autonomy, whereby minority groups would have the right to establish national councils, elected by voters who had freely entered their names on a national register. Once elected, these councils would then assume full responsibility for the cultural

³ Burgess (1999: 52), citing Macartney (1934: 290). By 'special quality', Burgess argues, Macartney was attributing to the states of Eastern Europe a 'moral deficiency, which required their supervision by 'superiors'.



and educational affairs of the relevant minority, with funding coming partly from the state and partly from taxes levied on the members of the national register.

The Mazzinian idea, however, ultimately proved more compelling. The dual catalysts of war and manipulation by Germany (in Russia) and the western allies (in the Habsburg Empire) brought about the collapse of the old empires and the emergence of a new belt of successor states. The lack of congruence between political and ethnic boundaries meant that these new states contained ethnic minority populations estimated at anywhere between 30-50 million (a quarter of the total inhabitants of the region). Equally ominous in the minds of many contemporary observers was the erection of 11,000 kilometres of new customs frontiers - in many cases cutting across regions previously functioning as a coherent economic whole - in a continent severely weakened by war. It was a situation which one economist of the day was later to describe as 'European Chaos' (Kurchinskii 1925). By Brubaker's account, inter-war Central and Eastern Europe became the *locus classicus* of 'nationalising statehood' and the triadic nexus, concepts which he illustrates with reference to the practices of the Polish state and the brand of 'homeland nationalism' practised by Germany throughout the 1920s and 1930s.

Kataryna Wolczuk has criticised Brubaker for his excessive emphasis on this inter-war Polish case. Whilst discerning a general difficulty in applying Brubaker's theory to particular case studies, Wolczuk is especially critical of his use of an inter-war example to illustrate a phenomenon which is allegedly germane to contemporary Eastern Europe (Wolczuk 2000: 675).⁴ Brubaker is careful to avoid the danger of inappropriately generalising from different cases. His basic thesis is that all of the new/restored post communist states of the region will be 'nationalising' (as were those between the wars), but will differ in terms of how they are nationalising and how nationalising they are (Brubaker 1996: 106). As he notes in the case of Poland, 'nationalising policies and practices were shaped by the specific (and internally varied) political, geopolitical, economic and cultural contexts that framed the relations between Poles and minorities. To say anything specific about nationalising policies and practices in the new states and about how they might resemble or differ from those of interwar Poland, would require sustained attention to *their* formative contexts - contexts that differ sharply from those that shaped nationalising stances in interwar Poland' (Brubaker 1996: 103). By pointing to the latent conflicts occasioned by nationalism, then, Brubaker merely posits a basic structural similarity between the Yugoslav and Soviet successor states. In so doing, however, he recognises the need to view nationalism as a cultural and therefore contingent phenomenon (Smith 1991: vii).⁵ By the same token, in order to determine the actual nature of intra and inter-group relations in a particular case (including question of how and when the 'triadic nexus' might translate into overt conflict), one obviously needs to focus upon 'process dynamics' (individual behavioural mechanisms; emotional resentment and perceptions of relative deprivation on the part of members of a particular group and the organisational, material and identity resources available to political entrepreneurs within the group; state actions and strategy; role of individual leaders) (Miall et al. 1999: 68f.; Smith and Wilson 1997; Smith et al. 1998, Laitin 1998, Petersen 2001). This focus on contingent, 'processual dynamics' is indeed central to

⁴ Among other things, Wolczuk criticises an apparent assumption that the discourse promoting the titular ethnic group is fully realised in wide-ranging policies of the state in such spheres as the economy, demographics, politics and culture. According to Wolczuk, however, Brubaker's theory does not offer analytical tools to cope where there is no full congruence between discursive practices and policies. Case studies of Ukraine and Estonia show that there is indeed a clear gap between rhetoric and reality. However, as Brubaker (1996: 63) is careful to point out, 'to ask whether such policies, practices and so on are 'really' nationalising makes little sense. What is important is the *perception* that they are such on the part of a particular minority.

⁵ As Peter Alter (1991: 3) has noted, although it is possible to make general conclusions about the social and political conditions underlying the various forms of nationalism, the very polymorphism of the phenomenon 'does not make it easy to build the desirable bridge between the particular and the general'.

Brubaker's view of nationhood as a political field. With regard to national minorities, he notes that 'nationality-based assertions of collective cultural and political rights, although similar in form, vary widely in their specific content. They range, for example, from modest demands for administration or education in the minority language to maximalist claims for far-reaching territorial and political autonomy verging on full independence' (including whether they exist) (Brubaker 1996: 60). Here, he is especially critical of previous accounts which approach nationhood and nationalism from a long-term, developmental perspective, highlighting an absence of 'sustained analytical discussions of nationness as an event, as something that suddenly crystallises rather than gradually develops, as a contingent, conuncturally fluctuating and precarious frame of vision and basis for individual and collective action, rather than as a relatively stable product of deep developmental trends in economy, polity or culture.' (Brubaker 1996: 19) Whilst 'there are of course many studies of particular nationalisms geared to much shorter time spans than the decades or centuries characteristic of the developmentalist literature, ... those conducted by sociologists and political scientists have tended to abstract from events in their search for generalised structural or cultural explanations, while historians, taking for granted the significance of contingent events, have not been inclined to theorise them' (ibid.).⁶

Yet, for all its sophistication, Brubaker's thinking is still informed by the long-standing western stereotype which portrays the 'East' as somehow less modern, more tribal and predisposed to ethnic violence (Chandler 1999: 70).⁷ As I have argued elsewhere, his depiction of all of the new states of inter-war Central and Eastern Europe as *ipso facto* 'nationalising' (read intolerant) overlooks the relatively successful application of the minority rights paradigm in Estonia and Latvia during the 1920s (Smith, D. J., 1999).⁸ Similarly, with regard to the Former Soviet Union, Brubaker extrapolates from the carnage in former Yugoslavia to predict that 'deeply rooted and powerfully conflicting expectations of belonging – interacting, of course, with conflicts of interest engendered by state-building, regime change, and economic restructuring – will make the dynamic interplay between non-Russian successor states, Russian minorities, and the Russian state a locus of refractory, and potentially explosive, ethnonational conflict in coming years' (Brubaker 1996: 54). In reality, this has not proved to be the case, at least so far: violent conflicts involving the Russian diaspora, such as the Transdnestr conflict in Moldova, have proved to be the exception rather than the rule. Similarly, from the perspective of today, the parallel between Weimar Germany and post-Soviet Russia appears something of a tired cliché. Brubaker's writings can therefore be seen as representative of exaggerated western anxieties that the region might descend into 'Yugoslavia writ large' (Burgess 1999: 54).⁹ As a number of authors have noted, such

⁶ This perspective has been attacked by Anthony Smith (1998) (described by Brubaker as a prime representative of the 'developmentalist' school of nationalism), who reminds us of the character of the nation as a felt and lived community, one which has very real and powerful consequences. Similarly, in an implicit counter to Brubaker's emphasis on nationhood as an institutionalised category, Petersen's (2001) recent work stresses the power of culture and history to generate actions in the absence of elite engineering.

⁷ As Lieven (1993: 381) has noted, western journalists have tended to '[swing] between two contradictory stereotypes of east European nations...The first...is of gallant little freedom-loving peoples, fighting against wicked empires for the sake of independence and liberal democracy. The second is horrible little...peasants, trying to involve us in their vicious tribal squabbles'.

⁸ It is notable that the Estonian and Latvian minority rights legislation was entirely indigenous in conception, and not adopted in response to outside pressure from the great powers. It is also notable that these minority provisions went far beyond those stipulated by the League of Nations in its treaties with other new states of Eastern Europe. Both Estonia and Latvia developed in a more 'nationalising' direction after 1934. However, it has been argued that Estonia, at least, never became a 'nation-state in the narrow, bigoted sense of the term then applicable to much of Eastern Europe' (Ruutsoo 1993: 13ff.).

⁹ As Burgess also notes, 'even if Yugoslav disintegration is perceived as an internally driven 'tribal war', it has been the exception rather than the rule'. Hroch (1994) has spoken of a widespread tendency to regard the recent resurgence of nationalism as an overtly voluntaristic phenomenon - 'a disease for which medicine is needed'. According to this view, claims Hroch, nationalism was simply 'banned' under communism: once



fears have rested upon an essentialist portrayal of the region as a locus of permanent and apparently irreducible tribal hatreds. It is a portrayal which downplays any broader international, social or economic understanding of potential or actual conflict in the East (Chandler 1999, Burgess 1999, Miall et al. 1999, Laitin 1998).

The Euro-Atlantic Dimension

In this latter regard, Brubaker's assertion that 'the future displayed by Europe to the world looks distressingly like the past' implies an essential similarity in international context between the post-Cold War era and the inter-war period. Brubaker, however, fails to develop this dimension, since his theory lacks any systematic discussion of the role assumed by international organisations in the region during the two periods in question. This, I would argue is the major deficiency of his theory. This is not to say that Brubaker ignores the role of international organisations completely. For instance, he claims that 'external incentives – offered for example, by international organisations or by economically, politically, or militarily powerful states – may favor transethnic state- and nation-building strategies, oriented to the citizenry as a whole rather than to one ethnationally qualified segment of that citizenry' (Brubaker 1996: 47).¹⁰ He also notes that, in the wake of the Cold War, minority rights has become an international, rather than purely domestic concern; international organisations such as the Council of Europe, the European Union and the OSCE have, therefore, pressed new states to adopt and implement minority rights legislation. For this reason, he claims, the minority rights model may stand a greater chance of becoming rooted than the civic model.¹¹ However, he devotes little attention to the point, beyond underlining the fact that attempts by the League of Nations to implement a similar framework between the wars ended in complete failure (Brubaker 1996: 106). In my view, the role of international organisations should be central to any discussion of post-communist identity politics in Central and Eastern Europe. My own research has underlined the fact that it is impossible to understand the dynamics of the national question in contemporary Estonia without reference to this dimension (Smith, D. J., 1999: 456, Smith 2001a: 5f., Wolczuk 2000: 676). In this regard, I suggest it would be more apt to talk of a quadratic nexus tracing the dynamic interaction between Brubaker's three political fields of nationalism and a field comprising discourses on 'Europeanisation'/'Westernisation'.

As Judy Batt and Kataryna Wolczuk suggest, post-communist debates on state and nation-building in Central and Eastern Europe have been permeated by the two themes of 'national self assertion' on the one hand and 'Europeanisation' on the other (Batt, et al. forthcoming). These, they suggest, are analogous to the two themes of 'essentialism' and 'epochalism' which Clifford Geertz (1977: 240f.) has used to frame the politics of national identity in post-colonial states. In this regard, talk of a 'Return to Europe' has arguably been only one element (albeit the most essential) of a broader discourse of westernisation connoting claims to membership of what could be termed the 'Euro-Atlantic Space'. In the late 1980s/early 1990s, the two discourses were essentially complementary, in as much as the peoples of Central and Eastern Europe (including the Baltic States) tended to regard their membership of western civilisation and the 'family of democratic European nations' as axiomatic (Smith 2001b: xi-xiii.). Having gained membership of the Conference (later Organisation) on Security and Cooperation in

outside coercion was removed, the resurgence of ethnic conflicts simply occurred as a matter of course. According to Hroch, the violent conflict between Serbs, Croats and Muslims in the former Yugoslavia was based upon a unique configuration of factors which could not be taken to apply to Eastern Europe as a whole.

¹⁰ Brubaker also notes that while the appeal of nationalising programmes and policies have been strong in the Baltic States, western states and western organisations have the greatest leverage over the westernmost successor states

¹¹ Brubaker notes that the civic model has considerable international legitimacy; as a result, civic principles have been incorporated into some constitutional texts and evoked in some public declarations (especially those directed towards international audiences). But these civic principles remain external.

Europe (henceforth OSCE), the states of the region launched bids for membership of the Council of Europe, the European Union and NATO. In this latter regard, however, securing a 'return to Europe' has proved to be a far less straightforward endeavour than was originally anticipated. Whilst the Cold War political partition may have been laid to rest, the imagined East-West division of Europe is of much older historical provenance, and was not about to disappear overnight. As noted above, from a western point of view, the former Soviet bloc was simply re-conceptualized as a post-socialist eastern 'other' and a locus of potential instability and conflict. These concerns meant the discourse of minority rights (discredited by the experience of World War Two) reappeared on the agenda after a long absence.

The current European conception of minority rights has developed out of initial discussions conducted under the auspices of the Conference on the Human Dimension of the CSCE. In response to the collapse of communist power, the CSCE sought to establish very far-reaching provisions on minority rights which would avoid the double standards and shortcomings inherent in the League of Nations policy after World War One (Chandler 1999: 64). This approach went beyond previous measures against discrimination and for equal treatment to argue for positive rights. Moreover, it mounted a challenge to state sovereignty by providing for the dispatch of missions of experts to designated states at the behest of other OSCE members. Under certain circumstances, it would be possible to establish such missions without the consent of the state concerned. A similar challenge to state sovereignty was implicit in the creation of an OSCE High Commissioner on National Minorities (HCNM) in July 1992, who can become involved in the affairs of a particular state at his own discretion and without the permission of the government concerned (ibid.). In practice, however, attempts to promote a universal and far-reaching policy were undermined by generalised fears that the promotion of minority rights might have a destabilising effect on member states. Above all, they were undermined by the reluctance of western member states to consent to any dilution of their own sovereignty (Chandler 1999: 61ff.). In the course of 1990-92, states such as France, Germany, Britain, Greece, Turkey and Spain took steps to ensure that the concept of 'national minority' could not be deemed applicable to any segments of their own populations. This has involved the drawing of a clear distinction between historically rooted 'indigenous' minority groups and immigrant communities – so-called 'new minorities' or 'ethnic minorities' – of Turks, Kurds, North Africans and Asians. States such as France and Greece (also the United States) have gone a step further, by arguing that there are no national minorities within their borders (despite the existence of groups that could legitimately carry this label). Britain and Turkey, supported by Spain, subsequently insisted that the HCNM could not intervene where terrorism was involved, thus taking the Irish, Kurdish and Basque questions off the international agenda (ibid.). The inability of the OSCE states to come up with any agreed definition of a national minority was mirrored in the 1995 Council of Europe Framework Convention on Minority Rights, which leaves it up to individual states to define the term 'national minority'. As Chandler notes, the concept of minority rights was thereby transformed into a security, rather a humanitarian or cultural issue. Although OSCE norms have retained the principle that national minority issues are an international – rather than a purely domestic – concern, the 1992 Helsinki discussions 'made the OSCE claims to universal commitment ring hollow'. In practice, it became clear that the regulative power of the OSCE would be directed towards Eastern Europe, where the perceived need to regulate conflict was given impetus by the conflict in former Yugoslavia (ibid.).

This 'institutionalisation of inequality' between 'stable, democratic' West and 'unstable, post-socialist' East has been reinforced by the EU stipulation to CEE applications that entry will be contingent upon their demonstrating 'respect and protection of minorities', something which was not required of earlier applicants to the Union. To quote Adam



Burgess, the conditions set in the sphere of minority rights rest on an assumption that the East is 'culturally predisposed towards intolerance of all varieties – most seriously towards other ethnic and racial groups. The west in this context, meanwhile, figures as a suitable tamer of such dangerous passions through its claims to have left intolerance behind on the domestic front, and to be no longer motivated internationally by the selfish power politics of old' (Burgess 1999: 54). Burgess goes on to add that neither of these assumptions – intolerant East and disinterested West - is borne out by reality. Just as western governments have been careful to defend their sovereign prerogatives in the face of demands for a universal minority rights policy, so EU enlargement is an entirely political question 'bound up with western geopolitical concerns' and economic and social anxieties (ibid.). The elusive and ill-defined nature of the conditions set in the sphere of democratisation and minority rights has led to fears that existing member states might shift the goal posts for political reasons. As Batt and Wolczuk note, such practices have strengthened the image of 'Europe' as a 'moving target' for the applicant countries. Like the various forms of nationalism cited by Brubaker, 'Europeanisation' can thus be regarded as a variably configured and continuously contested political field in which different states, organisations, parties, movements or individual political entrepreneurs vie to impose their own particular political agenda.

A Quadratic Nexus? Some Reflections on the Estonian Case

As Wolczuk argues in her critique of Brubaker's theory, 'the European dimension cannot be left out of the analysis of reforging identities, since the post communist states aspire to shed their eastern image by integrating into European institutional structures, most importantly the EU' (Wolczuk 2000: 676). The membership conditions set by the European Union and other institutions have indeed amounted to a significant external constraint on processes of state-building in each of the applicant countries. In the same context, Wolczuk (2000: 675) asserts that current processes within the continent of Europe serve to 'strengthen supra-national forms of identification in addition to the prevailing national identities'. Yet can one automatically take this as read? More critical authors have suggested that, rather than being a force for supranationalism, the minority rights policy of international organisations has merely served to further politicise the national question by undermining the legitimacy of central state institutions in this sphere. Burgess (1999: 51ff.), for instance, is quite explicit on this point as far as the inter-war policy of the League of Nations is concerned. Brubaker, however, is vague and apparently contradictory in this regard. In his limited discussion of the role of international organisations, for example, he clearly implies that this will act as a force facilitating transethnic state- and nation-building and the legitimacy of the minority rights model. At the same time, however, he notes that Russia has 'profited from greater transborder concern with human rights' in order to advance its pretensions as an 'external national homeland' for Russian-speaking minorities within the FSU. He also emphasises Germany's use of the League in this regard between the wars (Brubaker 1996: 138f.).

How has the role of international organisations impacted upon the situation in contemporary Estonia? If one looks at the Estonian case, then international organisations have clearly become an integral part of the relational field linking the Estonian state, the Russian-speaking population and the Russian Federation. The lack of any consensus over what constitutes a national minority and – by extension – the vague and contested nature of minority rights has meant that each of the parties within the triadic nexus has been able to invoke its own conception of European norms and minority rights in order to support its own agenda. Of course, debates surrounding the definition of national minority and minority rights have also a feature of *intra*-group dynamics as well, as an analysis of key state-building debates clearly demonstrates (Smith 2001a). An examination of the Estonian case also provides ample evidence of what David Chandler has called 'forum shopping' (Chandler 1999). This is to say that the interventionist role

of has offered minority and homeland nationalists the possibility of appealing to international organisations in order to bring indirect pressure to bear on the state government. Appeals to the international community have indeed been integral to the strategy of the main self-proclaimed 'Russian-speaking' organisations over the past decade. Critics have argued that minorities are treated unequally in that the HCNM can pay attention to their needs only if there is potential for violent conflict. At the very least, I would say, the policy offers a clear lesson to minority representatives: if you want greater attention from the international community, then it pays to talk up the risk of violent conflict. This is borne out by the Narva Crisis of 1993, when local leaders played on western anxieties by talking of a possible Transdniestr North in the making (ibid.).

As Brubaker implies, in the Yeltsin period Russia clearly used appeals to international organisations in order to advance its own geopolitical 'order-building' project in the region.¹² From 1992-94, Russia used claims of significant minority and human rights abuses in an attempt to halt the withdrawal of former Soviet army units from Estonia and Latvia. Although Russia failed to achieve this objective, attacks on Estonia's nationality policy continued to be deployed as part of a statist strategy designed to halt the enlargement of the NATO alliance to the Baltic States and thereby reinforce Russian pretensions to a leading role within the 'Near Abroad' of the Former Soviet Union. In order to achieve maximum effect, Russian verbal attacks on Estonia were couched in the strongest possible terms, using highly emotive rhetoric such as 'ethnic cleansing' and 'social apartheid'. The fact that Russia simultaneously refused to accept the use of the term 'ethnic cleansing' with regard to Bosnia clearly indicates that these interventions were inspired by geopolitical objectives rather than any real concern for Russian 'compatriots' residing in Estonia and Latvia.

What have been the implications of these minority and homeland nationalist interventions for the policies and practices of the Estonian state? In the early 1990s, at least, the dominant paradigm within debates in state and nation-building was founded upon the discourse of restoring a unitary nation-state (Smith 2001a, 2001b). Central to this vision was the implementation of restrictive citizenship legislation designed to exclude Soviet-era settlers and their descendants (commonly designated as 'colonists', 'civil occupants' and a potential fifth column) from immediate political influence. For proponents of the nation-state model, the nature of the new Euro-Atlantic discourse on minority rights was both a blessing and a curse. On the one hand, it evoked the fear that Russia might be able to play the minority rights card in order to block Estonian moves towards NATO and the EU. On the other hand, the vagueness of European norms and the lack of consensus over what constitutes a 'national minority' afforded considerable room for manoeuvre. In 1994, one local commentator depicted the Estonian government of the day as 'dancing on a rope' as it struggled to reconcile its own domestic 'nationalising' agenda with the requirements of Europeanisation. On balance, however, I would suggest that the two have sat together relatively comfortably. In this regard, Estonian 'nationalisers' (to use Brubaker's terminology) have drawn succour from western support for the doctrine of legal continuity, which held that *de jure*, the Baltic States remained independent counties under illegal Soviet occupation during 1940-1991. The legal continuity principle was important in the sense that Estonia and its Baltic neighbours

¹² I have borrowed this phrase from Aalto (2002), who, in discussing the respective roles of the EU and Russia in Northern Europe, claims that both entities are engaged in their own distinct geopolitical 'order-building' projects. Although Russia is not likely to become a member of NATO or the EU, its leaders have been pragmatic enough to realize that, in a globalizing economy, Russia must work with the West in order to achieve economic renewal. At the same time, they are obliged for purposes of domestic political consumption to subscribe to the neo-nationalist discourse of Eurasianism and great power status. This position forms the basis for what Graham Smith (1999: 63), terms 'Democratic Statism', one element of which has been the use of international organisations to exert pressure on Estonia and Latvia.



were not classified as new states required to provide minority guarantees in return for recognition. Legal continuity has also meant that western governments have been unable to dispute the juridical bases of Estonian citizenship policy: namely that Soviet-era settlers and their descendants living in Estonia were representatives of an illegally occupying power and could therefore expect no automatic rights to citizenship of the restored republic. In order to buttress this argument in the face of international criticism, Estonian governments skilfully employed the very arguments that western states had used in order to avoid recognising any minority rights obligations to their Asian, Arab and Turkish populations. In this respect, Soviet era settlers and their descendants were classed not as representatives of a rooted minority, but as *gastarbeiter* – foreign citizens legally resident in Estonia who had access to social and economic rights but not to citizenship. Since they were citizens of Russia, it was argued, the Estonian state bore no legal responsibility for them.¹³

For Burgess, the fact that western governments and the EU have accepted this argument is indicative of an anti-Russian bias (Burgess 1999: 58). Such a claim, however, downplays the reluctance of the 'West' to alienate Russia as well as the depth of anxiety regarding possible conflicts in the Baltic States. OSCE Commissioner on National Minorities Max Van der Stoep was quick to insist that, *de facto*, Estonia was legally responsible for its non-citizens, and that it should take steps to naturalise them as quickly as possible. This position basically corresponds to the one taken by representatives of western European governments. However unwelcome this may have been to more radical Estonian nationalists, the western discourse concerning soviet era immigrants has remained one of integration rather than minority rights as such. In response, Estonian state representatives have been able to claim that the 'ethnic democracy' created in 1992 was only a temporary phenomenon. The citizenship law passed in that year marked the start of a developmental process whereby all non-citizens would eventually gain political rights and become full members of an integrated, multi-ethnic society (Smith 2001a, Kuzio 2001).¹⁴ Estonian commentators have also claimed – with some justification – that provisions for naturalisation are generous compared to those which exist in many current EU member states, as are the rights enjoyed by Estonia's non-citizens. The failure to achieve any substantial amendments to citizenship policy has meant that many representatives of the 'Russian-speaking' minority have become disillusioned with the work of international organisations such as the OSCE. As far as Russia is concerned, it appears that, on balance, the very extreme rhetoric employed during the early to mid 1990s was counter-productive. Here, the Estonian state was able to employ the machinery of international organisations against Russia by consenting to the presence of an OSCE mission and other forms of international scrutiny. When confronted with the 'logic of evidence', it quickly became clear that Russia's extreme claims had no basis in reality. That Russian pressure has had some effect, however, was apparent when the EU inserted a clause on minority rights into its 1992 Trade and Co-operation Agreement with the Baltic States. It was also apparent over the issue of Soviet military pensioners and their status in independent Estonia.

¹³ Settlers were sharply differentiated from representatives of the 'rooted' Russian minority, resident on the shores of Lake Peipsi. This is consistent with the 1995 CE Framework Convention, which leaves it up to individual states to determine the exact definition of minority. In this regard, many contributors to the debate argued that even those settlers who obtained citizenship by naturalisation could not be classed as representatives of a national minority. Such a stance would be wholly consistent with the policies adopted by western states. For a full discussion of these debates, see Smith (2001a).

¹⁴ In this regard, it is notable that Kuzio describes Estonia and Latvia as 'ethnic democracies' – 'consolidated democracies that are in the process of granting civil rights to their inhabitants but are unlikely to grant polyethnic rights'. This definition of 'ethnic democracy' is somewhat different to the one originally put forward by Graham Smith (1999).

More recently, Estonia has been called upon to amend aspects of its citizenship and language policy as one of the conditions for European Union membership. Although such demands have contributed to a growth in Euro-scepticism amongst the titular population, this has yet to translate into any significant backlash against 'Europeanisation' in Estonia. By the same token, one can say that, despite a certain amount of resentment at western double standards with regard to minority rights policy, criticism of international organisations has been fairly muted in all of the current applicant states, at least when compared to inter-war period.¹⁵ That this is the case says much about the difference in context between the inter-war period and today. For many commentators, CEE governments have no choice but to comply with external demands by the EU, since membership will provide the key to urgently needed resources. Perhaps more significant from the point of view of the peoples of the region, however, is the fact that the EU has a proven track record, having provided the basis for fifty years of unparalleled peace and stability in western Europe. At the same time, however, integration with the West has represented a means of avoiding a recurrence of the 'worst case scenarios' of History such as the inter-war period, when the successor states of CEE found themselves consigned to a 'Europe between' a revisionist Germany and Soviet Russia, and, in the face of impotence and indifference from the western allies, ultimately fell prey to the ambitions of two totalitarian regimes (Smith 2001a: 147ff.). Today, the prospects for the construction of a 'New Europe' appear far more favourable, with the post-war integration of Germany into the EU and NATO and the continued US engagement in Europe. Similarly, recent developments suggest that the danger of a new East-West dividing line between NATO and Russia may have been averted, without prejudice to the legitimate demands of the Baltic States and other CEE countries for NATO membership.

In attempting to expand Brubaker's framework into a 'Quadratic Nexus', I have not sought to question his basic thesis, namely that nationalism constitutes a set of idioms and practices that is and will remain constantly *available* in modern political life. Having said this, though, nor can one assume that nationalism will remain the determinant feature of any part of Europe. In this respect, I would question what I regard as Brubaker's essentialising and deeply pessimistic view of Central and Eastern Europe, and his tendency to treat the region in isolation from the broader developments shaping contemporary Europe. These developments are not leading inexorably in a supranationalist direction. As I've argued elsewhere, *realpolitik* remains an established part of the western European landscape. Similarly, the traditional civic West – ethnic East dichotomy appears all the more overdrawn today, when a number of developments are undermining the assumption (always questionable) of politically integrated, inclusive and tolerant 'civic' societies in the West. Nevertheless, today's context does appear far more favourable than it did between the wars, giving grounds to question the assertion that the future displayed by Europe appears distressingly like the past.

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¹⁵ On the question of western double standards, Chandler (1999: 71) cites Vaclav Havel's suggestion that the Visegrad countries should preside over a commission dealing with the cases of Northern Ireland and the Basque country. Similarly, in response to suggestions last autumn by the British Home Secretary that new immigrants to the UK should be required to take English classes, one Latvian émigré living in the UK suggested that Estonia and Latvia might be well placed to advise the British government in this regard.



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The Latvian Language Legislation and the Involvement of the OSCE-HCNM: The Developments 2000-2002

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The emphasis of this article is based on the adoption of the regulations implemented in the Latvian Language Law in August this year. A second focus of the paper is on the involvement of the Organisation for Security and Cooperation in Europe's High Commissioner on National Minorities (OSCE-HCNM) in these developments within the context of European legislation. By doing this it is possible to establish an understanding of the language situation in Latvia and how it fits in with the developments of minority rights in the area of language in Europe after 1991.

Latvia-A Linguistic Background

The language situation in Latvia is characterised by great diversity. Among Russians, the largest minority by far, some 29-30% of the population and other groups such as Belorussians, the usage of the Russian language is obvious as both citizens and non-citizens in the group alike tend to use it. There are Russian papers (printed both in Latvia and the Russian Federation) and Russian Federation TV (through cable and satellite). There are also minority programmes on the radio, through stately *Doma Laukums* or *SWH+*, a commercial station.¹

In 1998 the Ministry of Education initiated a series of new minority education programmes. This means that schools have to choose one of the four minority education programmes which regulates the teaching in the minority language and in Latvian. The number of students learning Latvian has therefore increased, as has the number of Latvian schools, whereas Russian schools have decreased. Concern here has been expressed over the 1998 decision to have all high-school (years 9-12) classes taught mainly in the Latvian language by 2004 (Transitional Regulations of the Law of education, adopted October 1998).²

Other ways by which the Latvian language has been promoted are through *The National Programme for Latvian Language Training* (NPLLT), initiated in 1995, and funded partly by the Ministry of Education and the United Nations Development Programme as well as the EU and individual countries. It has been estimated that since 1995 some 24,000 persons have attended courses arranged by the programme. The NPLLT estimates that some 700,000 of Latvia's residents have only a limited knowledge of Latvian. A crucial aspect linked to the aspects of language has also been the fact that candidates standing in both parliamentary and local elections had to pass the third level of fluency in the Latvian language. There have been cases where candidates fulfilled these requirements but still were barred from standing – a breach against the International Covenant on Civil and Political Rights (ICCPR) and in particular Articles 2 and 25. There have also been instances of uncertainty regarding this legislation.³

Language Legislation and Legislative developments 1989-2002

In 1989 the Latvian Supreme Council adopted the new '*Law on Languages of the Republic of Latvia*'. The Law stated that all state institutions were to use the state-language in their communication with the public as well as in their daily working routine. Employment within the public sector also meant that individuals were to have a certain command of Latvian along with Russian, using the latter, particularly if the work involved contact with the

¹ *Doma Laukums* also broadcasts weekly programmes in other minority languages, such as Georgian and Polish. This is organised in conjunction with the Latvian Association of the National Cultural Societies of Latvia. The amount of airtime (25% ceiling) is regulated by the National Council on Radio and Television Broadcasting and regulated by the Law on Radio and Television from 1995.

² There have been numerous demonstrations over the Law and is considered by minority organisations as particularly problematic and concern has been expressed by representatives from a variety of organisations regarding aspects such as the low number of bilingual teachers and language support.

³ See elections in Daugavpils and Riga, March and April 2001.

public. Russian was recognised as the *lingua franca* of the USSR and thereby the language of the security forces, border guards and police. Individuals were still allowed to use Russian in their contact with the authorities and state documents continued to be issued both in Russian and in Latvian. In 1992 the Latvian Supreme Council passed amendments to the Law of 1989. In relation to minority groups, it stated that they were entitled to use their languages. This meant, for example, religious services could be held in a minority language. The law stated (prefix):

The status of the Official State language, which is established for the Latvian language, does not affect the constitutional rights of the residents of other nationalities to use their native language or other languages.

According to the amendments, documents issued to individuals had to be in the Latvian language, whereas submitted documents could be in Latvian, Russian, English or German. This also meant that a request written in Russian could be replied to in the same language. Also among the changes was the establishment of the State Language Centre as the sole authority in charge of monitoring the Law. It was also responsible for the testing of language proficiency so as to ensure that individuals, according to Article 7 of the law, possessed a certain knowledge of Latvian.

In 1998 Article 4 of the Constitution was amended as the Saeima voted in favour of making the Latvian language the official language in the Republic of Latvia.

Throughout 1999 the debates regarding the Language legislation continued and on 6 July the *Saeima* adopted a new language, which was vetoed one week later by the newly elected President Vaira Vike-Freiberga. After continued debate, the new and revised Law was finally adopted on 9 December 1999. It states that one of the purposes was to ensure that national minorities were integrated into society while at the same time 'their right to use their mother tongue or any other language' (Art 1: 4) was protected. It further states that all languages apart from Latvian, and the *Liv* language, were to be regarded 'as a foreign language' (Art 5). The law further considers the *Latgalian* written language '...as a historically established variety of the Latvian language' (Art 3). The Law states that Latvian was to be used in situations 'related to legitimate public interest', such as in safety, consumer rights and health-care (Art 2: 2). In the Law (Art 2: 3) it is further stated that it:

...shall not regulate the use of language in the unofficial communication of the residents of Latvia, internal communication of national and ethnic groups...

Particular references were made to public worships and religious activities (Art 2) and that those public events could be held in languages other than Latvian. Regarding documentation, all documents submitted to the state or municipal organisation had to be accompanied by a certified Latvian translation, unless they were from foreign countries or in emergency cases. For business exchanges foreign languages were allowed but Latvian translation had to be provided if requested by a participant at a meeting (Art 7).

Linked to the aspects of language were the Latvian Election Laws (The Saeima Election Law and The Law on Municipal, Regional and Local Government Elections) which stated that in order to become eligible for election, candidates had to prove their fluency in the Latvian language. The particular case referred to had occurred in the local elections of 1997.⁴ The ruling by the UN Human Rights Committee on 25 July 2001 (see Communication No. 884/1999: Latvia 31/07/2001) stated that:

⁴ Mrs Ignatane was a candidate for 'The Movement of Social Justice and Equal Rights in Latvia' in the local elections in 1997 and was, in the election, prohibited from standing by the Latvian Election Commission based on an opinion by the State Language Board that she did not have the highest proficiency required even though she possessed a valid state language proficiency certificate from 1993.



The annulment of the author's candidacy pursuant to a review that was not based on objective criteria and which the State party has not demonstrated to be procedurally correct is not compatible with the State party's obligations under Article 25 of the Covenant.

The Committee further stated that Mrs Ignatane 'has suffered specific injury in being prevented from standing in the local elections in the city of Riga 1997.' In April 2002, the European Court of Human Rights also declared that preventing a candidacy from standing in the Parliamentary elections in 1998 because of 'insufficient state language proficiency', was a violation of Article 3 of protocol No.1 (right to free elections) of the European Convention on Human Rights.⁵ In May 2002 the Saeima, in response to the ruling, amended the Election Laws so that Latvian language proficiency is no longer a prerequisite for standing in parliamentary or municipal elections (see Press Release Latvian Ministry of Foreign Affairs, 2002-05-09).⁶ At the same time the Saeima in April 2002 voted in favour of amendments to the Language Law, which among other things made Latvian the working language of the Saeima. In January 2002 the Latvian President also established the 'Commission of the Official Language' to oversee the development of the Latvian language legislation over a period of three years.

The Events of the Summer 2000

Even though the Language Law was adopted in December 1999, throughout the summer of 2000 various drafts on the nine language regulations required under the law were issued and discussed until the government adopted the various regulations on August 22nd 2000. There were also controversies, such as when the *Saeima* fraction 'For Human Rights in a United Latvia' with 16 seats in the parliament, called for non-violent resistance to the new Law on August 22, such as a boycott of enterprises that did not serve customers in Russian and did not comply with the Law (Latvian Radio 4 September 2000, in BBC SWB SU/3939 E/2 7 September 2000). These protests were characterised by the Latvian cabinet of Ministers as 'irresponsible'. The Minister for Foreign Minister, Berzins argued that the law did not 'discriminate against others in any way'. In the Latvian press, various individuals also expressed non-satisfaction with the protests against the Law and with the involvement of the OSCE-HCNM (Latvian Radio, 18 July 2000, in BBC SWB SU/3898 E/2 21 July 2000, LETA News agency 4 September 2000, in BBC SWB SU/3939 E/2 7 September 2000, Latvian Radio 8 September 2000, in BBC SWB SU/3943 E/2 12 September 2000, Baltic Times No. 37 September 14-20 2000). The demonstrations continued, on 26 September an information centre in 'The Latvian Human Rights Committee' (an NGO) premises was set up and with open support from within the Russian community and from organisations such as the Union of Ukrainians. At the same time there were voices within the 'Equal Rights Movements' who argued that this was the 'wrong way' and accepted the fact that Latvian was the only state language (ITAR-TASS, Moscow 22 September 2000, in BBC SWB SU/3955 E/3 26 September 2000, Latvian Radio 11 September 2000, in BBC SWB SU/3945 E/2 14 September 2000).

The main points of concern focused on the new proficiency levels and the language inspections. They criticised the fact that Latvian authorities, by adoption of the amendments, underlined the exclusive use of the Latvian language and neglected other languages. References were made to the fact that the *Livonian* language was recognised as

⁵ Mrs Podkolzina stood as a candidate in the Parliamentary elections 1998 for the 'For Human Rights in United Latvia'. As was the case with Mrs Ignatane, Mrs Podkolzina also possessed a valid certificate.

⁶ The Latvian Cabinet of Ministers had previously, in November 2001 adopted the final amendments to the State Language Proficiency 'Regulations on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests' and 'Regulations on State Language Centre'. The regulations allow the inspectors from the Language Centre to repeatedly examine the proficiency certificate but not to conduct tests. The crucial aspect, however, was that the amendments now enabled candidates to stand in elections, regardless of proficiency in the Latvian language - the implementation mechanism of the Language, which started in 1999 was thereby completed.

a minority language and a 'historic language' whereas Russian and other languages were not. Protesters further criticised the 'Latvianization' of individual names, something perceived as an 'interference in the private sphere'. One of the aims of the protests was to collect evidence of the problems and negative consequences inflicted by the new regulations. The organisers also strove to make the public aware of their 'language rights' and people were encouraged to use historical names of streets and places as well as to send their children to schools in which the language of instruction was Russian. Protesters also demanded that Latvia ratify the Framework Convention for the protection of National Minorities (FCNM) which it had previously signed in May 1995.

The European Dimension in the Case of Latvia: The Comments of the OSCE-HCNM and References to post-Cold War European Norms and Practice

The institution of the OSCE-HCNM was established under the auspices of the then CSCE at the Helsinki Summit 1992 and although the OSCE-HCNM consists of an office with ten professional-level employees, much of the attention in public has been on the person appointed as HCNM. In this case it has been on Max van der Stoel, the former foreign minister of the Netherlands, who held the post between 1992 and 2001.⁷ The mandate of the OSCE-HCNM (CSCE 1992 Summit, Helsinki Document, Section 2) is shaped by notions of 'early warning', 'conflict prevention' and 'impartiality' only gives the OSCE-HCNM the power to inform the OSCE and its member states on activities and events, which then can call for action and involvement by the High Commissioner does not require the approval of the Senior or Permanent Council of the OSCE.⁸ The mandate further enables the HCNM to visit local leaders 'on the spot', but the OSCE-HCNM is not allowed to get involved in conflicts affected by violence and terrorism or in individual cases. Much of the work of the OSCE-HCNM is characterised by a high degree of confidentiality and a long-term perspective through recommendations to the State concerned. The recommendations are seen as 'established practice' and 'principal element of the HCNM's method' (see Packer, in Trifunovska 2001).⁹

Given the OSCE-HCNM's area of concern, it is interesting that the mandate does not include a definition of a national minority. A definition often referred to is the one from the OSCE's Copenhagen Document of 1990, where it was stated that belonging to a national minority was a 'a matter of a person's individual choice'. The term 'national minority' is used in the context of the OSCE as a group which is perceived as being 'under risk', particularly in the context of a potential conflict. The involvement of the HCNM in countries where the minority is linked to larger groups across the border gives further indications. The OSCE-HCNM has issued further reports on the situation on linguistic rights in OSCE member states and a report on the situation for both Roma and Sinti groups in Europe. In 1999 the OSCE-HCNM initiated a study on linguistic rights in its member states. The OSCE together with the now defunct Foundation on Inter-Ethnic Relations issued the *Oslo Recommendations Regarding the Linguistic Rights of National Minorities* in 1998.¹⁰

The involvement of the HCNM in the Latvian context has been characterised by recommendations, comments and visits and with an emphasis on citizenship, education as well as language. Regarding recommendations and comments, the focus has been on the need to educate non-Latvian speakers through language training to clarify points in legislation and the need to standardise the language test for citizenship. As well as the need for further support for the NPLLT has also been emphasised. In an article in the Baltic

⁷ Max van der Stoel was succeeded by the Swedish diplomat Rolf Ekeus in 2001.

⁸ Interestingly enough, 1992 also saw the adoption of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992

⁹ For further reading on the work of the OSCE-HCNM, see Kemp (2001). For more detailed studies on the work of the OSCE-HCNM in Latvia, see Zagman (1999), Ratner (2000).

¹⁰ Expert's Recommendations were elaborated on at the request of the HCNM with regard to minority education rights (The Hague Recommendations of 1996) and the Effective Participation of Minorities in Public Life (The Lund Recommendations of 1999).



Times, the OSCE-HCNM underlined the need for 'maximum opportunities to learn Latvian' and that he was not in favour of official bi-lingualism (Baltic Times no. 150 18/3 1999). Apart from the recommendations and comments, the HCNM has conducted visits and study-trips to Latvia since 1992. These trips have involved meetings with representatives such as the President, the Prime Minister, the Foreign Minister, the Minister of Culture, the Minister for Education, and the Heads of the Language Centre and the Naturalisation Board. The development of the 1999 State Language Law was studied by the HCNM and, for example, in May 1999, a group of experts met in Latvia for discussions with the Saeima committee on Science and Education. With reference to the developments in 2000 members of the HCNM office, together with a representative from the Council of Europe's minority section, visited Riga to meet Latvian representatives for further discussions on the Law. Representatives from the office of the OSCE-HCNM also arrived in Latvia for talks with Minister of Justice Ingrida Labucka and Foreign Minister Indulis Berzins. These visits continued in the autumn of 2001 and with particular emphasis on the Election law.¹¹ The visits of the HCNM continued throughout 2002, and as in 2001, the emphasis was set on the Election Law, and with the HCNM underlining that 'the priority task of...is to foster the passing of amendments to the Election Law...' (Integration of Society in Latvia: From Plans to Implementation). In a statement (April 2002), the HCNM stated, with reference to the judgement by the European Court of Human rights,

This is a necessary condition in a functioning democratic society and will bring Latvian legislation in line with international standards and the practice of democratic states.

The Developments in 2000

Throughout the year the OSCE-HCNM regularly commented on the many drafts for the new Language Law which had been adopted in December 1999. In letters, particularly to the Chairman of the *Saeima* Committee on Education, Culture and Science, Mr Dzintars Abikis, the HCNM argued that there was a difference between '...the private use of place names in a language other than the State language and official indications in State domains and activities'. The new Law was seen by the OSCE-HCNM as 'essentially in conformity with Latvia's international obligations and commitments' (statement 9 December 1999). Regarding public information, the comments focused on the problems of defining 'legitimate public interest' and the HCNM referred to the problems of establishing such a supervisory task. Another point of concern was the use of Latvian in relation to place-names and personal names. Regarding the former, the HCNM saw no need 'for private entities to create their names in a particular language' but that in certain cases the State could require translation. Regarding personal names the HCNM stated that that there was no need for '*Latvianisation*' of individual's names.

Regarding the regulations, which were to be implemented under the law, the OSCE-HCNM sent a letter to the Latvian Justice Ministry in August 2000, which summarised most of the concerns with the new legislation. In the letter the OSCE-HCNM (Letter from the HCNM to Ms Labucka, Latvian Minister of Justice, 4 August 2000) wrote:

To be more precise, it is the opinion of the experts [SENT BY THE HCNM], which I share, that substantial problems remain in the draft regulations concerning the following provisions of the Law: Article 6 (5) [re. language proficiency in employment]; Article 11 (2) and (3) [re. Interpretation/translation at events];

¹¹ The presence of the OSCE in the Latvian context also changed as the Mission in December 2001 came to a close (see OSCE Newsletter January 2002, No. 1, Vol. IX) as the head of Mission recommended to the Permanent Council regarding the mandate is being fulfilled. The Latvian government, in its newsletter, 'Integration of Society in Latvia: From Plans to Implementation' (December 2001 (20) referred to the 'successful end of the work of the OSCE Mission' but that by now the mandate of the mission was completed.

Article 18 (5) [re. place-names and names of entities]; and Article 21 (5) and (6) [re. use of language in public information]. In addition, I remain concerned about the intent and effects of the draft regulation concerning Article 19 (3) [Re. personal names].

Regarding proficiency levels there was concern about the 'suitability' of the various levels of proficiency and their application to certain professions. Comments on the proficiency requirements focused on whether or not persons who had lost their certificate had to redo the test. Article 11 the OSCE-HCNM questioned whether or not Latvian had to be used at all events where persons representing Latvia took part and if this was really an example of 'legitimate public interest'. The HCNM expressed concern whether the names of institutions and enterprises were cases of 'legitimate public interest' and referred to the draft regulations as 'unclear and inaccessible' and he referred to the regulations on the use of language in public information as 'complex and cumbersome'. Regarding personal names, the HCNM welcomed the inclusion of both transliterated and Latvian names but expressed concern for what he perceived to be 'a forthcoming problem'. The HCNM stated (Letter from the HCNM to Ms. Labucka, Latvian Minister of Justice, 4 August 2000) that:

...there remains the concern that the requirement of Latvianization even along transliteration may be in contradiction with the right to privacy and respect for individual identity. This point must be made because there is no evident need (administrative or otherwise) in a democratic society for Latvianization of one's name...

Throughout the remarks the HCNM refers to European norms and standards and many objections to the Latvian language legislation are based on these norms, such as the Copenhagen Document from 1990 (paragraph 34):

The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the state concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the comments made by the HCNM, a reference was made to the Council of Europe's *Framework Convention for the Protection of National Minorities*. Adopted in 1995 and brought into force on February 2 1998, Article 11 of the Convention deals extensively with the right to official recognition of the use of the first name and surname in a minority language. The OSCE-HCNM also made reference to the *Oslo Recommendations Regarding the Linguistic Rights of National Minorities*, which underlined the right for minorities (Article 1):

...to use their personal names in their own language according to their own traditions and linguistic systems. These shall be given official recognition and be used by public authorities.

As seen above, the HCNM expressed concern for the use of language in public information. Article 10 (2) of the *Framework Convention for the Protection of National Minorities* states that minorities have the right to public services in their respective language, but only when they represent a significant number in a particular region:

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as



possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Clearly, in this sort of situation, a government needs to consider the introduction of public services in the minority language. The Convention's Explanatory Report states that persons should not be excluded from using the official language and/or a minority language. Article 11 (3) is perhaps more interesting:

In areas traditionally inhabited by a substantial number of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is sufficient demand for such indications.

This line of argument is clearly evident in the comments provided by the HCNM. However, as the Framework Convention (Article 9) makes clear, entitlement to the right of minorities to obtain information in the minority language and for the state to 'facilitate access to the media for people belonging to national minorities' depends on the size of the community or its length of stay. The article further states that according to the policy of 'non-discrimination', a national minority should have access to information transmitted from another state. Similar arguments can be found in the *European Charter for Regional and Minority Languages* adopted by the Council of Europe in 1992 and which came into force on 1 March 1998. Regarding administration and public services, the charter declares that public services in the minority language should be available 'as far as this is reasonably possible'. Article 7 further states that countries 'shall take' into consideration the needs and wishes expressed by users of a minority language and the need 'to promote regional or minority languages in order to safeguard them'. The need to take the financial considerations into account and the limited resources available for minority programmes is indicated by the terms 'as far as possible' (Art 10). In the Explanatory report the financial aspects are further underlined.

In the *Oslo Recommendations Regarding the Linguistic Rights of National Minorities*, concerning the use of a minority language before administrative authorities, it is stated (Article 13):

In regions and localities where persons belonging to a national minority are present in significant numbers and where the desire for it has been expressed, persons belonging to this national minority shall have the right to acquire civil documents and certificates both in the official language or languages of the State and in the language of the national minority in question from regional and/or local public institutions. Similarly regional and/or local public institutions shall keep the appropriate civil registers also in the language of the national minority.

In the interaction with the Latvian government over minority language rights one area which, was frequently discussed, was how to determine the distinction between 'public' and 'private'. The *Oslo Recommendations Regarding the Linguistic Rights of National Minorities* looks at situations where these might overlap and situations which may be perceived as 'arbitrary'. In the preamble it is stated that these recommendations are meant to 'clarify the existing body of rights' regarding minority language rights. An important point is made in the preamble where the authors state that (Explanatory Note, p. 11):

The Recommendations do not propose an isolationist approach, but rather one which encourages a balance between the right of persons belonging to national

minorities to maintain and develop their own identity, culture and language and the necessity of ensuring that they are able to integrate into the society as full and equal members.

Aspects surrounding linguistic rights have been the primary focus of the work of the OSCE-HCNM over the past ten years and particular what constitutes 'legitimate public interest'. The Charter for Regional and Minority Languages sheds some light on the matter as it states the aim is for all states (Article 13):

...to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations...

There is a reference to clear 'legitimate public interest' when actions affect the public sphere, such as threats to national security affecting the public sphere. This is well illustrated in the case of languages and business and where the *Oslo Recommendations* (Article 12) refers to cases such as '...the protection of workers or consumers, or in dealings between the enterprise and governmental authorities.' It is perhaps possible in the context of 'public' and 'private' to talk of a 'balance' between the right of an individual to use a minority language in private economic activities and the interest of the state to require the additional use of an official or dominant language.

Of What Did the Regulations Consist? Did the OSCE-HCNM Have any Input?

The new regulations debated in the summer of 2000, provided for among other things, six levels of language proficiency compared to the previous three and how these tests were to be carried out. The regulations further contained a stipulated fee for these tests (Regulations No. 296-paragraph 5, Article 6). The highest level of proficiency in Latvian was required for the professions such as lawyers, notaries public. The lower skilled occupations, such as public transport conductors and taxi-drivers only required the lower level of proficiency. For employees in state and municipal institutions the necessary requirements were issued by the state, whereas in the private institutions the employers themselves determined this.

Private institutions and enterprises were exempted from having to interpret events apart from those which provided information 'that concerns legitimate public interests [defined as: 'concerning public safety, health, morals, health care, protection of consumer rights and labour rights, work place security and public administrative supervision'] (Regulations No. 288-paragraph 2 and 3, Article 11). If a public event is organised by the state or municipal institution, in conjunction with a private body, one of the working languages has to be Latvian and translation has to be provided. In relation to events organised by private institutions, information in Latvian was necessary for 'legitimate public interests' (Regulations No. 288, paragraphs 2 and 3, Article 11). Foreign languages were allowed in public information, in cases such as international tourism, international events, security considerations, extraordinary situations and epidemics. This further allowed the use of foreign languages in printed form in signs but only along with texts in Latvian in 'the main place' (Regulations No. 292, paragraphs 5 and 6, Article 21). Regarding the creation and use of place-names the use of the Latvian language was underlined, but reservations were made for the Livonian language and the territory of the Liv coast (Regulations No. 294, paragraph 5, Article 18). The regulations further dealt with the use of foreign languages in the text of stamps, seals and letterheads (regulations No. 286, paragraph 4, Article 20).

As stated above, one of the areas which the OSCE-HCNM's criticism was focused was the 'use of Latvian' names and the use of Latvian in the 'public' and 'private' sphere. It is



interesting to note that the Latvian government to a certain extent considered the points made by the HCNM. Regarding the spelling and identification of names and family names (No. 295, paragraph 3, Article 19) the HCNM recommendation to adopt a 'double entry system' was not implemented and the regulations still state that names should be recorded 'according to the Latvian language grammar and spelling rules'. The regulations allow for personal names in historical or original form, but only in Latin letters, not in Cyrillic or in any other script (Regulations No. 295, paragraph 3, Article 19). Regarding the certificates (No. 296, paragraph 5, Article 6) it was later stated that if a certificate was lost within a year it could be re-issued. It was further stated that certificates issued between 1992 and 2000 were valid. Regarding the translation of events, the final regulations and the demand for obligatory translation 'at international events at which persons representing Latvia take part', remained even though the HCNM had questioned the 'legitimate public interest' of this rule. On the use of language in information (No. 292, paragraph 5 and 6, Article 21) the previous paragraph which demanded the use of 'correct Latvian language' was deleted. Regarding language proficiency levels, the comments made by the HCNM regarding, *inter alia*, union leaders were taken on and this group was not included in the professions requiring the highest level.¹² In a statement of 31 August 2000 the OSCE-HCNM stated that 'virtually all' of his recommendations had been considered. Overall he found the

...regulations implementing the State Language Law as being essentially in conformity with both the Law and Latvia's international obligations.

The OSCE-HCNM further stated that the forms of language proficiency levels in the private sector had to be formulated 'so as to fulfil a legitimate public interest'. The HCNM then 'invited' the Latvian Government to make small amendments to the regulations, such as to limit expressly and strictly the scope of the 'Regulations on Ensuring Interpretation in Events' to legitimate public interests. In the statement there were also references to the fact that Latvia had signed, but not ratified, the *Framework Convention for the Protection of National Minorities*, and therefore

...it is to be noticed that certain specific matters will have to reviewed upon Latvia's anticipated ratification of the Framework Convention for the Protection of National Minorities.

The HCNM has played an important role in facilitating the negotiations between Latvia and the European Union (EU) as a reference. The European Union issued a statement on 5 September 2000 in which there were references to the work done by the OSCE-HCNM in the area of language legislation. Latvian regulations were found to be along the lines of European standards and therefore did not hinder Latvia's chances for further European integration (Declaration de la Presidence au nom de L'Union Europeene sur l'adoption des decrets d'application de la loi sur la language en Lettonie, Paris 5 September).¹³ In the Regular Progress Report (November 2000), the EU underlined the need for further work in the field of Latvian language training and the shortage of language teachers. The report further states:

In the 1999 Accession Partnership with Latvia included 'align the Language Law with International standards and the Europe Agreement' as a short-term

¹² On 21 November 2000 the Cabinet of Ministers adopted amendments to the 'Regulations on Proficiency Degree in the State Language Required for Performance of Professional and Positional Duties and the Procedure of Language Proficiency Tests'. Included in the highest level are occupations such as lawyers, teachers of Latvian language and literature and notaries.

¹³ Interestingly, some three weeks later the joint EU-Latvia Parliamentary Committee recommended that Latvia should ratify the *Framework Convention for the Protection of National Minorities* (ITAR-TASS, Moscow 19 September 2000, in BBC SWB SU/3952 E/2 22 September 2000). In the article the FCNM was referred to as 'the Framework Convention on National and Ethnic Minorities'.

priority. Both the Language Law and the implementing regulations are now essentially in conformity with Latvia's international obligations.

In the conclusion of the Progress report, the issues of 'legitimate public interest' and the 'principle of proportionality' was underlined as well as the need for Latvia to comply with its international obligations and the Europe Agreement.

The 2001 Report made references to possibilities for 'different interpretations' regarding provisions of the Language Law, a law seen as not containing 'provisions that are manifestly incompatible with Latvia's obligations under the Europe agreement' and references were made to the co-operation between the OSCE, Council of Europe and The Latvian Language Centre. In the general evaluation, the Commission stated that:

Latvia should ensure that the implementation of the Language Law respects the principles of justified public interest and proportionality, Latvia's international obligations and the Europe agreement.

Conclusion

The issue of language will continue to feature in Latvian politics, particularly in the areas of education and general politics. Areas of concern still remain. How the Russian language will be used in interactions with authorities is one such area. In an area like Daugavpils, with a majority of Russian-speakers, an alternative could be put forward. This has been referred to in the explanatory report to the Charter for Regional or Minority Languages as a 'quasi-official language' use, where the minority language becomes the 'working language' or the normal 'means of communication' in a particular region. In situations with people who do not speak/understand the regional or minority language, the language used would be the official one. Interestingly enough, after the adoption of the regulations, a translator was employed by the Daugavpils City Council to provide free assistance to people with government applications.

The problem is not so much the legislation, but rather the lack of communication/dialogue between the various authorities and also between the authorities and individual non-Latvian speakers. It is also clear that in the case of Latvia there still is a 'grey area' regarding the public/private spheres of language requirement. This is something, which the Latvian authorities need to address.

The work of the OSCE-HCNM has been of great importance in the case of Latvia. The recommendations and advice has been taken on board and are reflected in the relationship between the EU and Latvia. As the OSCE-HCNM has no executive powers, the importance of support from the organisation at large becomes particularly important. It is easy here to make a reference to the 'carrot' and the 'stick'. It is also important to remember that the *Framework Convention for the Protection of National Minorities*, the *European Charter for Regional or Minority Languages* and the *OSCE Oslo Recommendations Regarding the Linguistic Rights of National Minorities* provide Latvian legislators and decision-makers with a clear blueprint regarding developments in the area of minority rights in Europe. These various documents are proof of the established norms and standards regarding legislation in the sphere of minorities and linguistic rights in Europe.

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East West Migration Patterns in an Enlarging Europe: The German Case*

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Introduction

Before the political transformation in the end of the 1980s, governments in Eastern Europe kept strict control of their citizens' movement to the West. With the fall of the Iron Curtain, emigration restrictions were removed and a new migration space developed. Large differences in income and living standards between Eastern and Western Europe, growing unemployment and sporadic ethnic conflicts in the transformation countries thus confronted Western European states, first of all Germany, with an increasing East West migration pressure. Especially in the light of the enlargement of the European Union, which sooner or later will allow a free movement of people between East and West, it is of economic and political relevance to learn more about the East West migration patterns in the recent decade.

Using Germany as an example, which is the most affected Western European country by East West migration since the end of the eighties, the patterns of East West migration in the recent decade will be identified.¹ The first part of the article describes the legal basis of this migration, introducing the different entrance regulations to Germany - the admission laws for asylum seekers and ethnic Germans (*Aussiedler*) as well as particular regulations for foreign workers, which are based on bilateral agreements. The second part explores the quantity of migrants, their home country origin and their human capital characteristics. The third part concludes, giving an outlook on East West migration in the light of the EU enlargement.

East West Migration to Germany: Admission Regulations

Although Germany did not consider itself an immigration country until the migration law (*Zuwanderungsgesetz*) in the year 2002 changed this paradigm, it received the highest number of immigrants in Western Europe since World War II (Zimmermann 1994, Münz et al. 1999, Rotte 2000). Migration to Germany had been strictly regulated for different types of immigrants - labor migrants, their following family members, asylum seekers and refugees - controlling the entrance, stay and labor market access of foreign nationals (Halfmann 1997). In addition, the admission of ethnic Germans from Eastern Europe and the former Soviet Union is guaranteed, even though their entrance has been made increasingly difficult since the beginning of the nineties (Dietz 2000).

Netmigration of foreign nationals to Germany included 6.7 million people between 1955 and 2000, in addition 3.9 million ethnic Germans came. However, with the exception of the resettlement of ethnic Germans from Eastern Europe and the Soviet Union, East West migration did not play an important role until the end of the eighties.² This was first of all due to the political regimes in Eastern Europe, which strictly controlled emigration

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¹ East European countries under consideration here include Bulgaria, the Czech Republic, Slovakia, Hungary, Poland and Romania. Because this article focuses on migration in the context of the EU enlargement, migration from the former Yugoslavia will not be analyzed. It should be mentioned however, that Germany took in approximately 471,000 asylum seekers from this region between 1989 and 2000.

² In this context the migration of approximately 3.3 million Germans from the GDR to Western Germany (between 1950 and 1990) has additionally to be mentioned.

in the period of the cold war. East European citizens were allowed to leave their home countries only in exceptional cases, mainly for ethnic or humanitarian reasons. Often the German government intervened on behalf of the respective migrants, mostly ethnic Germans.

With the political transformation in Eastern Europe the East West migration scenario changed. The liberalization of emigration regulations allowed East European citizens to move to the West, provided they were admitted in a Western European state. Thus migration of East European citizens to Germany grew considerably in the beginning of the nineties. Although the majority of migrants from Eastern Europe were ethnic Germans, asylum seekers additionally contributed to the recent East West population movement. A further group consisted of different types of labor migrants, most of whom were allowed to work temporarily in Germany on the base of special bilateral contracts (Höneköpp 1997; Bauer and Zimmermann 1999).

As will be argued below legal admission regulations and their changes constituted a migration regime which shaped the size and structure of East West migration to Germany in the recent decade. In this period East West migration was channeled first of all by the laws and politics under which it took place. Severe migration restrictions have dominated the economic and social determinants otherwise driving migration.

The Admission of Ethnic Germans

The admission of ethnic Germans from Eastern Europe and the Soviet Union into Germany and their acceptance as German citizens have been guaranteed by the 1949 German constitution and the Federal Expellee and Refugee Law of 1953 (Kurthen 1995: 921). These special provisions have been introduced to provide a homeland for ethnic Germans from Eastern Europe (mainly Romania and Poland) and the Soviet Union, who had experienced forced resettlement, ethnic discrimination and expulsion during and after World War II (Brubaker 1998: 1050).³ For the German government, ideological arguments also played a role in the admission of ethnic Germans. In the period of the cold war the emigration of ethnic Germans from socialist countries could be used in evidence of the superiority of the West German system (Ronge 1997: 125).

When the immigration of ethnic Germans grew remarkably towards the end of the eighties, the German government expected serious problems in providing houses for the newcomers and integrating them into labor market and society. Therefore the government started to control and restrict this movement by administrative measures. In July 1990 a law was introduced which demanded German resettlers to apply for their immigration in the countries of origin.⁴ This allowed German authorities to slow down and channel ethnic German migration. In 1993 a further law (*Kriegsfolgenbereinigungsgesetz*) has been adopted which regulated the immigration of ethnic Germans by a quota of 225,000 per year. The law also stated that those wishing to immigrate from countries other than the former Soviet Union must have individual proof of discrimination because of their German descent. As serious ethnic discrimination against Germans in Poland and Romania is almost nonexistent since the political

³ A comprehensive portrayal of the situation of German minorities in Poland, Romania and the (former) Soviet Union can be found in Wolff (2000).

⁴ Already in 1989 integration provisions for ethnic Germans had been cut. State support (stipends, pensions etc.) was not allowed to be higher for ethnic Germans than for comparable natives. This can be interpreted as an indirect measure to restrict migration.



transformation, their emigration has nearly ceased with the enforcement of the new law in 1993.

Nevertheless the resettlement of ethnic Germans from the former Soviet Union continued on a high level until a German language test was introduced in July 1996. Since then potential immigrants have to prove a certain command of the German language as a confirmation of their belonging to the German people (*Volkszugehörigkeit*).⁵ Finally, in 2000 the immigration quota was fixed to 100,000.

The ethnic German emigration from Eastern Europe has been a driving force to the 'ethnic unmixing' in that region (Brubaker 1998). In Poland, the emigration of Germans and other ethnic minorities resulted in the emergence of an ethnically nearly homogenous state in the beginning of the nineties (Okolski 1998: 23). Meanwhile new immigrations to Poland, mainly from the successor states of the Soviet Union, the former Yugoslavia and Viet Nam, contributes to the emergence of new population groups (Iglicka 2001: 9).

Asylum Regulation

Until its amendment in 1993, the asylum law in Germany has been characterized as one of the most generous worldwide (Knipping and Saumweber-Meyer 1995). However, Germany not having established a coherent immigration law until the year 2002, political asylum had become an entrance passage for those who would otherwise not have qualified to come into the country. Especially in the beginning of the new East West migration in the early nineties, many migrants from Eastern Europe arrived via the asylum regulation.

In Germany, the sharp increase of asylum seekers since 1989 led to a heated debate on the expected consequences of these movements. Many natives opposed the right for asylum, expecting an escalating economic and social burden because of asylum migration. The German government reacted to this debate by changing the asylum law, coming into effect on 1 July 1993.

The asylum law which had dictated German policy from 1949 to 1993 permitted the subjective and unlimited right for asylum for politically persecuted persons. When the new law came into effect, the changes made it much more difficult for persons seeking asylum to be recognized, and, in many cases, it excluded them from being admitted to the asylum procedure in Germany at all. According to the new law, citizens from so-called 'safe countries' are no longer permitted to ask for asylum in Germany. 'Safe countries' are those in which the legal and political situation guarantees the absence of political persecution and inhuman treatment (Bosswick 1995). At present all Eastern European countries under consideration here (Bulgaria, the Czech Republic, Slovakia, Romania, Hungary and Poland) are classified as 'safe countries'.

The new law also stated that refugees, entering Germany via a 'safe third country', have no right of admission to the asylum procedure. All EU-countries are defined as 'safe third countries' as well as some other European states, including Poland and the Czech Republic.⁶ With this regulation, the German government essentially delegated the problem of admitting transit migrants asking for asylum to the respective - mainly East

⁵ About 45% of the applicants fail the language test. It has to be taken into account however that only ethnic Germans - not their non-German family members - are tested. In 2000 only 22% of the *Aussiedler* immigration were ethnic Germans compared to 74% in 1993.

⁶ In these countries the fulfillment of the Geneva Convention on Refugees and the European Convention on Human Rights is expected to be guaranteed.

European - transit countries. Such 'burden sharing' became even more evident when the German government negotiated readmission agreements with Poland and the Czech Republic on 7 May 1993 and 8 September 1994, respectively. The agreements reached with both countries stated that asylum seekers from third countries had to be readmitted from Germany if they had come to Germany via Poland or the Czech Republic and if they had not been in Germany for longer than six months.

Agreements on Labor Migration

When German politicians registered that the fall of the Iron Curtain increased labor migration from Eastern Europe, special regulations were introduced to control these movements. The rationale behind this policy was to improve the economic advancement of Eastern European countries, to decrease the migration pressure on Germany and to prevent permanent migration as well as illegal work. In addition, East European workers were expected to satisfy a particular seasonal or occupational labor demand in Germany.

Three different channels⁷ (Höhnekopp 1999, Faist et al. 1999) for the access of East European workers to the German labor market can be identified. All of them have been opened up after the fall of the Iron Curtain and are based on bilateral agreements between Germany and the respective East European country:

(1) Seasonal workers, where a German employer can recruit East European workers for up to three months a year. Seasonal workers have to be paid by the same wage as comparable German workers and the payment of social security contributions according to German standards is obligatory.⁸ The employment of seasonal workers from Eastern Europe has mainly been restricted to agricultural work and to the employment in restaurants or hotels.

(2) Project-tied employment, where foreign workers are legally sent by foreign subcontractors and are given a work permit for a maximum of two years. The number of workers is restricted by year and sending country. Although German wage and social security standards are obligatory, project-tied workers do not pay the social security contributions in Germany but in their home countries. This implies that the wage costs for project-tied workers in general are lower than those of comparable German workers. Project-tied employment is mostly concentrated in construction and related industries.

(3) Guest worker contracts, where a limited number of workers from East European countries are allowed to migrate to Germany for a maximum of 18 months to improve their language and occupational competencies.

In the context of labor migration the new Green Card regulation has additionally to be mentioned although it has been introduced independently of East West migration. In May 2000, the German government agreed to offer so-called Green Cards to non EU-foreign computer specialists, to work in IT jobs for a maximum of five years. As a precondition for the Green Card application, IT specialists must earn a minimum of €50,000 a year. It has been expected that this regulation might be particularly attractive for East European specialists.

Number, Country of Origin and Human Capital Characteristics of Migrants from Eastern Europe

⁷ Because of their comparatively low numbers, border commuters - meaning Polish or Czech citizens who live in their receptive home countries and work in Germany on a daily base - are not included here.

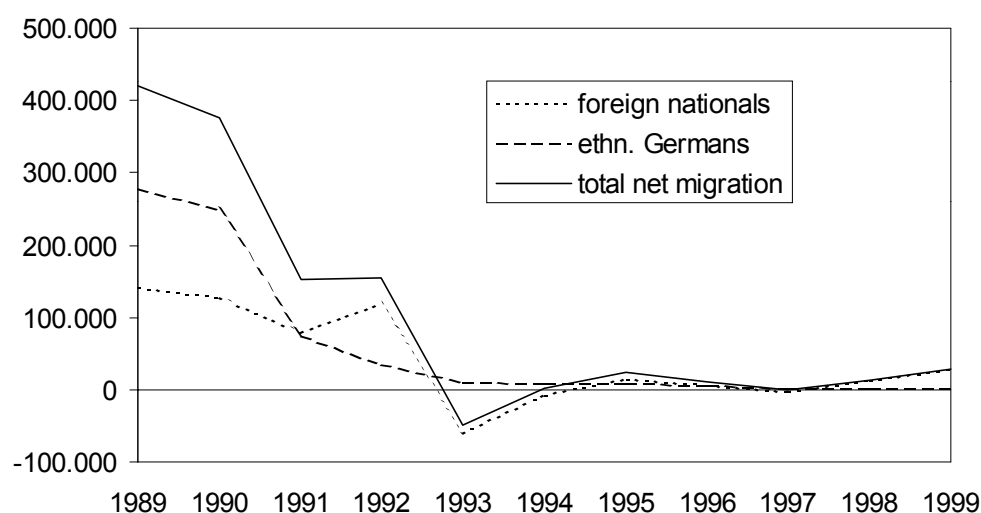
⁸ In Germany, social insurance only has to be paid if employment exceeds 50 days. Therefore many employers occupy seasonal workers for less than 50 days.



Economic considerations would suggest that big differences in welfare and wages between Eastern European countries and Germany as well as growing unemployment in the East had been the driving forces of East West migration. However, entrance regulations to Germany restricted migration movements and contributed to the formation of distinct migration patterns.

Altogether, net migration included 1.13 million East Europeans⁹ between 1989 and 1999: 678,000 were ethnic Germans,¹⁰ approximately 458,000 were foreign nationals from East European countries.

Figure 1: Net migration from Eastern Europe to Germany (1989-1999)



Source: Federal Statistical Office, Federal Administration Office

Whereas ethnic German immigration from Poland and Romania decreased continuously since 1990, the net migration of foreign nationals from Eastern Europe experienced a sharp decline between 1992 and 1993. Both developments were linked to the tightening of admission regulations.

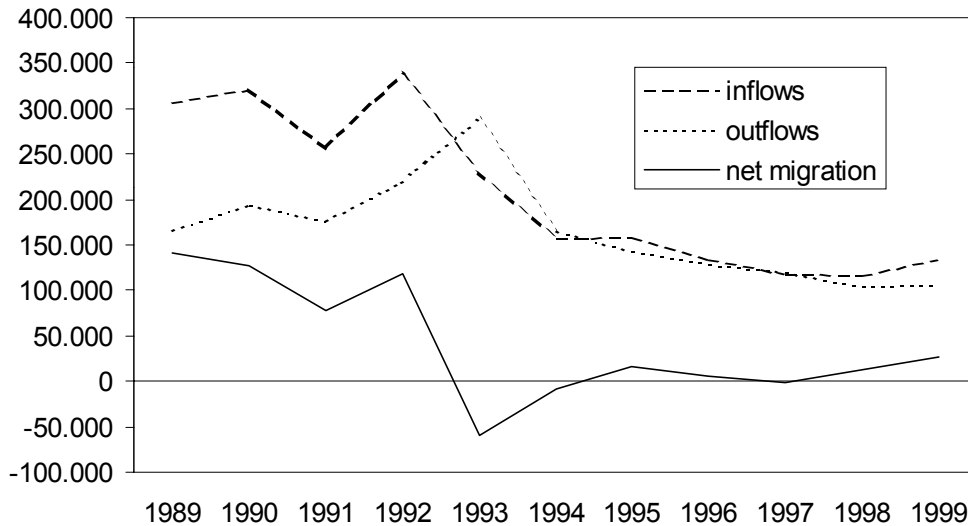
However, net migration of foreign nationals from Eastern Europe to Germany does not present a full picture of East West movements. The consideration of inflows and outflows shows that the number of East Europeans involved in migration movements had nearly been five times as big as net migration.

Altogether, a total number of 2.27 million East Europeans moved to Germany between 1989 and 1999, while in the same period 1.82 million left the country again. This points to high fluctuations in East West migration, which are typical for short term and back and forth movements.

⁹ It has to be mentioned that migrants from the former Soviet Union and the former Yugoslavia are not considered here.

¹⁰ In the case of ethnic Germans, gross immigration figures are presented, because no data on netmigration exist. Since remigration can be neglected this seems justified.

Figure 2: Inflows, outflows and net migration of foreign nationals from Eastern Europe to Germany (1989-1999)

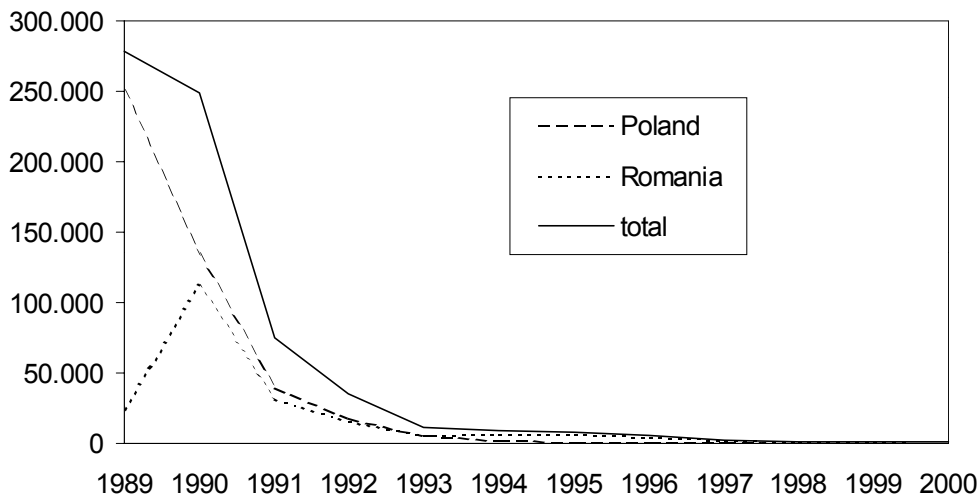


Source: Federal Statistical Office, Federal Administration Office

Ethnic German Migration

In quantitative terms, the immigration of ethnic Germans has been the most important factor in East West net migration to Germany until 1993.

Figure 3: Ethnic German migration from Poland and Romania to Germany (1989-2000)



Source: Federal Administration Office

In 1989 and 1990 the relaxation of emigration regulations in Poland and Romania allowed more than half a million (518,749) ethnic Germans to come in these two years. Whereas the immigration from Poland had reached its highest level already in 1989, immigration from Romania increased by nearly five times between 1989 and 1990. As has been described above, the German government introduced several administrative



regulations and laws since 1990 to control the *Aussiedler* migration. As a result of these measures, the immigration of ethnic Germans from Poland and Romania decreased sharply since 1990. In addition to the legal restrictions in the admission of ethnic Germans from Poland and Romania it must be taken into account that the German minorities there had severely diminished, and migration pressure had declined.

Nearly 90% of ethnic Germans are granted the German citizenship shortly after arrival. However, regardless of their German descent, they have been socialized in the norms, culture and language of their former home countries and they have received their education and professional training there. In Romania - other than in Poland - ethnic Germans often had been able to visit German schools and to learn the German language. The socialization in the country of origin deeply influences the integration process of ethnic Germans: whereas *Aussiedler* from Romania took up the German language fast and adapted comparatively straightforward into German society, many German immigrants from Poland partly stuck to Polish in communicating among each other and many are incorporated in networks, created by ethnic Germans from Poland. Because of their quantity and their distinct socio-cultural background, ethnic Germans from Poland might be defined in terms of minority populations.¹¹ This is less so in the case of *Aussiedler* from Romania.¹² Although they likewise integrate into ethnic networks, they are closer to natives in socio-cultural terms.

Asylum Migration

In the beginning of the nineties, asylum migration contributed considerably to East West population movements to Germany until the amendment of the asylum law in 1993 terminated that migration. It has to be remarked, however, that the patterns of asylum migration were quite different regarding individual East European countries.

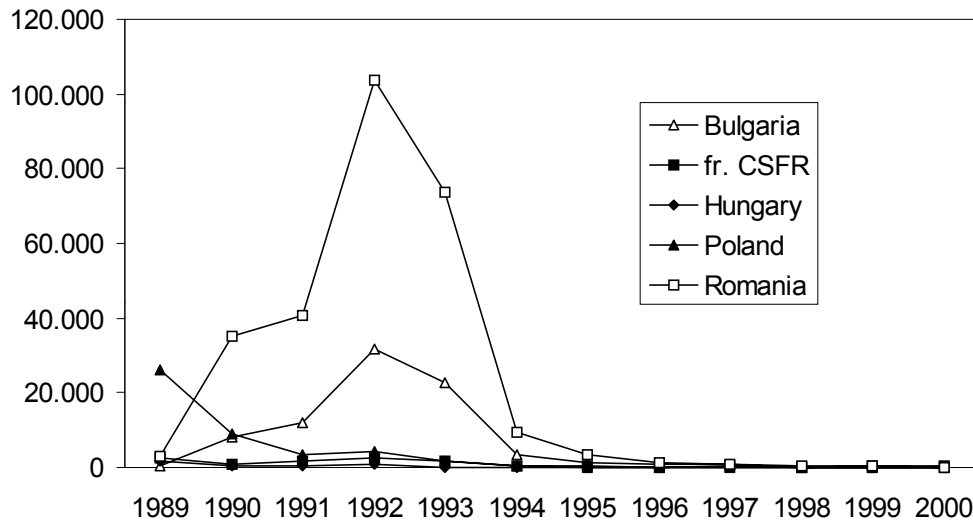
Whereas asylum migration from Poland to Germany had played an important role in the eighties - caused by the martial law and the political oppression in that time - it declined significantly since 1989 (Okolsky 1996). Although the economic situation in Poland was characterized by a severe crisis, the establishment of a non-communist government in September 1989 supported an expectation of economic improvement and political stability. In addition, job opportunities were opened up in Western Europe - mainly Germany - which made labor migration feasible, though on a short term basis (Okolsky 1998).

Asylum migration from the (former) Czechoslovakia and Hungary did not play an important role. There was a small but steady asylum migration from these countries to Germany in the eighties. This movement increased slightly for a short period in 1992/1993, when asylum migration was used as an entrance to the Western world by those who felt politically repressed and economically deprived.

¹¹ In contrast to Liebich (1998), who qualified ethnic German immigrants from Poland as a Polish minority in Germany, it seems to be more accurate to define them as a minority made up of Germans from Poland.

¹² In addition the group of ethnic Germans from Romania is much smaller. Between 1988 and 1991 564,000 *Aussiedler* came from Poland compared to 179,000 from Romania.

Figure 4: Asylum migration from Eastern Europe to Germany (1989-2000)



Source: Federal Office for the Recognition of Refugees

In the case of Romania and Bulgaria, asylum migration to Germany developed in a much more dynamic way. In both countries it started in 1989, increased quickly until 1992 and declined rapidly thereafter. In Bulgaria, the liberalization of the passport restrictions in 1990 made up the framework for emigration. Yet the decisive factors for the asylum migration to Germany were political instability and a desperate economic situation in the beginning of the nineties (Bobeva 1996). The victory of the ex-communist party in the 1990 elections destroyed the hope for fundamental political and economic reforms. This fostered a migration movement, which used the asylum procedure to Germany because admission was not guaranteed otherwise. As in the case of Bulgaria, asylum migration from Romania to Germany was motivated to a considerable degree by economic reasons and the loss of confidence in political reforms (Ciutacu 1996). In addition, the deprived situation of the Roma minority in Romania played a role, as a remarkable part of the asylum migration from Romania to Germany consisted of Roma (Ohliger 2000).

Because the German asylum law only accepts those applicants who have been persecuted because of political reasons in their countries of origin, the acceptance rate of East European asylum seekers had been below 1% in the early nineties. Thus even before the amendment of the asylum law the German government signed bilateral agreements with Bulgaria and Romania to regulate the readmission of rejected asylum seekers to their countries of origin. These agreements were combined with financial compensations for the reintegration of returning asylum migrants. In the case of Romania a special readmission agreement had been worked out for the group of Roma (Rakelman 1994).

Although no figures are available on the outflow of rejected asylum seekers from East European countries, everything points to the fact that many asylum migrants left Germany after 1993 or were sent back in the context of bilateral readmission agreements. Apparently, some East European asylum seekers were successful in obtaining a secure legal status, whereas some stayed in Germany illegally.

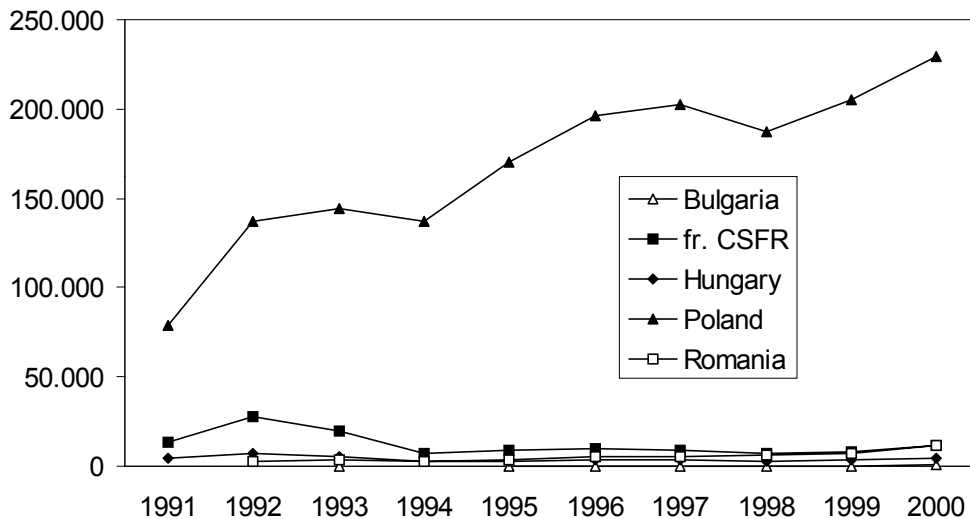


Labor Migration

As has been indicated above, labor migration from Eastern Europe to Germany is strongly restricted. Either the entrance regulations for non-EU citizens or the special employment programs based on bilateral agreements apply.

In the context of special employment programs, seasonal workers are the most important group in quantitative terms, followed by project-tied and guest workers. In the case of seasonal workers, figures indicate that their employment more than doubled between 1991 and 2000. Nevertheless the total number of 258,000 seasonal workers (in 2000) does not have an important weight in the German labor market as a whole.¹³ Nearly all seasonal workers (90%) are employed in agriculture.

Figure 5: Seasonal workers from Eastern Europe in Germany (1991-2000)



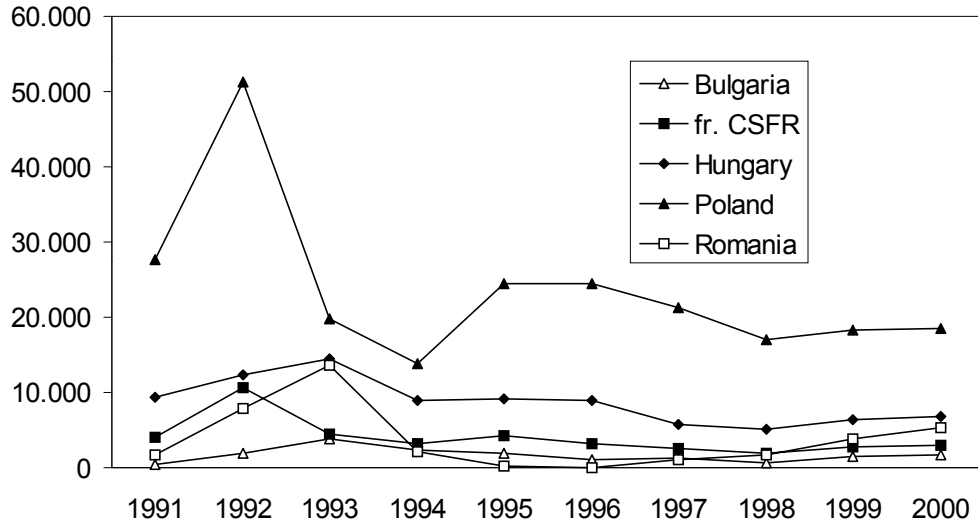
Source: Labor Office

In absolute terms, the number of project-tied workers is comparatively low. Here, employment declined noticeably between 1992 and 2000, which points to substantial restrictions in this form of employment because of a reduced demand. Most project-tied workers are occupied in construction and in related industries.

As can be seen in Figure 7, guest workers from Eastern Europe are only of marginal importance. In the case of guest workers, the official quota of 10,200 work permits per year has never been exhausted. Nearly half of all guest workers are employed in hotels or restaurants.

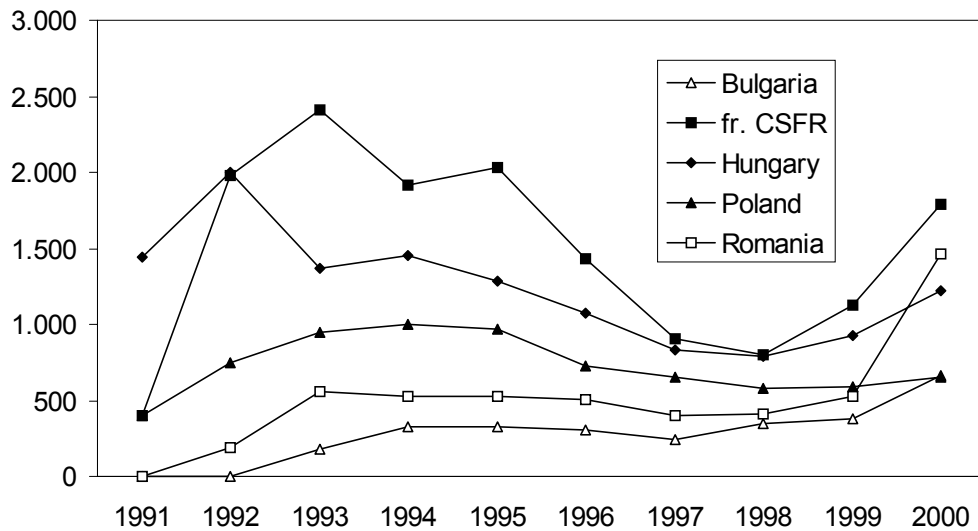
¹³ This is especially true if one considers that seasonal workers are only allowed to stay for 3 months.

Figure 6: Project-tied workers from Eastern Europe in Germany (1991-2000)



Source: Labor Office

Figure 7: Guest workers from Eastern Europe in Germany (1991-2000)



Source: Labor Office

In all special employment programs, Poland is by far the most important sending country. Throughout the nineties migrant workers from Romania grew more important, whereas those from (former) Czechoslovakia declined. These trends first of all reflect the existence of business cooperation and migrant networks between Germany and the respective East European countries. For example, long lasting migration relations exist between Poland and Germany, including labor, ethnic German and asylum migration. In addition, business cooperation, which are a precondition for the sending of project-tied workers, are mostly established between Poland and Germany. In the case of Romania, migration networks have also been built up for decades in the context of ethnic German migration. As in many other transnational migrations, networks foster further movements.



Because of their comparatively little weight in total employment, not much is known about demographic and human capital characteristics of East European workers who come to Germany by special employment programs. An empirical study, exploring the situation of Polish program employees in Germany in 1995 found that 75% of Polish migrant workers were under the age of 40 (Mehrländer 1997: 11). In comparison to German workers - with 51.7% being under the age of 40 - or to foreign workers in Germany - with 59.5% being under the age of 40 - they are considerably younger. This corresponds to the situation in Western Europe as a whole, where labor migrants from Eastern Europe in general are younger than foreign employees (Hönekopp 1999: 23).

In Germany, the education and qualification which East European program workers received in their home countries is found to be higher than the qualification level of foreign workers in general (Hönekopp 1999: 36, Schulz 1999: 410). In most cases, however, East European workers can not employ their qualification in the job. While approximately 28% of all employees in Germany work in low qualified jobs, 45% of all East European and 60% of all foreign employees are occupied in this type of job (Schulz 1999: 407).

With respect to qualification, remarkable differences can be observed in the group of program workers. According to the results of a survey study, 66% of all seasonal workers from Poland worked in jobs with low qualification in contrast to only 3% of project-tied workers. On the other hand, 65% of project-tied workers from Poland were occupied in qualified jobs, but only 7% of seasonal workers (Mehrländer 1997).

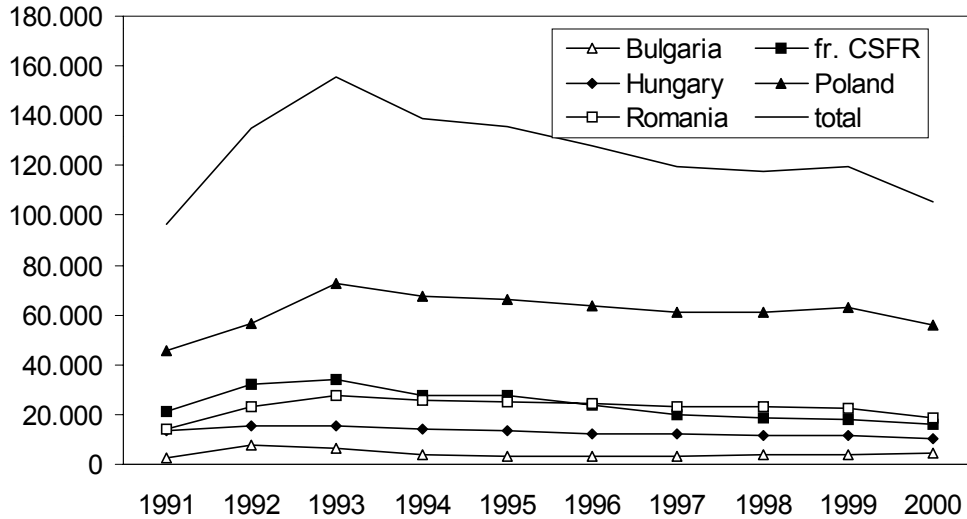
If one looks at the regional distribution of program workers from Eastern Europe, especially Bavaria, Baden-Württemberg, Berlin and industrial centers in North-Rhine Westphalia are of importance. Independent of the close geographical location of some East European countries to the Eastern part of Germany, the number of East European program workers in the five new countries is below average (Hönekopp 1999).

So far, labor migrants from Eastern Europe to Germany - related to special employment programs established in the nineties - have been examined. To give a full picture of East European employees in the work force in Germany, socially insured workers from Eastern Europe will be considered.¹⁴

In 1991 and 2000 the number of socially insured employees from Eastern Europe differed only slightly in Western Germany (96,242 persons in 1991, 105,582 persons in 2000), keeping their share in all foreign employees nearly stable (5.0% in 1991, 5.4% in 2000). It has to be recognized, though, that in absolute figures, foreign employees from East European countries reached the highest level in 1993 and decreased thereafter. As in the case of program workers, most socially insured employees come from Poland.

¹⁴ Project-tied workers and guest workers are not included in the socially insured labor force. Seasonal workers are included if social insurance is paid which is only the case if seasonal workers are employed for more than 50 days.

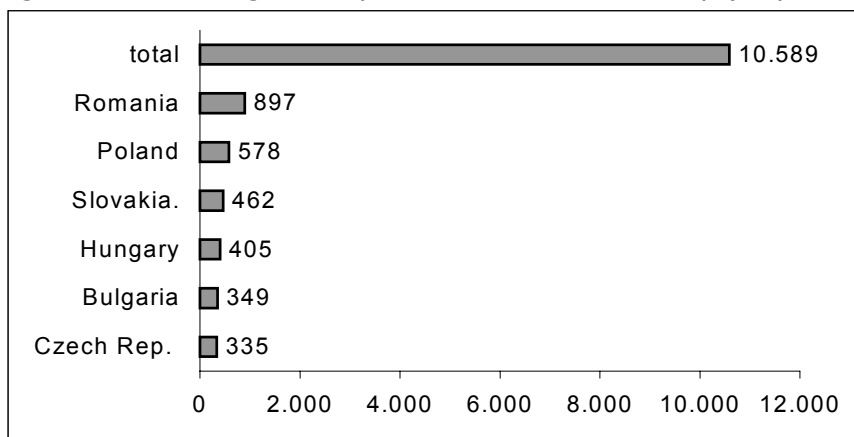
Figure 8: Socially insured employees from Eastern Europe in Western Germany (1991-2000)



Source: Labor Office

The Green card regulation - as a special permit for foreign employment - allowed about 10,600 IT specialists to come to Germany between August 2000 and May 2002.¹⁵ IT specialists from East European countries hold a share of 28.6% in the total Green Card employment. In the case of Green Card employment, Poland is not the most important sending country. This indicates that highly educated Poles either find attractive working conditions at home or move to other migration destinations, for example the United States (Iglicka 2001).

Figure 9: Labor migrants by Green Cards in Germany (May 2002)



Source: Labor Office

To summarize, labor migration from East European countries to Germany experienced a remarkable increase in the beginning of the nineties, but thereafter slowed down again.

¹⁵ IT specialists who come by Green Cards are included in the statistics of socially insured employment.



Everything points to the fact that apart from illegal inflows, East West migration to Germany in the nineties has been channeled in the framework of national policy regulations (Rotte 2000).

Conclusion: East West Migration in the Light of EU Enlargement

After the fall of the Iron Curtain East West migration to Germany has increased remarkably in the beginning of the nineties. When the German government introduced severe immigration barriers in 1993 net migration slowed down. The most important part of East West migration consisted of ethnic Germans, although asylum seekers and labor migrants additionally contributed to it. Concerning the past, everything points to the fact that German politics were aimed at restricting East West migration and were able to do so.

However, in the light of the expected EU enlargement, which sooner or later will tear down migration barriers, labor migration might become much more important. In the case of East West labor migration pull factors are first of all seen in the big income differences between Germany and the East European states. On the other hand high (hidden) unemployment rates in Eastern Europe can be identified as push-factors. In addition, established transnational networks might stabilize and strengthen ongoing migration movements, in lowering risks and costs of migration.

East West migration has been an important issue since the political and economic transformation of Eastern Europe in the beginning of the nineties. The first seminal study which estimated the East West migration potential in the case of a free movement of people was published in 1992 (Layard et al. 1992). Based on a comparison of South North with East West migration in Europe the study argued that about 3% of East European citizens would be ready to move to the West within the next 15 years after free population movements have been guaranteed. Following this study a number of experts have undertaken further efforts to estimate the East West migration potential after EU enlargement (Bauer and Zimmermann 1999, Boeri and Brücker 2000, Sinn et al. 2001, Straubhaar 2001). The differences with respect to the methods and assumptions employed are mirrored in the results of these studies.

The forecasted East West migration is estimated to reach about 3%-4% of the East European population within the next 10-20 years after EU enlargement will allow a free movement of people.¹⁶ Because temporary migration is expected to play an important role in the East West context, net migration is estimated to amount to 1%-2%. This would imply that 3.2-4.2 million East Europeans might come to Western Europe, but only 1.6-2.1 million might stay in the longer run (Straubhaar 2001). It is expected that the most important part of East West migration - studies name about two third (Bauer and Zimmermann 1999) - will affect Germany.

Because of its outstanding importance, East West migration to Germany has particularly been studied. The estimated net migration to Germany ranges from 1.4 million (Boeri and Brücker 2000) to 2.6 million (Sinn et al. 2001) people, coming from five Eastern European countries¹⁷ within 15 years after a free movement has been allowed.

¹⁶ In most cases Eastern European countries comprise the 10 EU candidate states Slovenia, Czech Republic, Slovak Republic, Hungary, Poland, Bulgaria, Romania, Latvia, Lithuania, Estonia. Altogether these countries had a population of 106 million in the year 2000.

¹⁷ Bulgaria, Romania, Poland, the Czech Republic and Slovakia.

Nevertheless, even in this case the fear of mass immigration in the context of the EU enlargement seems to be fairly overstated.

It has to be taken into account however, that future migration holds the risk of specifically affecting certain regions or economic sectors. Therefore future migration might enlarge the competition in specific regional or sectoral labor markets and promote social conflicts in these areas. On the other hand, East West migration might also contribute to the economic welfare in Germany in satisfying the demand for otherwise not available labor, for example in parts of the IT sector, in agriculture or services. Moreover, the establishment of an East European population in Germany might promote the process of East West integration on the micro level.

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Integration through Internal Reorganization: Containing Ethnic Conflict in India *Maya Chadda, William Paterson University*

Introduction

During August and September of 2000, the National Democratic Alliance (NDA) government of Prime Minister Vajpayee created three new states in Northern India. The hill regions of the state of Uttar Pradesh, namely, Gadhwal and Kumaon became the state of Uttaranchal; Jharkhand was carved out of South Bihar, and Chattisgarh was separated from eastern Madhya Pradesh. (The Frontline 2000: <http://www.hindunnet.com/fline/fl1717/17170340.html>) With the creation of these three new states, India became a union of 28 states and 7 union territories. This is the most recent of several waves of reorganization of existing state boundaries since the consolidation of the Indian union in 1950. The first major reorganization occurred in 1956 following a nation wide movement for the creation of linguistically compact provinces. Kashmir had already been incorporated within the Indian union based on the special status granted to it by Article 370. The second major initiative came in the 1970s, when the Northeast was split up and several new states were created following the establishment of Nagaland in 1963. The third phase was inaugurated with the creation of Jharkhand, Uttaranchal and Chattisgarh in the Northern Hindi-Hindu belt provinces of India.

Why is it pertinent to analyze the evolution of India's federal reorganizations? What is the significance of such internal remapping to debates on federalism and 'third wave' democracies? Even a cursory glance at post-Cold War conflicts shows that management of ethnic identities is important to the balance between domestic and international peace, and for future democratic development. While this balancing act has burdened central authorities in democratizing countries, new forces of interdependence and globalization have strengthened the cause of ethnic and religious nationalists, who have increasingly demanded the grant of large scale autonomy, or, failing that, a separation from the mother country. Containing such demands within national boundaries has become a matter of 'life and death' for many multi-ethnic, multi religious nation-states. The Indian experience of federal nation building provides valuable insights into the dilemmas of power-sharing in an ethnically plural country.

As the Indian experience reveals, splitting up existing federal units and creating new ones is only one of the many strategies new democracies can use to build nation-states and contain ethnic conflicts. Over the course of five decades since independence, Indian governments have entered into various ethnic accords (as for example, that between the Rajiv Gandhi government and Sikh and Assamese militants in the mid eighties), created regional councils straddling several state units (as in the Northeast), and constituted district level autonomous councils to address the needs of rump ethnic regions surrounded by competing ethnic communities. Other strategies range from confederal arrangement to the inclusion of nationalities based on layered sovereignty. The special constitutionally granted arrangement (Article 370) to include the state of Jammu and Kashmir within the Indian union is an example of the latter. While each strategy has a variable record of ethnic containment, the creation of new state units is easily the most successful one in India.

Although there is prolific literature on the evolution of ethnic and regional movements, the response of Indian governments, and the impact of regional conflicts on the Indian polity, very little material is available on the central government's ability to create new



states. (Phadnis 1989; Kapur 1986; Chadda 1997; Brass 1991; Puri 1981) Yet, such powers have been of fundamental importance to the consolidation of the Indian federation. The way in which these constitutional powers came to be exercised, provide clues to the political intent behind it. As current literature on failed federal experiments in 'new wave' democracies shows, ethnopolitics can vitiate from constitutional designs. (Rotimi 2001; Ross 2000) We therefore need to discover the political intent behind the three Indian federal reorganizations. Parallel inquiries by Suberu Rotimi in Nigeria and Cameron Ross in Russia, suggest that in itself, federalism is no panacea. According to Rotimi, 'far from promoting democracy [federalism] has allowed authoritarianism to flourish'. (Rotimi 1991: 171) We might then ask how the three federal reorganizations which are the focus of discussion here, enhance India's democracy, particularly the constitutional provisions that permit Parliament to create or break up existing units without having to seek consent from the affected province-state or its people? Could these powers have been differently defined so as to forestall ethnic conflicts that have marked India's post-independence history? Rotimi asks a similar question for Nigeria and concludes that the 'overweening' central state prevented democratic development and produced a federal structure that unleashed 'unproductive, divisive and ultimately destructive competition' for state power. (Rotimi 1991: 171) The result was violence, political impasse, and military rule in Nigeria. In other words, whether in India or elsewhere, the nation-building project as well as prospects for democracy are shaped by political bargains between the centre state and its provinces. There is a danger in excessive centralization as there is in excessive decentralization. While Nigeria represents the former, the example of Russia alerts us to the dangers of putting too much faith in federal devolution of power. According to Ross, federal autonomy led to local level authoritarian rule unchecked by the central government.

Independent India's federal history is long and complex. To narrow the scope of this inquiry, I will focus on the three waves of federal reorganizations and the debates they triggered about the shape of India's federal balance. This broader discourse on federal reorganization - of the mid 1950s, early 1970s, and between 1999-2001 - uncovers the ways in which ethnic plurality, federal arrangements, and democracy have taken shape in India. Each phase of reorganization was based on a new balance of political power between the central state and its federal units. Each phase was guided by a master theme. In the aftermath of the partition in 1947, the question that haunted Indian leaders was whether the country they had inherited could be fashioned into a territorially coherent nation-state. In the mid fifties, the linguistic/regional agitations unleashed a debate about India's cultural antecedents - ethnic, regional, religious, and linguistic - and whether these might pull the fragile union apart. In the early 1970s, the twin problems of governance and security shaped the rival perspectives on what the Indian federation should be. The discourse on federalism became sharply polarized when separatist movements in Punjab and Assam in the 1980s, and later in Kashmir, challenged India's territorial unity. It is then puzzling why the fears that had haunted Indian leaders for so long - about disintegration and separatism - should so abruptly vanish in the 1990s. As India enters the 21st century, the concern over excessive centralization is replaced by concerns about the eroding ability of the central government to implement the national agenda. The ebb and flow of these waves of federal remapping provide valuable clues as to how a particular federal design might advance or retard the cause of democracy in an ethnically plural country.

The Antecedents to the First Federal Reorganization (1947-1956)

The political context of the 1956 reorganization needs to be viewed, against the backdrop of three important events in South Asia, namely, the partition of the subcontinent in 1947, the creation of the separate nation-state of Pakistan, and the territorial dispute over Kashmir that led to the first war in that year. The partition itself had been bloody. It claimed more than a million lives, and produced eight million refugees who trekked across the newly created international border between India and Pakistan. The details of these historic events have been covered extensively elsewhere and need not detain us here. (Menon 1956; Hasan 1997) It is important to note, however, that the first Confederal Government, proposed in the Cabinet Mission Plan of 1946, failed within a few months of its creation, and unleashed a storm of communal killings among Hindus, Sikhs, and Muslims which put an end to the vision of a confederal, undivided India where the Muslim League and the Congress could coexist in amicable cooperation. Kashmir has remained, ever since, at the center of Indo-Pakistani relations. (Ganguly 1997)

By the end of 1948, partition was a fact, and two new countries had emerged on the subcontinent. This was not what Congress leaders had anticipated. The task before them was to weld a territorially truncated country characterized by enormous diversity into a single unified nation-state. It is against this backdrop that Indian leaders drafted the Constitution, and debated the distribution of federal power for their heterogeneous nation. They decided to load the Constitutional frame in favour of a central state. The centre was to be the principal bulwark against India's disintegrative tendencies.

The founding fathers of independent India, assembled at the Constituent Assembly, gave the country a federal, parliamentary, democratic constitution on 26 January 1950. The nature of this document has long been a subject of scholarly debate. Some have characterized the constitution as 'quasi-federal' and unitary in design, (Joshi 1954: 32) others have stressed that the Constitution 'establishes a dual polity with the Union at the center and the states at the periphery, each endowed with sovereign powers to be exercised in the fields assigned to them respectively by the constitution.' (Constituent Assembly Debates: 31) Granville Austin, the foremost contemporary scholar of the Indian constitution describes it as a design for 'Cooperative Federalism.' (Granville 1966) Most India scholars, however, stress the fact that the Indian Constitution intended the central state to have paramount powers, especially in the event of an emergency. These powers have been spelled out in Articles 352, 356, and 360 of the Constitution. They permit the centre to dissolve state assemblies and impose governor's or president's rule in the provinces. (Bomwall 1967: 14) According to Articles 256 and 257, the union government can demand that a state comply with union laws. Non-compliance can lead to dismissal under Article 360. Article 249 allows the Rajya Sabha, the second chamber of Parliament, to give the lower house, the Lok Sabha, powers to enact legislation on subjects reserved on the state list. The constitution divided governmental powers and responsibilities into three distinct lists: the first exclusively under the jurisdiction of the central state, the second largely under the jurisdiction of province-states, and the third, a concurrent list, meant to be shared by the central and provincial governments. (Bomwall 1967: 14) This distribution formula was meant to accommodate diversity within the broad arch of a strong central government.

The Constitution therefore envisaged the creation of a layered territorial and administrative order but said little about the kind of federal units the Indian union was to have, or the basis on which they would be created, i.e., geography, demography,



administrative convenience, language, or culture. That decision was left entirely to the wisdom of Parliament. Nor did the Constitution envisage the province-states to have their own separate constitutions as for example in the United States of America. India had a centralized judicial system and bureaucracy. Although there was a separated list of subjects over which province-states had primary jurisdiction, the central government prevailed on almost all matters in the event of an emergency - which was likely to be all too frequent - in a heterogeneous society trying to forge a modern nation-state.

Nowhere was the unitary intent of the founding fathers more evident than in the provisions that endowed Parliament with the powers to create new states and alter existing ones. Article 2 of the Constitution decreed that 'Parliament may by law admit into the Union, or establish new states on such terms and conditions as it thinks fit.' Article 3 states that Parliament 'may by law form a new state by separation of territory from any state or by uniting two or more States or parts of states.' Additionally, it may 'increase the area of any state; diminish the area of any state, alter the boundaries of any state'; and 'alter the name of any state'. (Chanda 1965: 47)

The Constituent Assembly had vigorously debated the question of where such demands for creating or altering states should originate. The final document had clearly opted for the central state to act as the ultimate arbiter. Why had Indian leaders invested the central government with so much power? As pointed out earlier, they had inherited a crazy quilt of a country made up of distinctive sovereign entities: independent princely states (listed as the B category states) and areas that were under direct British rule (the nine A category states in 1950). The Constituent Assembly had then two choices: it could take upon itself the task of unifying the constituent units, or alternately, empower the central authority created under the constitution to do so at a later date. It wisely chose the latter course. To have made the territorial unification contingent on the consent of the princely states would have postponed indefinitely the day when India could call itself a nation-state. It is not difficult then to understand why the founding fathers dropped the amendment that would have required proposals for internal territorial changes to originate in the affected state or states. This explains why Article 3 of the constitution bears the form it does, i.e., shorn of the provision of consent by affected province-states. The constitution put no stringent conditions for creating new states. The restraints were that the President would recommend it, a majority in Parliament would agree to it, and the states affected by the changes would be consulted before a new state unit was created. The consent of the latter was not required. This meant that the central state could dismember recalcitrant states, and give over their parts to more compliant units. The latitude provided by Articles 2 and 3 in combination with other provisions gave formidable powers to the central government which could use them to build a modern nation-state, or misuse them to deny self-rule to ethnic and religious minorities.

In itself, the unitary character of the Indian constitution was not undemocratic. Indeed, democracies have flourished under unitary constitutions. What made the provision dangerous were the political conditions prevailing during the first forty years after independence in India: the dominance of the Congress Party during the first four decades, and its assured legislative majorities in both the parliamentary and state elections in the first twenty years after 1947. Even after that, Congress continued to dominate the political scene. As a national movement, and subsequently as the dominant party, the Congress was a federalized organization that included a broad spectrum of ethnic and regional leaders and their followers. (Schwartzberg 1985: 157) Its pan-India spread was based on accommodation of diverse interests. But if it was unwilling to do so

with regards to a particular ethnic group or region, the constitutional provisions of Articles 2 and 3, could in its hand become an instrument of hegemonic control and coercion.

The First Reorganization

History tells us that the events of 1947-48 had drowned out claims for state rights by Tamils (the Dravidian autonomy movement that been active since the 1930s), Sikhs (represented by the Shiromani Akali Dal party that had suggested a three-way partition of Punjab in 1946), and the Muslim community, whose acquiescence was critical to India's future stability. (Narang 1983; Sing Khushwant 1953; Devananda 1960; Chadda 1997) Within three years from the grant of the Constitution, India faced its first serious federal crisis. The natural tensions between the parts and the whole - ethnic, caste-based, and religious communities - surfaced with renewed vigour. The floodgates of linguilism had opened, challenging the unitary intent of the founding leaders. In December 1952, Potti Sriramulu fasted unto death over the issue of a separate state for Telugu speaking people. (Palmer 1961: 106) Bowing to popular pressures, the Congress government created a separate state for Telugu people -- Andhra Pradesh. Andhra's victory boosted demands in other provinces. Prime Minister Nehru appointed a three-man States Reorganization Commission (SRC) charged with 'preservation ...of unity and security of India'. In its findings the SRC railed against 'excessive deference to 'narrow loyalties' and recommended a division of India based on dominance and geographical concentration of ethno-linguistic communities. (Report of the states Reporganization Commission 1955: 45, 229-237) After much debate, Parliament called for a reorganization of India into 14 states, based on the criteria lad down by the SRC. At that time, the SRC refrained from dividing the provinces of Bombay and Punjab, as no neat divisions could be made along linguistic lines in these two provinces. (Schwartzberg 1985, 165-166) In Punjab, the central government faced different issues from those in Bombay. The demand for a separate province of Punjabi Suba was based on religious separateness of Hindus and Sikhs. This was anathema to a leadership determined not to permit another division of India on the basis of religion. Any tampering with Punjab, a border state, immediately endangered India's security interests. And Nehru had not forgotten that a faction of the Sikh leadership had demanded a separate Sikhistan in the 1940s. (Verma 1987: 269) Nehru's response, then, was not to separate, but instead to add areas and expand the state of Punjab. At the same time, Congress's support among the Sikhs was consolidated by appointing Karan Singh, a popular Sikh, as Congress's leader in the state. The purpose was to dilute Sikh presence and to marginalize separatists within the province. Gurharpal Singh's (1995: 483) interpretation of Nehru's strategy as one of hegemonic control is difficult to sustain in view of the fact that the majority of Sikhs in Punjab were voting for Congress in open and fair elections. It would be hegemonically oppressive, as Singh suggests, only if we insist that the Sikhs, regardless of how they vote, are a separate nation deserving a separate state. Nonetheless, it is true that the central government, supported by legislative majorities, had the power to change perimeters within which such contests were held.

There is another problem with Gurharpal Singh's interpretation. It assumes that the process of state formation is possible without accumulation of power at the political centre. Nowhere have states been formed without an accumulation of authority in the hands of a political class. Had the Indian state pursued strategies deployed by its counterparts in European history, there might have been many more insurgent Punjabs all over India. Singh does note the negative role of Sikh leadership, but for the most



part, slides over the self-destructive manoeuvres of Sikh leaders which prolonged and made the conflict in Punjab violent.

However, once the principle of linguistic states had been accepted in 1956, the separation of Gujarati and Marathi speaking communities in Bombay, and Punjabi and Hindi speaking people in Punjab, was only a matter of time. Bombay was divided in 1960, and the division of Punjab followed six years later. The latter was made possible when the Sikh leadership abandoned religious rhetoric and couched its demands in ethno-linguistic arguments. The first federal revolution thus discarded the design of administrative divisions that Nehru had favoured for independent India, a design which did not recognize the need for congruence between ethnic identity and territorial homelands. The first reorganization did precisely the opposite: it legally acknowledged India as a federation of ethnic subunits. In a sense, Nehru and India had returned to the ethnic fault line conceded by the Congress movement during the struggle for national independence. Congress had demanded that the British grant autonomy to linguistically defined provinces. The British had resisted, but Congress leaders could not follow suit, having championed the cause of ethnic autonomy in independent India's formative years. Nor could they resist the temptation of linguism to garner support. Culture had then trumped over the idea of a homogenous nation-state and the prototype of the European model which had so deeply influenced the first generation of Indian leaders.

More importantly, the first reorganization created a unique design for governance, one that could withstand the pull of heterogeneity. This design has been deconstructed at length elsewhere. It will be enough to focus on its key features here. (Chadda 1997: 1-26) Briefly, the design for governance was based on two connected quests of Indian leaders: relational control and interlocking balances. The first quest guided India's regional policy. The second guided its domestic politics. The objective of relational control was to protect India from the fallout of events beyond its borders, whether from shifts in political orientation in neighbouring states, or from the mobilization of overlapping nationalities that India shared with other South Asian states (i.e., Bangladesh, Pakistan, Sri Lanka, and Nepal). It meant acquiring capabilities to structure inter-state relations between South Asian countries. In other words, relational control permitted India to forge a nation-state (with recognized fixed boundaries) and gave it the leverage to arrange regional affairs to its advantage.

The second quest was to secure interlocking balances among its diverse sub-nationalities. What was the objective, we might ask, in securing this balance? To make its nation congruent with its state is the short answer. India included several nations or would-be-nations within its borders. Therefore, the objective was to create a series of interlocking balances between proximate cultural communities (i.e., between Punjabi and Hindi speaking communities in Punjab, between Marathi and Gujarati speaking communities in undivided Bombay, and between Bengali and Assami speaking people in Assam), the homelands of such communities, and the central state (i.e., Punjab and the central government; the state of Jammu and Kashmir and the central Government), and between the central state and its adversaries with whom it shared ethnic and religious minorities (India and Pakistan; India and Sri Lanka; India and Bangladesh).

At least three conditions were necessary for the interlocking balances to work well. The first was the creation of an overarching authority based on 'universal' order that would be impartial between India's heterogeneous segments. The central state had to gain a sufficient degree of autonomy to act as an impartial pan-Indian agency. The Constitution had provided the centre with such powers. These Constitutional powers were reinforced by the dominance of the Congress party and its espousal of what can be called

overarching ideological order for the Indian political universe, i.e., secularism, non-alignment, democracy, and social welfare. The second condition was the creation of a *layered order* that accommodated ethnic nationalities. The separate lists of powers for the constituting units - for the centre, the states, and the latter -- divided for administrative convenience into districts, cluster of districts (Zillah), and village assemblies - constituted such a layered order. The third condition was *regional autonomy*. The central government was forced to yield linguistic states that would thereafter organize politics on the basis of their distinctive cultural and political identity. The linguistic reorganization of 1955-56 was an antidote to the unitary tendencies embedded in the Constitution. To sum up, the *universal order* gave moral and political authority to the central state. *Layered order* acknowledged the prior claims of culture, and, *regional autonomy* permitted ethno-linguistic communities to comfortably nest within the overarching order. The first reorganization embodied this model of governance...

The reorganization of India along linguistic identities had, however, raised serious worries that autonomy would lead to separatism and further, to the disintegration of India. These fears abated as the new federation bound the parts more closely to the whole. That this was indeed in accordance with the popular will was amply evident in the thumping majority the congress party received in the 1957 elections. Many policy analysts, however, continued to debate whether the reorganization had weakened or strengthened the central state. (Harrison 1985: 300-308) While most believe that the first reorganization had strengthened both the state and democracy in India, they also agree that it unleashed a force that required the central state to renew repeatedly the pact India had made with its own diversity.

The Second Federal Reorganization (1971-87)

The second reorganization focussed on the division of the state of Assam in Northeast India. Representing a different set of issues for Indian leaders, this region had been left largely untouched by the SRC. (Chadda 2000: 164-172) To begin with, it was a patchwork of tribal and mixed linguistic communities. (Dube 1984: 146) No neat divisions along the lines of the earlier reorganization were possible. The colonial legacy had created a special set of problems. The Northeast was the least integrated region in the territorial and administrative sphere of British India. The British had followed a policy of neglect and seclusion that had left the region resentful and suspicious of all governments that had sought to control the Northeast from New Delhi. Decades of missionary conversions among the tribal population had enlarged the gulf between people residing in the plains and those residing in the hills. The overlapping of the Naga and Mizo tribes across Burma and the Indo-Chinese border, closely linked the issue of ethnic autonomy to national security and territorial control. (Mohan Lal 1984: 201-205) The Indian state, thus, had to integrate within its federal union a vastly diverse and underdeveloped Northeast. This task was made more difficult because China claimed parts of this area (Arunachal Pradesh). Indian leaders were faced with the task of reconciling the conflicting goals of democratic accommodation and security requirements. The answer was found in dividing Assam into seven separate province-states.

The Nehru government created the Sixth Schedule to the Constitution which divided the Northeast into three broad areas with special arrangements of power sharing for each: the hill areas included the tribal homelands where tribal nationalities controlled their own affairs; the frontier tracts were the responsibility of the state government of Assam, and



the tribal areas in the plains were protected under provisions for representation and inalienable rights to tribal lands. (Kumar 1996: 16-21) The Sixth Schedule created District Councils, yet another administrative innovation, which provided local communities with wide ranging powers over local economy, culture, religion, and customs. While these accommodations were institutionalized, the Nehru government also used force to weaken and eliminate insurgencies among the Naga tribes. The objective was not to annihilate the Nagas but to split the movement - by separating the moderates from the militants - and forging an agreement with the latter to integrate them within the Indian union. In 1963, one large faction of Nagas was willing to sign a peace agreement in exchange for autonomy and statehood which became the basis for the new state of Nagaland in 1963 (Acharya 1993: 223-230).

The rest of the tribal nationalities in the Northeast could not be denied a state once Nagaland was a fact. In 1971, by an Act of Parliament, the government of Indira Gandhi carved out several states from the former state of undivided Assam. The passage of these parts from being rump communities to separate states occurred in stages. Tripura and Manipur which were originally parts of Assam, became Union Territories in 1956 and then separate states in 1972. Meghalaya became an autonomous state within Assam and then a full fledged state in 1972. While Manipur and Tripura had seen widespread agitation, Arunachal Pradesh and Meghalaya had not been convulsed with popular demands for separate statehood. Their creation was meant to preempt China from making claims to these border territories.¹ There were also electoral and political considerations behind the division. (Baruah 1999: 91-115) Granting of statehood created a support base for the ruling party and gave it an advantage in state elections. The main beneficiary of the breakup of Assam, was the Congress party of India and Prime Minister Indira Gandhi. The Lok Sabha elections of 1972 and the state elections in 1973 gave Indira Gandhi a solid majority in Parliament and in state Assemblies. The early 1970s, thus, were benchmark years for the triumph of the governance model evolved in previous decades: interlocking balance and relational control based on layered order and local autonomy within an overarching ideological architecture of the Indian nation-state. Any respite from conflict was however temporary. Peace could endure only as long as New Delhi responded by granting greater autonomy and renegotiating pacts in response to changes within society and the economy.

The Indira Gandhi era is not identified with the spirit of accommodation and compromise. In fact, it is viewed as a period of arbitrary centralization impelled by a desire to protect, even impose, Congress party's legislative majorities through underhanded means. (Wariawalla 1988: 248) But most observers would also agree that the Congress 'system' itself had changed. The expansion of economy and democracy since independence had broadened the demands for regional and ethnic autonomy. It was no longer sufficient to merely grant separate statehood to ethnically compact regions within the Union. The ethnic and caste parties that now governed the newly created states had leapt to the next stage of democratic demands. They wanted real power, more financial control, and the promise of non-interference from New Delhi. Nehru did not have to cope with regional opposition with a popular support base because until 1967, the Congress party continued to win majorities in both state assemblies and at the center. What is more, opposition to the Congress had nested largely within the party. This was no longer the case in the 70s and 80s. In these decades, ethnic leaders had moved forward to form

¹ Several critics claim that the division of Assam was entirely a top down process and that there had been no serious popular mobilization to warrant carving up the state. Others point to the Naga and Mizo not to mention separatist insurgencies in Manipur and Tripura to explain the division.

opposition parties that competed with the Congress in assembly elections. (Sharma 1988: 112-118) It is then not difficult to understand why the Indira Gandhi era is identified with centralization, and why the debate over centralization and decentralization dominated public discourse. This was conducted against the revolts in India's geographic periphery - Punjab, Kashmir, and Assam. (Chadda 1997: chapters 4, 5, 6.)

The leading proponents of the 'over centralization equals strength' thesis are two prominent experts on India: Ayesha Jalal and Atul Kohli. (Jalal 1995; Kohli 1990) Both believe that a quest for 'monolithic nationalism' led to the ethnic conflicts in the 1980s. But they are both mistaken for two reasons. First, they fail to differentiate between the rhetoric that exalted unified India - a regular staple of all political speeches - and the reality of pluralistic assertions in the 1980s. India's heterogeneity could not, and did not, allow imposition of a monolithic nationalism even if India's leaders had so desired. And the constant effort to accommodate - visible in the three waves of reorganization - suggests that the leaders were aware of the gap between what they aspired for, and what, in fact, they could have. Second, Kohli and Jalal measure power of the state by its coercive capacities instead of political capacity. Political capacity consists of institutionalized means to resolve conflicts. The use of coercion underscored the inability to forge interlocking balances between proximate ethnic communities (i.e., Hindus and Sikhs in Punjab), between them and the central state, and in the third arena of interlocking balance, i.e., the Indian state and neighboring states. Pakistan could destabilize interlocking balances in Punjab and the state of Jammu and Kashmir. India's military and coercive capabilities had expanded, but the quantum of real power measured in terms of ability to resolve conflicts had declined precipitously. Wielding the stick and failing to negotiate did indeed look as if the Indian State had grown strong and authoritarian. However, in the absence of the ability to resolve conflicts, decentralization can not strengthen democracy and coercion does not equal strength. The Indian state was at its weakest since it was established in 1947, in other words, the twin goals of democracy and federalism need a strong center and an equally strong province-state authority committed to the federal bargain.

Nothing could have better demonstrated the misleading characterization of India as an authoritarian democracy than the elections of 1989 and the events that have occurred since then: the decline of the Congress, rise of coalition politics, and shift of power to the regions. As V. S. Naipaul has aptly described, India was a 'land of a million mutinies' in the late 1980s and early 1990s. (Naipaul 1990) Even though the Congress party led by Narasimha Rao formed a government in 1991, it had to operate with a very slim majority in Parliament. Most importantly, the Rao government had to contend with the rising appeal of the Hindu nationalist party, the Bharatiya Janata Party. The latter had wrested away a substantial portion of the middle class urban vote from Congress. In addition, Prime Minister Rao had to defer to the agendas of powerful regional opposition leaders in electorally important states such as Bihar, Uttar Pradesh, Andhra Pradesh, Tamil Nadu, Maharashtra, and Gujarat. Although Rao performed well as an economic reformer, he could not, or chose not to confront the rising forces of Hindu chauvinism from defying the courts, laws, and even the Constitution of India. The curious inaction in preventing Hindu mobs from destroying the 16th century mosque in Ayodhya in 1992, underscored Congress' weakness.

Throughout the 1980s Congress was thus in a state of secular decline. Its assured legislative majorities - an important element of the governance model of relational



control and interlocking balances - appeared to have come to an end. Indeed one might argue that Indira Gandhi had been trying to protect Congress's legislative dominance precisely when it was rapidly slipping from her grasp. Learning from the mistakes of his predecessor, Rajiv Gandhi sought to recapture the original governance model based on accommodation and negotiation, but the compulsions of political survival persuaded him to abandon that effort in 1987. It is therefore ironic that scholars have continued to excoriate the Indian State for concentrating power at the center. Jalal's volume was published in 1995 and Kohli edited the *Journal of Asian Studies* with a lead article about the evils of centralization in 1997, although the central state was weakening and real power had moved away from the center.

The Third Federal Reorganization (1999)

The trends that had become visible in the 1980s - the decline of Congress, the rise of Hindu nationalist forces, the emergence of coalition governments, the regionalization of politics, and the de facto dispersion of power it brought about, accelerated in the 1990s. The third federal reorganization, this time in the Hindi-Hindu heartland of India, should be viewed against the backdrop of these changes. Shifts were also evident in the intellectual and ideological arenas in response to the end of the Cold War and the 'Third Wave' of democratization based on market economy. Three arenas of policy were immediately affected by these shifts: the economy, foreign policy, and public debate. India acceded to the global changes by initiating economic reforms. Liberalization of the economy had unshackled new centers of political interest and influence. A retreat of the central state meant greater latitude for the state and local level constituencies and a shift in the locus of decision making to the regions. In foreign policy, it meant realignments in the region. In the 1990s, a new reactive connection had emerged between rising Islamic and Hindu extremism, Indo-Pakistan relations, and the conflict over Kashmir. (Chadda 1999) A weak and unstable Pakistan was even more dangerous to India's control over its borders in the north and the west than an aggressive Pakistan, driven by resurgent Islam. While these shifts altered the context of anxiety over border states, the rise of Hindu nationalism led by the BJP and of powerful ethnic and caste parties in politically important states within India, altered the basis of domestic politics. The era of coalition government had arrived, and that of Congress with its easy majorities at the center had ended.

What did these changes mean to the federal equation and to the governance model that had operated under the earlier era of Congress's dominance? In the post Nehru-Gandhi years, the contest for power involved three national level actors, the resurgent BJP, a conger of regional parties representing a coalition third force, and, the Congress. The latter was weak but was able to still cobble enough seats in Parliament to influence who could or could not form a government in New Delhi. This was then the decade of unstable coalition rule and frequent elections in which all three actors formed successions of governments in India: the Congress between 1991 and 1995, the coalition of regional parties in 1996-1998, the BJP for thirteen days in 1998 and then again in 1999, but this time in coalition with regional parties willing to support it in exchange for dropping its 'Hindutva' agenda. One may characterize the 1990s as a decade when ethnic and caste based regional parties became more closely integrated into the central government with corresponding influence to dictate the course of policy.

India's province-states were no longer preoccupied with the question of autonomy from the center but were exerting power within and over the center.² (Pal 1993: 135-153; 181-197) The armed rebellion in Punjab had given way to elections in 1992. New Delhi's relations with Assam did not remain confined to securing autonomy, instead, they had moved on to questions of retaining majority for the Assamese nationalists, (represented in the Assam Gano Parishad party) and to managing subnationalism within its borders. The triumph of the AGP had ushered in an era of local control and defused, at least temporarily, confrontations with New Delhi. The battles had therefore moved inward within the province-state and among different parties that spoke for the local tribal nations within Assam. This is not to suggest that ethnic conflict came to an end, but that it had abated in response to a new equation between the center and its regions. The conflict in the state of Jammu and Kashmir that involved Islamic groups operating from Pakistan, however, remained intractable.

It is this sea change in Indian politics that explains the ease with which the BJP was able to create the three states of Jharkhand, Chattisgarh, and Uttaranchal. Jharkhand has had a history of agitation going back to 1800, but the demand for a separate state became evident largely in the 1950s when linguistic agitation swept through India³ (Rasheeduddin Khan 1997: 246). In its report, the SRC had cited economic non-viability of the residual state, and disruption to the boundaries of the four affected states, as grounds to reject the demand for Jharkhand state. (Report of the state Reorganization commission 1955: 169) In addition, a merger between the locally dominant Jharkhand Party and the Congress party in 1963 kept the demand for a separate state at bay. Local parties that opposed the merger had however continued to agitate. In 1992, a fraction of the opposition turned militant and established the Jharkhand Mukti Morcha, a militant organization comprising largely of younger and less patient elements (Narayan 1992; Sengupta 1982).

The leaders of the separate Jharkhand movement argued that as long as the region remained 'divided into four states, and centers of decision making remain [ed] in Patna, Calcutta, Bhuvaneshwar, etc., the people of Jharkhand region will continue to be victims of cultural suppression and economic exploitation. The efforts ... of the government for a balanced development have utterly failed... and the people are not ready to wait any longer.'(Rasheeduddin Khan 1997: 147) The central government accepted the proposal to form an Autonomous Council modeled on the pattern of the Darjeeling Gorkha Hill Council (with limited executive and legislative powers) but the three affected states - Bengal, Madhya Pradesh and Orissa - rejected the formation of Jharkhand from parts of their territories. Only Bihar passed a bill to form a separate Jharkhand Area Autonomous Council in 1994 (Bihar Gazette 1995). Once the bill was passed, the emergence of a separate state from within Bihar was a foregone conclusion. But no other state boundaries had been altered.

The timing of the new state had however depended on the configuration of politics in New Delhi and Patna. No one doubted that the call for a Jharkhand would be popular so long as its boundaries affected only Bihar, which had already approved the creation of

² State proposals concerning greater state responsibilities were outlined in the West Bengal document of December 1, 1977, The Rajamannar Committee Report from Tamil Nadu, The controversial Anandpur Sahib Resolution of 1973, the Sarkaria Commission Report 1983. Each new report underscores the escalating demand for greater autonomy.

³ Between 1800 and 1930s there were several agrarian movements - the Tamar revolt in 1801 and 1820, the Kol insurrection in 1831, the Sardari agitation in 1858-59, the Bisra insurrection in 1900 and Bhagat movement in 1914.



the new state. Weak local parties that supported or opposed a separate Jharkhand could use the cause to widen their popularity and enter into coalition with stronger parties that lacked a local base in the Jharkhand movement. National political parties were equally keen to gain from the Jharkhand agitation. The BJP hoped to consolidate its base in Bihar, or at least, weaken that of its opponent's by appealing to the ethnic sentiment. The BJP's rival, the Congress party, was equally anxious to leverage itself into a more advantageous position in Bihar and North India. It too supported the creation of the new state. And the regional parties, specially the Rashtriya Janata Dal (RJD) under the leadership of Rabri Devi and Lallo Prasad Yadav, were not unhappy to forego the Jharkhand constituencies over which they had uncertain control. The Frontline reports that 'The ruling Rashtriya Janata Dal agreed to the formation of Jharkhand though a large chunk of Bihar's revenues will go to the new State...because the party will have a majority of its own in the Bihar Assembly after the bifurcation of the State.' (The Frontline 2000, hindunnet.com/fline/fl1717/17170340.html.) In the newly altered Bihar, the RJD would rule with less interference from the Congress because in Bihar it was the Jharkhand area that tended to elect Congress representatives to the provincial assembly.

While the backward caste tribal element was critical in the politics that created the separate states of Jharkhand and Chattisgarh, the constituency for the new state of Uttaranchal was distinctly upper caste. The state of Uttar Pradesh (UP) is very large and many have argued for its break up into more manageable administrative units. (Rasheeduddin Khan 1997: 261) The BJP had very strong support in the upper caste Hindu voters of the hill areas that make up Uttaranchal. Political calculations became the catalyst in the decision to create Uttaranchal. That this strategy favored the BJP, at least for a while, is evident in the comments of local political leaders and party functionaries during the February 2002 state level elections: 'We rejected Congress in favor of the BJP in 1989 because the Congress stand on the creation of a new state was ambiguous. We whole heartedly supported the BJP' (The Frontline, 2002, www.hundunnet.com/fline/fl1904/19040330.html). Congress had been trying hard since 1990 to cobble together an alliance of backward castes, Muslims and tribals in U. P., in the hope that this would give it a popular base to capture the state assembly. It had no hopes of winning the Hindu upper caste vote which the BJP had cornered in the late 1990s. Congress's reluctance to support the creation of Uttaranchal was based on a fear of weakening its position in the undivided state. But the BJP's popularity did not last long either. In the February 2002 elections, disappointed voters were asking, 'What have we got in return (for supporting the BJP)? Only promises that have not been fulfilled.' (Frontline 2002, www.hundunnet.com/fline/fl1904/19040330.html.) Congress swept the 2002 Uttaranchal Assembly polls. The March assembly elections in the rest of the U. P. were, however, far less decisive, and produced a hung assembly instead. Grant of a separate Uttaranchal had nevertheless redirected ethnic protests into regular electoral channels of formal politics.

One might, however, argue that the new states might not have been created, had the political scene not changed so drastically in the 1990s (to become a three way contest between the BJP, the Janata led coalition and the Congress), and had real political power not passed into the hands of regional political parties with leverage, and even a veto over the life of national governments. It might not have occurred had the national leaders been genuinely fearful and worried about maintaining India's territorial unity. Ethnic communities in the three new states were unconnected with foreign enemies or cross border nationalities, unlike in Punjab, Kashmir, and Assam. Despite serious limitations and glaring flaws, India's federalism had finally forged a nation state from a vast array of diverse and divided ethnic entities. The central state had failed to

implement that design in Punjab, Assam, and the province-state of Jammu and Kashmir but in the end, central governments were also the source of effective solutions in Punjab, and to some extent, in the Northeast. Political will, and not constitutional provisions had determined whether the creation of new states would defuse ethnic conflict or lead to ethnic discontent.

This is why the recent debate over the federal question in India is so misleading. It is possible to identify broadly three separate strands of arguments in this debate. There are those who point to the penetration of global forces, worry over the weakening of the central state, and would like to see the state shield India from global markets. Ironically, these same scholars also excoriate the state for aggrandizement of power and denial of autonomy to the regions. The second set of observers support economic liberalization and would like to see India fully integrated into the world economy. They are less worried about the implications for economic sovereignty. They advocate that each province-state should be free to independently mine the international financial markets for investments. There is a third view, more popular among the ranks of post-modernists and scholars of subaltern studies. According to them, the first two sets of arguments are excessively biased in favor of the state. The proponents of this view attack not only the centralizing tendencies of the Indian State, but the institution of the state itself. In their view, the state is little more than an instrument of mass oppression and exploitation. They advocate recognition of subnational communities not within the pan-Indian nation-building project, but within a frame of 'dual but complementary political identities.' (Baruah 1999: 201) Their objective is not simply to modify the center-state equation by ensuring greater provincial autonomy, but to make units equal to the center by reconstituting India as an 'aggregate of politically organized territories' (Baruah 1999: 201). They would like to see India's territorial units endowed with shared sovereignty and law making prerogatives. Inspired by Gandhian philosophy, a fraction within the third perspective wants to see power devolve further to the next layer of political order, to the grass roots and village bodies (Nandy 1992: 37-38). The proponents of the third perspective argue that empowering the people will make India a true democracy.

In a recently published book on the evolution of ethnic conflict in Assam, Sanjib Baruah traces violence and separatism in the Northeast to the excessive centralization of power implicit in the statist perspectives of Indian leaders. Assam, he says, succumbed to violence because it was so ruthlessly divided to serve Congress party's narrow electoral objectives, i.e., garnering legislative majorities (Baruah 1999: 202-205). While Baruah is correct about electoral motives, they alone do not tell the whole story of conflict in Assam. Baruah has largely ignored the separatist tribal insurgencies and the presence of China in the Northeast. China had aided and abetted insurgencies. Naga insurgents had found safe haven across the border in their war against Indian security forces. The creation of seven states in the Northeast was meant to grant self-rule to tribal nations on the disputed border with China, and thereby tie them more closely to India. A majority in these states did not wish to be under the jurisdiction of the state government in Assam. There was a certain risk involved in this strategy. It might be argued that the reorganization of the Northeast was an act of courage and imagination on Indira Gandhi's part, though it would never be seen as such by those who argue for sovereign rights for rump ethnic nationalities.

What could the Government of Indira Gandhi have done differently? Should it have ignored the role of hostile powers in fomenting insurgencies? Could it have



accommodated their demands but let the political leaders in Gauhati - the seat of state government in Assam, which was deeply resented by the tribal nations within that state - decide their fate? In any event, that prerogative did not rest with the province-state. According to the Constitution, the state needs to be consulted but does not exert a veto over the definition of its own, or any other states' borders. Even if the central government were to allow Assam such powers, how differently would it have responded to the demands for a separate Mizoram, Tripura, and Manipur? These ethnic communities refused to be included in the province-state of Assam. The Assam government's failure to resolve the conflict over Bodoland in the 1990s show the limits of what state governments can do about ethnic conflict within their borders. Besides, if Assam was granted such a privilege, why not Maharashtra, Andhra Pradesh, Bihar, Madhya Pradesh, and Punjab? There is no evidence that state governments are more democratic, ethical, or fair. The parties that rule the state are likely to be as corrupt and anxious to protect their majorities in the assembly as their counterparts are likely to be in national politics.

What kind of policies would leaders pursue if India were to be an 'aggregate of politically organized territories'? Baruah cites Malaysia as a model for the kind of immigration policy Assam might follow. Malaysia had banned immigration to preserve its demographic balance. In Assam this would mean stopping the migration of poor Bangladeshis from across the border and deporting all those who have migrated since 1972. There is no untainted record available of the numbers of residents who would have to be deported under this rule. What is more, according to Baruah, had the state of Assam been given jurisdiction over immigration policy (which meant forfeiting New Delhi's right to exercise control over international borders) the local government would have frozen migration into Assam and that would have prevented ethnic violence. There are two problems with this proposition. First, until the 1970s, Congress governments were elected by popular vote in Assam. Later, when its mandate eroded, and the Assam Gano Parishad (AGP) won the elections, it disappointed the Assamese by pursuing more or less the same policies as the previous Congress governments. In fact, the AGP led government in Assam faced the same charges that the AGP itself had levelled against New Delhi in its own fight for autonomy, that of ignoring the problem of migration and denying autonomy to ethnically defined nations such as the Bodos. There is then no ideal solution to the cascading effect that granting ethnic self-determination might produce. A weak government is likely to generate endless demands for statehood. Secondly, regional leaders can be as oppressive and self-seeking as their counterparts at the center. Proponents of subaltern studies are on the mark in their criticism about the oppressive nature of the state, but they do not tell us how we are to construct a true democracy without borders, and without a state.

The critics of Indian policies in Punjab echo many arguments espoused by Baruah. Gurharpal Singh (1995: 281) characterizes India as an ethnic democracy where the state is dominated by one ethnic group, argues that Sikh nationalism as a claim to parallel sovereignty deserves explicit recognition, and views Indian nationalism as a disguised Hindu revivalism. India's democracy rests on privileging ethnic pluralism, but India's central government is not a monopoly of any single ethnic group as Singh suggests. Although the Sikh community wants equal status and freedom for cultural expression, the majority among them do not want an independent Khalistan. He is also mistaken in arguing that Indian nationalism is identical with Hindu revivalism. The former consists of many voices, secular and syncretic. In any event, Gurharpal Singh's arguments apply more to the late 1980s than to the early years of independence under Nehru, or even to the first term of Indira Gandhi. The advocacy of a confederal India implicit in Singh's

arguments must be approached with caution in view of what Ritimi has to say about the Nigerian experience. Cameron Ross on the other hand, warns us of the dangers of resting too much faith in autonomy at the state and provincial level. Ross concludes that autonomy can replicate in local level authoritarian rule with many 'mini' presidents. Ethnic hegemony, rule by a single ethnic group is a difficult, if not an impossible proposition in an ethnically plural India.

Assessing the Creation of New States

In conclusion, it might be useful to return to the questions raised in the introduction. Was there a grand design in the provisions that governed the creation of new states? Were these federal reorganizations motivated largely by electoral calculations or for immediate gain? And did they aggravate or mitigate ethnic conflicts?

The first reorganization had undoubtedly extended the democratic dispensation by creating many new centers of regional power with autonomous jurisdiction. It corrected the embedded pro-center bias of the Indian constitution. The first reorganization was based on accommodation of ethno-linguistic and cultural communities, which have since then occupied a pre-eminent place in Indian politics and in the Indian model of governance. This model was more suited to an empire-state than a modern nation-state. But that was the only way India could integrate its diversity and its democratic character. While the first reorganization affected the Indian nation as a whole, the second effort at federal reorganization focused on one region, i.e., the Northeast. The first was guided by the need to federalize the union on an identifiable basis. The second was motivated by concerns over national and territorial security in the Northeast. Electoral calculations were no doubt important in the 1970s, but they were not the only reasons for the division of Assam. While the first reorganization breathed life into the governance model of relational control and interlocking balances, the second reorganization sought to protect that design by giving new states a stake in India's territorial integrity.

We might ask if such a strategy was compatible with India's avowed commitment to democracy. The answer would have to be a conditional affirmative. Commitment to a federal democracy did not prevail over the imperatives of territorial unity. In fact, the latter became the touch stone for granting provincial autonomy in border states. In the rest of India, as the third reorganization shows, grant of autonomy was less controversial and turned on the calculations of party competition and elections.

Could India have evolved a different model of federalism than the one it actually followed? Many have argued that India could have avoided separatist violence and challenges to its territorial integrity, had it been an 'aggregate of politically organized territories'. While the moral argument behind this advocacy is sound, we are not told how India could have become such an entity. There would have been no India had it been conceived as an aggregate of quasi-sovereign states. India was exactly such an aggregate of princely states and directly ruled provinces in 1947. Should it have continued in that vein? Would such an India have been more democratic and respecting of human rights? History does not provide an answer to this question. The founding leaders of India thought it necessary to carry forward with what Mahmood Ayoob has described as the 'primitive accumulation of power' which all societies are required to carry out if they are to form a state. The coercive character of the state cannot be denied. By the same token, if there is no state there can be no democracy.



This is not meant to minimize the deleterious impact of centralization evident during the 1970s and 1980s in India. Nor is this meant to justify state oppression. The attempt here is to understand, not absolve leaders of the kind of choices they made. The Congress governments under Indira and Rajiv Gandhi did much that was grossly wrong. It is important nevertheless to avoid the trap of simple dichotomies, i.e., oppression versus human rights, big government vs. small government, centralization vs. decentralization, and nation vs. State. For countries that are simultaneously pursuing democracy, development, and territorial unity, choices are hardly ever between neat pairs of opposites. They are more than likely to be between: more or less democracy, more or less development, and more or less autonomy. Each trade-off demands a price in terms of compromise with some other, equally desirable goal. Debates about the creation of new states have been erroneously conducted within the misleading, polarized perspective of centralization and decentralization. Centralization needs to come first because we do not know how to build a democracy without a state. Moreover, these polarized perspectives ignore the syncretic model of governance India had created in the mid 1950s, combining autonomy to regions and layered order, within an overarching political universe. Whether led by Congress, Janata, or the BJP, all governments in India have had to return to this model - or forfeit the right to govern. The creation of new states was a key element in the success of this model.

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FORUM: MACEDONIA

Peace, Stability and Elections: An Opinion Poll and Its Implications

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This project was independently commissioned by the Center for Democracy and Reconciliation in Southeast Europe (CDRSEE, Thessaloniki, Greece) and co-funded by the CDRSEE, Foundation for Open Society Institute in Macedonia (FOSIM) and the Greek Ministry for Macedonia and Thrace. The research was undertaken by Dr. Colin Irwin of the Queen's University of Belfast and the public opinion survey work was conducted by the Center for Ethnic Relations, Skopje, Macedonia, between 14th March and 25th March to produce 1600 'face to face' interviews that represented a cross section of the adult population of Macedonia in terms of age, gender, social class, political and ethnic affiliation and geographical area.

Seeking the People's Views on Conflict Resolution

Peace and peace processes are not easy. Macedonia managed to stay out of the worst of the Balkan wars and Northern Ireland is having a good year after a generation of 'The Troubles'. Israel and Palestine are not doing so well. There tanks, F16s and helicopter gun ships 'face off' against suicide bombers with the most tragic of consequences. The election of a hard liner, Sharon, to the leadership of the Israeli State may have helped to re-ignite the conflict in the Middle East. In Northern Ireland next year's elections could see new politicians in power and a reversal of fortunes there. While here, in Macedonia, the up coming elections may determine the fate of the peace process in this part of the Balkans.

What are the critical problems that the next Macedonian government must deal with? What policies can best meet these challenges? What will happen if these problems are not dealt with and can the people of Macedonia be persuaded to come out and vote for the politicians they believe can best deliver long term peace and stability?

Eight public opinion polls were run in support of the Northern Ireland peace process so that the people of Northern Ireland would have an opportunity to tell their politicians what they thought should be done. This public opinion poll uses the same methods as those used there so that the people of Macedonia can have an opportunity to express their views on the way ahead. The results are reviewed below and full comprehensive reports will be sent to all the parties who have been elected to the Parliament of Macedonia and to the EU, OSCE and other interested National and International organisations.

Reasons for the Lack of Peace and Stability in Macedonia

People from different communities often hold very different views about the causes of a conflict and, in this case, the lack of peace and stability in Macedonia. To deal with this issue the first question in the poll asked people to indicate which problems they considered to be 'Very Significant', 'Significant', 'Of Some Significance', 'Of Little Significance' or 'Of No Significance' at all. Table 1 lists the results for the two main communities in order of importance from one to twenty four (per cent 'Very Significant'). Some concerns are the same for both Macedonians and Albanians, but some are not.



Table 1: Macedonian and Albanian Views on the Causes of Conflict in Order of Significance

	Macedonian		Albanian
Activities of Albanian paramilitary groups still operating in Macedonia (ANA).	85	Discrimination against minority ethnic groups in employment, education and language rights	80
Incomplete disarmament of NLA by NATO	78	Activities of Macedonian party police and paramilitary groups operating in Macedonia (Lions, Poskoks).	67
Many illegally held weapons in the region	74	Bribery and party political corruption that undermines the democratic foundations of the state	66
Serious organised crime including businessmen, paramilitaries and politicians	70	Poor economic opportunities for all sections of the society	61
Bribery and party political corruption that undermines the democratic foundations of the state	65	The failure of the Macedonian economy	58
Amnesty that includes ALL serious crimes against humanity	62	Serious organised crime including businessmen, paramilitaries and politicians	56
The failure of the Macedonian economy	53	Biased media and abuse of information due to gross political interference	55
Poor economic opportunities for all sections of the society	52	Bad interethnic relations between the people of Macedonia	53
Bad interethnic relations between the people of Macedonia	48	Lack of understanding of democracy by the people's elected politicians	46
Lack of action by the International Community to create peace and stability in Macedonia	46	Bad interethnic relations between the politicians of Macedonia	40
The FA goes too far regarding the requests for reforms	43	Lack of transparency in government at all levels	36
Displaced people within Macedonia	42	Many illegally held weapons in the region	27
The dispute about the border with Kosovo	42	The dispute about the border with Kosovo	27
Lack of transparency in government at all levels	38	Interference of the religious communities in politics	25
Bad interethnic relations between the politicians of Macedonia	36	The FA does not adequately deal with the requests for reforms	25
Lack of understanding of democracy by the people's elected politicians	35	Unequal treatment of different ethnic groups by international institutions and NGOs	23
Unequal treatment of different ethnic groups by international institutions and NGOs	32	Displaced people within Macedonia	19
The FA does not adequately deal with the requests for reforms	32	Lack of understanding of democracy by the people of Macedonia	17
Macedonia has not resolved its name dispute	30	Amnesty that includes ALL serious crimes against humanity	15
Biased media and abuse of information due to gross political interference	26	Macedonia has not resolved its name dispute	15
Interference of the religious communities in politics	22	Lack of action by the International Community to create peace and stability in Macedonia	12
Lack of understanding of democracy by the people of Macedonia	16	Activities of Albanian paramilitary groups still operating in Macedonia (ANA).	10
Discrimination against minority ethnic groups in employment, education and language rights	13	Incomplete disarmament of NLA by NATO	9
Activities of Macedonian party police and paramilitary groups operating in Macedonia (Lions, Poskoks)	13	The FA goes too far regarding the requests for reforms	6

Problems of security feature at the top of the Macedonian list with 'Activities of Albanian paramilitary groups' as their number one concern (85% 'very significant') followed by 'Incomplete disarmament of NLA by NATO' at number two (78%) and 'Many illegally held weapons in the region' at number three (74%). This is followed by problems of serious organised crime and corruption at four and five.

Similarly Albanians place corruption and organised crime high on their list of causes too at third and sixth respectively (67% and 56% 'Very significant'). The problem of security comes in at number two on their list but for them it is the 'Activities of the Macedonian party police and paramilitary groups' that continue to worry them (67%). However, for Albanians their number one problem is not security it is 'Discrimination against minority ethnic groups in employment, education and language rights' (80% 'very significant').

In many ways the major concerns of the 'Other' ethnic groups in Macedonia (for the most part, Turks, Romas, Serbians and Vlachs) are the same as those of the Macedonians with the activities of Albanian paramilitaries at the top of their list as well.

Clearly the different problems of security of each community must be dealt with if peace and stability is to be achieved in the long term and, for Albanians and some groups of 'Others', questions of discrimination must also be addressed. Beyond this all the people of Macedonia, whatever their ethnic background, consider the problems of corruption in government and the poor economic prospects of the state to be the greatest threat to the ultimate success of the peace process.

Interestingly, with regards to the peace process, it should be pointed out that the idea that the Framework Agreement goes too far with reforms came in at item 11 on the Macedonian list (43%) while the suggestion that the Agreement does not go far enough came in at item 15 on the Albanian list (25%). Clearly the Framework Agreement, as such, is not a major problem for either community although its outworking, in terms of security, equality and the rule of law, has yet to reach its full potential.

Priorities for Lasting Peace and Stability

In the second question people were asked to go through a list of twenty four steps that could be taken to help secure a lasting peace and permanent stability in Macedonia. For each step or option they were invited to indicate which ones they considered to be 'Essential', 'Desirable', 'Acceptable', 'Tolerable' or 'Unacceptable' as part of a successful peace process. Table 2 lists the results for the two main communities in order of importance. Again some priorities for peace and stability are the same but some are different.

The first three priorities for Macedonians relate to security and the rule of law. Their number one priority is for 'Effective measures against paramilitaries and organised crime (83% 'Essential'). This is followed by 'Strengthening the rule of law' and 'True court independence' both at 75%. For Albanians their first three priorities all deal with questions of equality and social reform. Their number one priority is for a 'State funded University in Albanian' (85% 'Essential') followed by 'Full implementation of the Framework Agreement (FA)' at 84% and 'Strong measures to prevent ethnic discrimination at 82%. Both of these communities list 'Free and fair elections' as their fourth priority.



With one notable exception there should not be too much community based resistance to the implementation of these apparently separate lists of needs. Albanians also want 'Strengthening the rule of law' (77% 'Essential') and 'True court independence' (66% 'Essential'). For Albanians 'Effective measures against paramilitaries and organised crime' is 16th on their list at 45% 'Essential', 22% 'Desirable', 22% 'Acceptable', 10% 'Tolerable' and only 1% 'Unacceptable'. Similarly 43% of Macedonians consider 'Strong measures to prevent ethnic discrimination' to be 'Essential' with only 2% considering such a policy to be 'Unacceptable'. 'Full implementation of the FA' is not an easy matter for all Macedonians but most find it either 'Essential' at 13%, or 'Desirable' at 20%, or 'Acceptable' at 22%, or 'Tolerable' at 19%. A minority of 26% consider this option to be 'Unacceptable' and so for them it is still a problem.

Unfortunately the one priority upon which there seems to be little or no 'meeting of minds' is the desire for a 'State funded University in Albanian'. This option is at the bottom of the Macedonian list with 78% considering such funding to be 'Unacceptable' while 85% of Albanians consider it 'Essential'. Hopefully Macedonians will now begin to understand how important such a University is to Albanians. Conversely Albanians must make an effort to understand why Macedonians are so opposed to such a policy and try to put such concerns as they may have to rest. Some very careful diplomacy and/or mediation is clearly needed here.

Much more could be said about the two lists of priorities. But, for the most part, there is more agreement than disagreement about policies and reforms which can be taken forward with strong and effective political leadership. Everyone wants Macedonia to be a democratic and economic success and will welcome all efforts made to achieve that end.

Table 2: Macedonian and Albanian Priorities for Peace and Stability

	Macedonian		Albanian
Effective measures against paramilitaries and organised crime	83	State funded University in Albanian	85
Strengthening the rule of law	75	Full implementation of the FA	84
True court independence	75	Strong measures to prevent ethnic discrimination	82
Free and fair elections	72	Free and fair elections	80
Rebuild the houses of displaced people and secure their safety	72	Local government development	78
The International Community should make greater efforts to remove all illegally held arms from the region	69	Proportional representation for all ethnic groups in the public administration, police and army in Macedonia	78
Strategic plan to eliminate social decline and poverty	68	Strengthening the rule of law	77
The state keeps control of strategic industries and resources	58	Strategic plan to eliminate social decline and poverty	73
Resolving the question of the name of Macedonia	51	Rebuild the houses of displaced people and secure their safety	67
EU membership	50	True court independence	66
Strong measures to prevent ethnic discrimination	43	Strategic plan to build confidence between different ethnic groups	66
Religious communities should not interfere with politics	40	EU membership	62
Local government development	34	Integration of ex-paramilitaries into civil society	59
Transparency in the grant giving of international institutions and NGOs	32	The state keeps control of strategic industries and resources	54

International help to build new and strengthen existing institutions of government	27	International help to build new and strengthen existing institutions of government	49
Strong measures to prevent gender discrimination	27	Effective measures against paramilitaries and organised crime	45
Strategic plan to build confidence between different ethnic groups	26	The International Community should make greater efforts to remove all illegally held arms from the region	40
International monitoring of the activities of key Ministries	23	Strong measures to prevent gender discrimination	38
Full implementation of the FA	13	Religious communities should not interfere with politics	38
Build new communities for displaced peoples in Macedonia	10	Transparency in the grant giving of international institutions and NGOs	37
Proportional representation for all ethnic groups in the public administration, police and army in Macedonia	8	International monitoring of the activities of key Ministries	33
Integration of ex-paramilitaries into civil society	6	Resolving the question of the name of Macedonia	25
State funding for an Faculty for Turkish Studies within an existing University	1	State funding for an Faculty for Turkish Studies within an existing University	14
State funded University in Albanian	1	Build new communities for displaced peoples in Macedonia	12

The Consequences of Failure

Of course everyone hopes that everything that has to be done to help make Macedonia a successful democracy with a growing economy will be done. But if the Government of Macedonia and the International Community fail to take the necessary steps needed to help secure a lasting peace and permanent stability what will happen then? From a list of fourteen different possibilities people were asked to indicate which ones they considered to be 'Very probable', 'Probable', 'Not sure' about, 'Improbable' or 'Very improbable'. Table 3 lists the results for all of Macedonia, for the Macedonian and Albanian communities separately and for the 'Other' minorities together.

Table 3: What will happen if the Macedonian Government and International Community fail to act? (Per cent 'Very probable')

	All	Macedonian	Albanian	Other
Increased poverty	77	78	74	74
Increased violence	62	68	43	62
Emigration of young people	61	64	50	64
There will not be fair and free elections	57	59	45	64
Few people will bother to vote in the coming elections	49	50	39	59
Immigration from Kosovo	32	40	6	32
The new Macedonian government will be weak and ineffective	32	31	33	38
Creation of ethnically clean communities	30	35	14	34
Restart of conflict initiated from Kosovo	27	34	5	27
State of emergency declared and elections cancelled	21	23	18	13
Aspirations of neighboring countries and break up of the state	21	24	13	19
Civil war and imposition of International Protectorate	16	19	9	11
Civil war leading to a regional war	12	14	7	11
Exchange of territories with neighboring countries	9	10	7	10



Nearly everyone is agreed that a failure to adequately address the problems that the Government and International Community must deal with will lead to 'Increased poverty' (77% 'Very probable'); 'Increased violence' (62%); 'Emigration of young people' (61%); and that 'There will not be fair and free elections' (57% 'very probable').

However, although 40% of Macedonians believe a failure to implement policies to deal with the Nations problems will also lead to 'Immigration from Kosovo' only 6% of Albanians share this view. Similarly only 5% of Albanians think a 'Restart of conflict initiated from Kosovo' is 'Very probable'. 18% of Albanians and 23% of Macedonians consider the prospects of a 'State of emergency declared and elections cancelled' to be 'Very probable'. While 24% of Macedonians and 13% of Albanians consider the break up of the country as 'Very probable'.

Beyond that the more serious prospects of a civil war leading to an International Protectorate (16% 'Very probable'), regional war (12% 'Very probable') or exchange of territories with neighbouring countries (9% 'Very probable') are not perceived to be very serious possibilities at the present time. Clearly the people of Macedonia do not fear war nearly so much as they fear a collapse of society resulting in increased poverty, violence, emigration and the failure of the democratic process. These prospects they consider to be very real indeed.

Fair and Free Elections

The desire for fair and free elections comes in as one of the top priorities for everyone living in Macedonia just behind the need for security and, for some, equality. Many may consider fair and free elections to be an indispensable part of any plan designed to deliver long term peace. With this point in mind the people of Macedonia were asked what steps should now be taken to help secure fair and free elections. From a list of twelve options which ones did they consider to be 'Essential', 'Desirable', 'Acceptable', 'Tolerable' or 'Unacceptable' as part of a successful peace process. Table 4 lists the results for all of Macedonia, for the Macedonian and Albanian communities separately and for the 'Other' minorities together.

Table 4: Requirements for Fair and Free Elections (Per cent 'Essential' or 'Desirable')

	All	Macedonian	Albanian	Other
Parties should cease all violence and intimidation during elections	93	94	97	86
The politicians should avoid using language and speeches that incite ethnic hatred	88	85	98	88
All the political parties should sign a pledge for fair and free elections	88	87	92	87
International monitors should be pro-active in the maintenance of international standards for fair and free elections	81	78	89	77
The news media should avoid publishing and broadcasting stories that incite ethnic hatred	80	75	95	80
The police, army and paramilitary groups should stay out of the electoral process	79	77	87	77
International monitoring teams should be deployed in Macedonia at the earliest opportunity	76	74	88	71
There should be a campaign to educate and encourage citizens to vote	76	78	73	70
International monitors should be present in each polling station	60	60	60	55

International forces should be used to monitor and close the border to paramilitary groups intent on disrupting elections	58	69	21	67
International forces should be used to monitor the voting process throughout Macedonia during the elections	50	51	51	46
A policeman should be present in each polling station	42	51	13	49

Again, with only a few minor exceptions, there is a great deal of agreement across all sections of Macedonian society on these issues. Ninety three percent believe it is 'Essential' or 'Desirable' that 'Parties should cease all violence and intimidation during elections' and that language that incites ethnic hatred should be avoided (88%); that parties should sign a pledge for fair and free elections (81%); that the news media should not incite ethnic hatred (80%); that the police, army and paramilitaries should stay out of the electoral process (79%); that international monitoring teams should be deployed (76%); that there should be a campaign to encourage citizens to vote (76%); and that there should also be international monitors in each polling station (60%). There is no significant dissension on any of these points so perhaps they could all be included in some sort of pledge for fair and free elections.

However, the use of international forces to monitor the elections is only considered 'Essential' or 'Desirable' by about half of the population and only about half of all Macedonians and 13% of Albanians want a policeman present in each polling station. Responsible behaviour, on the part of parties, politicians and the media is what people seem to want most of all coupled with the assurance that international monitors can bring. Forces, either domestic or international, are not so welcome perhaps because they are not considered to be a proper part of the electoral process in the free and democratic society that everyone now aspires too.

Table 5: If these conditions for fair and free elections can be met do you think people should vote? (Per cent)

	All	Macedonian	Albanian	Other
Yes	87	88	83	89
No	4	4	3	5
Do not know	9	8	15	6

Table 6: And would you vote under these circumstances?

	All	Macedonian	Albanian	Other
Yes	80	81	79	78
No	10	10	7	12
Do not know	10	9	14	10

But even if all of this can be done, if the politicians do now seek to address the issues and policies reviewed in this poll and if they do sign and keep to a pledge for fare and free elections – will the people of Macedonia come out and vote. Recent elections suggest they will not make the effort. But perhaps things could now be different. Perhaps people will vote if they do now believe their vote can make a difference. On this last critical point people were asked 'If these conditions for fair and free elections can be met do you think people should vote?' 87% said 'Yes' (Table 5). And when they were



asked if they themselves would vote 80% said they would (Table 6). Let us hope the politicians and the people can now meet this challenge.

COMMENTARIES

The Great Divide

Stefan Troebst, University of Leipzig

In 1979, as a graduate student at Skopje's Cyril and Methodius University, I lived in the 'Gotse Delchev' dormitory on a floor together with students predominantly from the fringes of the republic - from Berovo, Valandovo, or from Ohrid. On the occasion of one of our frequent improvised kitchen parties, I had bought on the Bit Pazar open market a so-called *plis*, the egg-shaped, white felt cap frequently worn by Albanian men. Dressed with my new headgear, I entered the kitchen where the party was already in full swing. Complete and hostile silence befell my fellow students. It was up to my neighbour and friend Atso from Bitola to make it unmistakably clear to me that only due to my status as an outsider, who probably did not know better, my transgression was not sanctioned immediately by my Macedonian peers. Then I realized that I had stepped over a divide so far hardly visible to me. Soon after, I also realized that not a single Macedonian Albanian was living in the whole dormitory, and that ethnic Albanians as a whole were a tiny minority in the university.

In the 1990s, the political elites of Macedonian-speaking and Albanian-speaking Macedonians managed to bridge the divide a bit, yet 2001's *drôle de guerre* deepened it further. The CDRSEE Poll is an impressive indicator of this. In particular, it demonstrates the completely reversed perceptions which Macedonian-speaking and Albanian-speaking citizens of the Republic of Macedonia have on each other. Table 1 on 'Macedonian and Albanian causes of conflict in order of significance' is a particularly revealing example: While Macedonian-speaking Macedonians consider 'activities of Albanian paramilitary groups still operating in Macedonia (ANA)' as well as 'incomplete disarmament of NLA by NATO' to be the most significant causes of conflict, Albanian-speaking Macedonians put both these factors at the very end of their own scale of significance. Instead, for them 'discrimination against minority ethnic groups in employment, education and language rights' and 'activities of Macedonian party police and paramilitary groups operation in Macedonia (Lions, Poskoks)' rank first - two causes that are at best of marginal importance for their Macedonian-speaking counterparts. Comparing these completely diverging views the divide becomes visible. Seen from this perspective, there is little consolidation in the fact that both groups attribute almost the same degree of significance to 'bad interethnic relations between the people of Macedonia'. Also, one has to suspect that it is 'them' rather than 'us' who are responsible for this.

Table 2, 'Macedonian and Albanian priorities for peace and stability', gives a very similar picture: While Albanian-speaking Macedonians rank the establishment of a 'state-funded University in Albanian' top, Macedonian-speaking Macedonians give this issue the lowest priority on their own list. And their top priority - 'effective measures against paramilitaries and organised crime' - is given hardly medium priority by Albanian-speakers. Again, similar degrees of importance allotted by both groups to 'fair and free elections', 'strengthening the rule of law', or 'true court independence' cannot cover up the divide.

Table 3, 'What will happen if the Macedonian Government and International Community fail to act', on the one hand indicates two similarities in the responses – namely 'increased poverty' and that 'the new Macedonian government will be weak and ineffective'. On the other hand, this table indirectly shows that the perceptions of Albanian-speakers by the Macedonian-speaking majority are far more negative than the other way round: With regard to a worst-case scenario clearly more Macedonian-speakers than Albanian-speakers expect 'increased violence' or the 'creation of ethnically clean communities'. In return, Table 4 on 'Requirements for fair and free elections' reveals the negative image Albanian-speaking citizens have concerning the security forces. Accordingly, they prioritize the presence of international election monitoring during the upcoming parliamentary elections.

It does not come as a surprise that both groups give overwhelmingly positive answers to the final questions: 'If these conditions for fair and free elections can be met do you think the people should vote?' 'And would you vote under these circumstances?' The lesson of the 1995 parliamentary elections in Macedonia was that the decisive question is not whether elections are fair and free, but whether all political parties arrive at this conclusion. In 1995, two parties declared against all evidence that the elections were neither fair nor free, and boycotted parliament for a whole legislative period. At the time, it was an *ideological* cleavage running through both the Macedonian-speaking majority and the Albanian-speaking minority, and separating them both into (post-)Communists and anti-(post-)Communists. But what if during or after the upcoming elections the cleavage between those who consider them to be fair and free and those who don't coincides with the ethnolinguistic divide?

Compared to Macedonia, I am afraid, the 'Great Divide' which, according to Studs Terkel, runs through the blue collar and the white collar segments of US society is just a furrow. And while Terkel in 1988 had 'Second Thoughts on the American Dream', even considered the social barriers unsurmountable, I see good reasons for having second thoughts on the 'Macedonian Dream' of an economically prosperous multiethnic society – a dream dreamt predominantly in Brussels, Strasbourg and Vienna, and much less so in Berovo, Valandovo, or Ohrid.

The Common Ground

Jenny Engström, London School of Economics and Political Science

On 15 September, parliamentary elections were held in Macedonia, an event generally regarded as a crucial component of the peace process that was formalised by the Framework Agreement last year. Nearly 900 OSCE observers were present on election day, making it the biggest OSCE monitoring mission ever deployed in Europe. According to representatives of the international community, the elections were largely 'free and fair', despite some 'irregularities', preceded by an election campaign that was marred by violence, particularly in western Macedonia. Whilst elections in Macedonia have in the past been accompanied by skirmishes and occasional outbursts of violence, they have never led to any major violent confrontation. Hence, this year's election campaign followed what might be seen as a general trend in Macedonia since the first multiparty elections were held in 1990: periods of increased tension, on an inter- as well as intra-ethnic level, in the run-up to elections, but without actually throwing the country into complete disorder.



In his timely study of Macedonia, Dr Irwin emphasises the importance of the elections, suggesting that they may well 'determine the fate of the peace process in this part of the Balkans.' Though external and domestic observers alike proclaimed this year's parliamentary elections as constituting a crucial test for the durability of Macedonia's fragile peace and democracy, the real litmus test comes with the formation of a new government. What matters, above all, are the steps taken by the elected, and non-elected, politicians from here and onward. Having beaten the incumbent government coalition of two nationalist parties, one Macedonian (VMRO-DPMNE) and the other Albanian (DPA), the opposition alliance 'For Macedonia Together', headed by the Social Democrats (SDSM), now must decide which, if any, Albanian party to invite as a coalition partner in the new government. This is not an enviable task for SDSM, given that the majority of the Albanian votes went to the Democratic Union for Integration (DUI), a party recently established by the former guerrilla leader Ali Ahmeti. Branded a terrorist by most Macedonians, and blacklisted by the US government, Ahmeti's inclusion in the new government would undoubtedly be met by bitter protests from Macedonians who hold him responsible for last year's war, and might lead to further frictions between the Macedonian and Albanian communities. On the other hand, failing to include DUI and Ahmeti in government structures would most likely anger many Albanians and, in a worst-case scenario, lead to the resumption of armed activities by disillusioned ex-guerrillas. Additional causes for concern in the post-election period are recent, and by no means unexpected, claims by outgoing VMRO-DPMNE that election results were forged by the winning SDSM and DUI, as well as lingering tensions within the Albanian community, which remain a threat to the country's stability.

One of the principal challenges facing Macedonia today is undoubtedly that of governance. The country's party system remains strictly divided along ethnic lines, leaving little room for any serious development of nation-wide political strategies by any political party. In Macedonia, party politics is not about competing policies for the country as a whole, but about stuffing one's pocket and retaining power for the sake of power itself. In the introduction to his study, Irwin makes a comparison between Macedonia and Northern Ireland, but the differences between these two countries are so significant that it is perhaps questionable whether a reasonable comparison, or parallel, can be drawn. In Northern Ireland, despite the 'troubles', there is arguably a greater understanding, respect, and capacity for democratic concepts such as 'representation' and 'accountability', than in Macedonia, which is one of the most corrupt societies in Europe today.

Irwin asks whether the people of Macedonia can 'be persuaded to come out and vote for the politicians they believe can best deliver long term peace and stability?' But who are these politicians? Do they even exist? As the study shows, both Macedonians and Albanians rate political corruption as a very significant problem in Macedonia, and one that poses a real threat to peace and stability. Arguably, both sides also consider organised crime to be an important problem, even if the Albanians rate it lesser in terms of significance than do Macedonians.

Although Irwin's polls show some discrepancies between Macedonian and Albanian views on the causes of the conflict, and preconditions for peace, these are perhaps not as significant as the points on which Macedonian and Albanian views converge. A common problem with public opinion polls is that because the questions posed tend to be based on certain assumptions made by the people/institute responsible for conducting the poll, the questions are often 'leading', thus resulting in answers that follow the general patterns of prejudice and stereotyping in a given society. Polls, therefore, can prove

everything, or nothing, depending on the assumptions underlying the questions asked. The polls in Irwin's study are not an exception, as illustrated by the number one concerns on each side in Table 1 and the top priorities in Table 2. Therefore, it is perhaps more useful to focus on the issues that both Macedonians and Albanians hold as very important, such as the strengthening of the rule of law and efforts to eliminate social decline and poverty, both of which are connected with the problems of corruption and organised crime.

Further, Irwin's study suggests that security is a key problem according to Macedonians and also an important issue for Albanians. Whilst security surely is a significant concern for all communities in Macedonia, its importance is perhaps somewhat - and deliberately - exaggerated, in the sense that expressed concern for security, especially amongst the Macedonians, is used to justify state sanctioned security measures targeted primarily against the Albanian community but also against 'enemies' within the Macedonian camp.

In the end, people from all ethnic communities are seeking, above all, politicians who act responsibly, within a moral, legal and democratic framework, to guide Macedonia towards economic development and European integration. Sadly, such politicians are hard to come by in Macedonia today, largely due to entrenched corruption, a criminalized economy and the prevalence of ethnic politics.

REPLY

Making Dreams Come True

Colin Irwin, Queen's University Belfast

In part influenced by his own experience of studying and living in Macedonia Stefan Troebst chooses to focus on 'The Great Divide' that separates the Albanian and Macedonian speaking communities of this former Yugoslav Republic. For him the glass of Macedonian social, economic and political potential is not half full or, perhaps, even half empty. For him the glass has barely any contents of significant value at all. The 'Macedonian Dream', he suggests, is 'dreamt predominantly in Brussels, Strasbourg and Vienna, and much less in Berovo, Valandovo, or Ohrid'. Jenny Engström also picks up on those issues that separate the two communities. However, following a most helpful review of the state of current electoral politics in Macedonia, she chooses to focus on 'The Common Ground' in which the 'people from all ethnic communities are seeking, above all, politicians who will act responsibly, within a moral, legal and democratic framework, to guide Macedonia towards economic development and European integration'. This 'Macedonian Dream', I would suggest, is dreamt by almost everyone that answered the questionnaire. The problem is how do we get from 'here to there'. Jenny Engström does not think the Macedonian politicians are up to the task. Most people did not think the Northern Ireland politicians could do it either. Left to their own devices they probably couldn't. But with the good will of their neighbours and the international community the Belfast Agreement was signed and is slowly, sometimes painfully, being implemented. With appropriate help and support Macedonia should be able to do as much or more and that is why I was asked to undertake a poll there using the same techniques as those run in support of the Northern Ireland peace process.

Critically the questions for this poll were not written by me, but rather by a group of Albanian and Macedonian academics and politicians. I was the facilitator and no leading questions, or ones that invited value judgements about the 'other' community, were



asked. Such questions, called 'beauty contests' in Northern Ireland, were carefully avoided and everyone interviewed at this stage of the research had to be satisfied that all topics were fairly dealt with to their satisfaction. Inevitably this technique exposes some stark realities in the first 'causes of the conflict' question. But it is interesting to note that similar results were achieved in Northern Ireland with demilitarisation and security issues at the top of the Protestant list and equality issues and policing at the top of the Catholic list (Irwin, How Public Opinion Polls Were Used in Support of the Northern Ireland Peace Process, *Global Review of Ethnopolitics* Vol. 1 No. 1, 2001). Perhaps a similar pattern will be found in other ethnic conflicts suggesting that the effective application of international human rights standards would go a very long way to preventing such hostilities. But the Macedonian poll was not undertaken as a piece of pure comparative research, it had a clear applied intent, and that was to address the immediate problem of improper interference in the September elections and perversion of the democratic process. Outline solutions to all the problems raised in Question 1 can be found in Question 2 but only the pressing issue of free and fair elections was elaborated in some detail in later questions on this occasion. The results, published widely in the local newspapers in April of this year, in press conferences, seminars, television interviews and in detailed reports to all the political parties elected to the Parliament of Macedonia, relevant interested governments, NGOs and IGOs had the desired effect. With the demonstration of wide popular support for all that needed to be done to ensure free and fair elections all those in a position to take action did:

1. Many politicians thought the questions asked were the right questions, from the Office of the First President on down, and consequently the results of the poll were taken seriously leading to the reform and strengthening of domestic electoral law with the passage of the Law on Election of Members of Parliament in June of this year.
2. The Greek Minister for the Province of Macedonia and Thrace, who financially supported the research, went to Skopje to offer the former Yugoslav Republic the support of his government in Athens.
3. The Foundation for Open Society Institute in Macedonia (FOSIM), who had also backed the polling research, along with other NGOs, set up programs to motivate and educate the electorate as well as monitor voter registration and the elections on the appointed day through the Citizens Association MOST and Citizens for Citizens.
4. The US (through the National Democratic Institute - NDI) and UN (through former United Nations Assistant Secretary General Cedric Thornberry) facilitated the negotiation and adoption of the proposed Code of Conduct for Free and Fair Elections. Twenty nine parties signed the code in July.
5. A new State Election Commission (SEC) was established on July 12 and issued guidelines to supplement the election law, establish an information and press centre, create a website, initiate voter election programs, train election officials, produce election materials and arrange election logistics.
6. A high-level international assessment mission (including Lord Alderdice, Speaker of the Northern Ireland Assembly and Assistant Secretary General Thornberry) went to Macedonia to report on the state of the electoral process in August (Statement of the International Pre-Election Delegation to Macedonia, Skopje, August 29, 2002).
7. In September, the OSCE/ODIHR and European Commission deployed 800 observers in Macedonia, the largest election observation effort undertaken since the Albanian elections of 1997.

On September 15th, Macedonian moderates swept into power. With a strong voter turnout of 74% Prime Minister Georgievski conceded defeat and called the vote the most democratic in the history of the former Yugoslav Republic of Macedonia. Prime Minister-elect Crvenkovski said 'We showed that Macedonia is going to survive for eternity. I want to thank everyone who went out and voted. Together we are going to show that we are people who know when and what to do ... and how to do it'. George Robertson, NATO Secretary General, praised voters for their 'political maturity' and said the elections were 'a decisive step in the right direction'.

The elections did not pass without incident but in the absence of a clear demonstration of strong cross community support for free and fair elections and all the domestic and international efforts that flowed from that fact it is less likely that Macedonia would be where they are today. As for tomorrow, well there is still the 'Macedonian Dream' and there is no reason why that too can not be pursued with equal rigour. Only the free and fair election issues were elaborated from question 2 in the final part of this poll. But all the proposed solutions to Macedonia's problems can now be explored in the same way, the results made known, public support engaged, civil society activated and the international community brought on board to provide political and material support. Peace processes are not easy, they require continual commitment and effort but with the people, politicians, civil society and international community working together dreams can be made to come true.



RESEARCH NOTE

Cultural Pluralism: An Overview of the Debate since the 60s

Denise Helly, Institut national de recherche scientifique, Montreal

Ever since the 1960s, the cultural diversity of civil society has been the subject of public controversy, on account of pressures exerted by three forces of contestation, that are still active: feminism, nationalism and ethnic movements, in which the latter relates to immigrant minorities and black and aboriginal movements. What has followed has been a large-scale debate in political philosophy, sociology, anthropology, and political science, on the status of cultural differentiation in a modern political system. This text attempts to examine this debate through an analysis of the proposed responses to calls by these groups for genuine equality.

The Theoretical Positions

Academic questioning concerning cultural differentiation has centered upon a critique of certain postulates of classical liberalism,¹ and, to a lesser degree, of the postulates of republican thinking, on account of political liberalism's openness towards the cultural diversity of civil society.

Political Liberalism

Classical liberalism does not envisage cultural homogeneity of a society as a possible reality, or as an objective of state power. It asserts that cultural diversity is inevitable, since the freedom of each individual to make decisions about his or her life creates infinite diversity. But since no link exists between humans, and there is no inherent will which compels them to live together, the risks of violence and inequality are permanent, and a compromise must be found in order for each person to accept some restraints upon the exercise of his or her liberty. The collective links that are possible in society can only be negotiated through recourse to reason, and through negotiation of the divergent interests and values; herein, each person must assess his or her actions and ideas with regards to reality: his or her point of view cannot be common law. If this negotiation is to intervene and persist, individuals must be well informed, and they must demonstrate virtue and moderation in their individual opinions and interests, and they must practice obedience to the law, tolerance and respect for the autonomy of others. Rawls (1993) speaks of *reasonableness*, in the sense of being both reasonable and just.

According to this vision, the state cannot intervene in the definition of common religious, moral and cultural values; it must remain neutral as regards specific values of individuals or groups. This principle, which is upheld by Nozick (1974), Dworkin (1981, 1985), Galston (1980, 1991) and Rawls (1993), implies a distinction between a sphere in which social and cultural differences can be expressed, and a sphere in which conflicts between rights can be resolved. The political (Mouffe 1993) is conceived of as the state, and it is instrumental; it serves freedom of choice, and individual difference. According to Walzer (1980: 24-9), it is purely administrative.

This conception, nevertheless, does not signify a will to eradicate differences of cultural orientation amongst individuals. Liberals do not negate the historical and cultural roots

¹ The terms liberal and liberalism do not in any way refer to a theory of a minimal role for the state in the social or economic spheres, and they in no way convey the notion of economic neo-liberalism. They are employed in their historical and theoretical meanings, at their root more Anglo-Saxon than French. Historically, this version of classical liberalism did exist in France but when it was recuperated by the republican doctrine (Jaume 1997), or transformed by it (Gross 1997), it lost its original meaning.

of the individual; on the contrary, they see in the cultural plurality of civil society evidence of the respect for individual liberty. Their reasoning is the following (Holmes 1993): individuals have the capacity, the right, and even the responsibility, to judge, accept or refuse values, projects and norms of their social and cultural environment. Modernity is the possibility of individual emancipation from ties prescribed by custom or a majority group; it is the right to cultural dissidence as well as to political dissidence.

The liberal definition of the political constructs a form of societal belonging, deemed citizenship, as a form of egalitarian inclusion which accentuates both autonomy and security of all individuals from all forms of power. This protection leads to the formation of blatant inequalities, but these are considered less important and nefarious than despotism (Montesquieu 1750/1949-51). Beginning in the eighteenth century, the affirmation that liberties take precedence over equality is put into question.

Republicanism

Republican thinking² adheres to the right of cultural and political dissidence, but it has two concerns: the passivity of citizens, and the predatory effects of liberty upon equality.³ Representative democracy can generate an indifference to the public life, and a confiscation of power by a specialized body of bureaucrats and politicians. The morale of tolerance, which is the keystone of the liberal contract, may be absent, and the mechanisms of control exerted by elected officials and citizens may be insufficient. Given that humans are by their nature passionate, egotistical and disobedient, they may opt out of investing in societal life; the nefarious effects of this phenomenon upon state control and social equality must be counteracted. It is necessary to stir the adhesion of the citizens by inculcating in them a love for the collectivity of free individuals of which they are constituents. The central virtue in democracy is not the capacity to limit one's freedom to see it respected by others, but to place collective interests before personal interests and opinions, and to refuse corruption, demagoguery, authoritarianism and inequality. Love for the common good becomes the key to a civic morality that sees as a prerequisite the active participation in public life. But this love is not natural and humans must be transformed into citizens, educated by the institutions that incarnate their political communality.

Republicanism constructs citizenship as an active political behavior and a public morality which is a stranger to the reasoned liberal calculation aimed at imposing limits to individual desire and at assuring liberties and prosperity of every one. By insisting upon the unity and the egalitarianism of the political collectivity, republicanism tends to consider all divisions of the sovereign body of the people as noxious. Nevertheless, two major and persistent differences between French and Anglo-Saxon currents play an important role in cultural difference.

The Anglo-Saxon current considers that direct control over local affairs curbs the power of a strong state, and it sees in institutions of local management the instances and agents of education for the common good. In this idea is anchored the American federal structure of the republic, with its division into three powers. The French current, on the other hand, does not valorize local power, affirms the primacy of a strong, central state,

² Mann (1987) explains the predominance of liberal or republican thinking through reference to the history of the formation of each democratic state, whereby there was violent armed struggle in countries in which republican currents dominate or remain, pacific and more politic in those dominated by liberal thinking.

³ French revolutionaries considered that equality is socio-economic and not as primordial a right as liberty, since extreme poverty represents a privation of freedom. This antagonism between freedom and social equality is overcome through the notion of fraternity.



in direct association with its citizens, and makes public institutions – schools, public services, armed forces – the agents of civic education.

Laïcité is a fundamental component of French republicanism; it conceives of freedom of thought not as the right to believe in diverse religious values, but as the refusal of any idea of transcendence (Baubérot 1997; Nicolet 1982). Religion has been a source of conflict throughout modern history; it concerns the choice of curricula and the tasks of teachers during the Third Republic, the patriotism of Israelis at the turn of the 20th century, the status of private confessional schools and, for ten years now, Muslim organizations. This pattern is a product of history and philosophical heritage.⁴

On the other hand, the idea of divine transcendence does not run contrary to modern Anglo-Saxon thought: the British monarchy is Anglican, puritans often confound religious and civic freedoms (Pocock 1967, 1975, 1999), and oppressed religious minorities in the United Kingdom founded the first institutions of New England. Furthermore, there are many Christian Churches in England, the US and Canada, and both the American and the Canadian constitutions invoke God. The historical and sociological status of religious difference and the importance of local institutions for the Anglo-Saxon current have, therefore, an impact: the existence of culturally different communities does not run counter to popular sovereignty.

The Critics

Liberalism and republicanism were strongly criticized in the 19th century, and the fictional nature of the rights to equality and liberty, along with their effects upon domination, were denounced. There were workers' demands and insurrections, abolitionist and feminist contestations, and socialist and Marxist theorists. On account of their limited access to sources of knowledge and rationality, the working poor, women, emancipated Blacks and indigenous peoples were relegated to the universe of ignorance, passion and prejudice. The distinction between public and private spheres is thus a political creation, and the product of power struggles, no matter what level of naturalization it is subjected to. For example, despite them being said to be part of the so-called private domain, the rules of property and inheritance, or those norms that define relations between parents and child, were largely controlled by the state. The political nature of the demarcation between the public sphere, civil society and the private domain has haunted democratic regimes for almost two centuries. But other criticisms emerged and were amplified beginning in North America in the 1940s.

Discrimination and Equal Rights

In the course of social interaction, individuals act out dissymmetrical and hierarchical distinctions that contravene codified rights, and produce inequalities. Black and feminist movements and writers in the 1950s⁵ show how racism (Myrdal 1944; Park 1950; Moynihan 1965; Parsons and Clark 1965) and sexism assign inferior status and unequal chances for success in the workplace and on the political scene. Following the principle of equality, a person must be treated according to his/her individual merit. States created

⁴ The rigidity of social divisions, the monopoly of power by a monarch and his court, and the influence of religion, notably Catholicism, made the democratic regime dependent upon a strong popular mobilization and the destruction of institutions which intervene between the individual and the state (Turner 1990). The utopia of transforming the human through reason and science by Enlightenment figures (Rousseau and others, (Gross 1997) also had influence (Furet 1971, 1981).

⁵ Demands for equal access to employment and housing were initiated by Blacks in the 1930s, while feminist movements organized and demanded recognition for household work and an end to the relegation of women to lower-paying jobs.

social rights after the Second World War to protect individuals from situations not depending upon their merit and their will (unemployment, old-age, illness). They also adopted laws against discrimination on the basis of sex, race, and national origin in the 60s.

But the Black and feminist movements in the United States, and the francophone movement in Canada, all reveal the illusory character of these measures in light of the intransigent nature of prejudice, and the historical lag-time that preceded the social and political efforts then under way. Programs of historical reparations or positive discrimination were adopted in the US, Canada,⁶ the UK and the Netherlands to raise the level of equal access to public schooling and employment for linguistic or racial minorities.

Minority Cultural Orientation and Symbolic Inclusion

From 1950 to 1970, the debate centered upon socio-economic and political inequalities produced by cultural and racial stigmas, and upon their systemic character which seemed inscribed in the structure of occupations and political jobs and which did not seem to diminish even with a positive evolution of thinking about them. Beginning in the 1980s, the debate changed. Racial, linguistic, religious and ethnic discrimination were no longer the object of controversy about socioeconomic and political inequalities, but about the right to express minority cultural orientation without social prejudice and (since the 1990s) about their effects upon the sense of belonging to a society (Kymlicka and Norman 2000: Introduction).

It is then suggested that discrimination generates a failure of recognition of stigmatized persons as citizens, and that the so-called cultural neutrality of the state contributes to their negative symbolic delineation and to their alienation as regards state and society. This situation engenders affronts on the partiality of how history is told in the US and in Canada, and on the cultural and political status of immigrants in Western Europe subsequent to the near closing of borders in the 1970s.

The idea of cultural dominance grew in importance as well. According to Williams (1973, 1980), a dominant culture is the grouping of interpretations, rarely expressed and taken more or less for granted, which govern daily relations between people in the principle aspects of their social lives. Nevertheless, this culture is never hegemonic, since other representations of reality exist, which contest its legitimacy (Roseberry 1989; Thomas 1994) and open a space for conflict. In a modern system, equality is one of the values and ideas that create such a space by allowing us to point out contradictions between the ideal precept and the social reality (Rancière 1981, 1995; Scott 1985).⁷ The terms *cultural minority* and *charter groups* are therefore used to make evident the possible existence of several cultural majorities constructed on the basis of different referents (cultural, linguistic, religious, sexual, race-related, national) in a single society. Given the evolution of the debate, control over cultural production as matrix of interpretation (school, media, historical narration), the equilibrium between fundamental freedoms and majority values, as well as state intervention, all become central questions.

⁶ In 1988, a program of reparations which consisted of individual financial indemnities was adopted in favor of descendents of Japanese immigrants interned in the US and Canada during the Second War on account of their ties to an enemy state (Iacovetta, Perrin and Principe 2000). Associations of Black Americans are presently demanding a symbolic indemnity as an admission of wrongdoing on the part of the US government during the period of slavery.

⁷ Said (1978) did this same demonstration as regards Western colonial ideologies.



Culture, an Inherent and Unalienable Link: The Communitarians

At the heart of the debate about cultural majorities and minorities, we also find communitarian criticism (Macintyre 1981; Lasch 1996) which accuses liberalism and republicanism of creating a disincarnated and supposedly rational individual. Sandel's *Liberalism and the Limits of Justice* (1982) takes up this polemic in response to Rawls' *A Theory of Justice* (1971), which explores the principal of justice in the US in light of Afro-American struggles.

The Communitarian school wants to evacuate the idea that the notion of rationality should be at the heart of the political contract. It considers that identity is built upon experience rather than deliberate, personal choices or strategies, and it refutes the idea according to which a person is by nature an autonomous, separated entity capable of actions and choices by itself. On the contrary, a person constructs himself or herself and becomes an individual entity uniquely in interaction with others, and his or her capacity to be particular must always be confirmed by others. Cultural inclusion, or inclusion in a particular milieu, influences in crucial ways a person's well-being, by procuring an array of values and referents with which he or she comes to identify, and by assuring him or her an uncontested collective belonging. This inclusion constitutes a primary element, like liberty, in the sense that it opens a space where the person can determine his or her own ends, and where he or she can find autonomy. Freedom is not a competence that one acquires at birth and applies to diverse realities, as Liberals and Republicans suggest, but a trait that is acquired in a living milieu. According to this approach, deemed the *social thesis*, social and cultural grounding of a person is necessary, constitutive, and unavoidable, and this rooting takes many different forms. As such, the idea of cultural neutrality of the state is defined as a myth that, in fact, reinforces the influence of cultural majorities. The state and the definition of citizenship cannot hold to the affirmation that cultural orientation is a choice that is solely a personal affair.

Nation and Ethnocentrism

The notion of national culture could not escape the critique regarding the effects of cultural majorities. A national culture is said to be the sharing of an historical destiny, personal qualities, language(s), heroes, territory, and institutions (Anderson 1983; Smith 1991). As such it is criticized for being nothing less than an interpretation of the past and the present. In this regard, Williams (1961: 50-9) speaks of a 'selection of traditions'. This partial nature is pointed to in the 1980s, and, moreover, the 1990s, and its effects are described as the limiting, if not the outright restriction, of elected officials to those born in the country, and as the denial of recognition for new citizens as full-fledged members of a nation. This partial nature also leads to an erosion of immigrants' and national minorities' languages and cultures, their relegation to the status of second-class citizens, and their downright absence in the historical narration of society, all of which renders unstable, if not phony, the cultural neutrality of the modern state.

The range of possible interpretations of the US Constitution by the American Supreme Court as regards the separation of church and state, a clause included since 1791, often illustrates this argument. This separation can signify the prohibition of state preference for one church or another, or the interdiction in schools and courts of all symbols or practices relating to religious traditions which are portrayed as national (Christmas decorations, the recital of prayers, and so forth). In the first case, a general rule defines the scope of the law, in the second the interpretation takes into account the traditions of cultural majorities (Sullivan 1998).

Ethnic and Immigrant Minorities

Liberal Responses

Liberal authors reply to criticisms by in fact attempting to legitimize the public policies adopted during the 1960s, notably the programs of affirmative action and the Canadian multiculturalism policy. The latter was introduced in 1971 with the objective of reversing the preponderant influence of the 'two founding groups', French and English Canadians, but, in fact, bypassed the Quebecois, immigrant and native groups' demands for a more equitable sharing of power. It enhances an image of Canada as a society unified by a political culture rooted in the respect of individual liberties and the equality of rights. It also describes Canada as an immigrant society which cultural composition constantly changed, and a society opposed to any idea of assimilation or cultural hierarchy (Helly 2000a, 2001).

Redistributive Justice versus Reparative Justice

Inside the debates which ensued between Liberals and their critics, the programs of positive action played nary a role, notably in the university. It is within the logic of the social welfare state to accord compensation to all persons who suffer from a handicap and the controversies, especially in the US, focused upon the problem of how with limited state funds to deal with mounting claims from ethnic groups (Glazer 1983). Young (1989, 1990) is known for her response to this critique. She argued that only those persons who have undergone exclusion or social stigmatization in the name of cultural markers (Blacks, Hispanics, women, homosexuals, indigenous peoples) are eligible, and that it is easy to define these claims, and to refuse others made on the basis of simply cultural difference. But during the 1990s, despite the fact that affirmative action was applied and deemed useful in the United States (Bowen and Bok 1998), their egalitarian function was refuted and they were considered discriminatory by Euro-Americans.

The Right to Protection for Persons from Minority Cultures

The question of recognition and public promotion for differences in individual cultural orientation is, on the other hand, the object of a debate which is far more acerbic and drawn out. For some, this debate seems to have ended at the end of the 1990s⁸ (Kymlicka and Norman 2000), while for others it is far from over. Two well-known liberal philosophers, Berlin (2000) and Gray (2001) reject the postulate of the rational contract, based upon the idea of a consensus of everyone concerning the definition of the freedom of expression, and they affirm that each society has its own definition of this right. Gray recalls that Great Britain is not a theocratic state, but that there is a recognized right for schools to organize sessions on religion, which atheists can opt out of if they so desire. Such a distinction would violate the distinction between state and religion in the US, so does this suggest that Great Britain permits a greater freedom of religion than the US? Absolutely not, replies Gray, because each society has adopted a different point of view depending upon its history and its culture, and there is no reason to judge one superior to another.

Berlin argues that the disaccord as regards moral and cultural orientation in each society is constant and intractable, and that it is impossible to define which one is best for

⁸ Well-known opponents, like Glazer (1975, 1995, 1997) and Walzer (1983, 1995) were in the first instance hostile to the idea of a public recognition of minority cultural identity, but now accept it. For example, Glazer (1995: 10) suggests that when hispanophones in the US or francophones in Canada demand linguistic rights, they are asking for rights already acquired by anglophones.



society using the same criteria. It is, on the other hand, possible to be tolerant and to treat each person with respect, whatever difference exists between this person and others. It follows that for these authors, rights must constantly be negotiated on a case-by-case basis, and there is no stable policy in the matter, as would seem to be the case in the Canadian multicultural policy.

This policy and Article 27 of the Canadian Charter of Rights and Freedoms (1982) often seem to be the optimal liberal answer in the matter of the protection of a minority culture, whatever their perverse, if not noxious effects and failures (Peter 1981; Moodley 1993; Day 2000; Pendakur 2000). This article guarantees the multicultural diversity of Canada to the point of making it an interpretive clause of individual rights. It imposes the obligation to interpret clauses of the Charter in such a manner as to assure the preservation and the promotion of the multicultural heritage of Canadians. It permits, for example, state financing of private ethnic schools that teach in an ancestral language as well as one of the two official languages of Canada.

The debate about political solutions is strong because, if the notion of involuntary, cumulated and historical disadvantage and the logic of the welfare state to increase its clientele lead to affirmative action programs, they do not allow as easily for the creation of positive cultural rights for minorities. According to liberal theory, personal cultural identity is a category which belongs to the private sphere, an approach which completely disavows the idea of identity as anchored within a milieu, a view promoted by communitarians and the majority of the movements which contest the predominance of cultural majorities.

But, starting in the 80s, several authors (Williams 1985; Nussbaum 1986; Raz 1986; Taylor 1992, 1994; Kymlicka 1989, 1995a, 1996; Kekes 1993; Renaut and Mercure 1999) have suggested that values and practices of cultural majorities threaten the autonomy of persons belonging to cultural minorities. It finds the ideas of liberalism and of public affirmation of cultural plurality compatible. Other authors, such as Boudon (1999) in France, do not refute the rights of minority cultures, but find that the emergence, or the so-called resurgence, of cultural identities does not rest upon a primordial need for identification with a lived culture, as suggested by the communitarian approach. Instead, it is the manifestation of utilitarian motivations that appear when universal values come up against the interests of minority or majority groups.

Others take a more radical stance. For example Okin (1979), Pateman (1988) and Young (1989, 1990) suggest that the precedence assigned to the values of a cultural majority is inherent in the idea of citizenship. All societies are dominated by one culture and the cultural neutrality of the state is nothing other than a lure or a form of incoherence. Young (1990: 102-3) suggests that 'reason cannot be unified', and that all affirmation of impartiality and universality of policies and practices are a fiction: 'Nobody can adopt a point of view that is totally exempt from the influences of a particular context and of convictions.' Day-to-day social life presupposes 'a plurality of moral subjects and of situations' characterized by a multiplicity of affiliations, of differences between groups, of needs, of desires, of particular perspectives and of passionate beliefs. Young puts forth the idea of a 'public heterogeneity' (ibid: 120) on the basis of two principles: 'No person, action or aspect of personal life should be relegated to the private domain, and no social institution or practice should be excluded a priori from the public discussion and refused public expression.'

Charles Taylor's *Sources of the Self: The Making of Modern Identity* (1989) ties the usual liberal response to demands of symbolic inclusion and to the communitarian critiques. All identity corresponds to engagements that form a frame, a horizon on the basis of which each person, case-by-case, determines what is good. An identity emerges from frames of reference, meaning, practices, interrelations, and ties to a milieu, and not to the decisions of an ahistorical, abstract individual, and all free individuals who affirm themselves do so in a socio-cultural milieu. Unquestionable values are anchored in this milieu, with two consequences. Individuals have the obligation to support the community or the society which make their affirmation of an identity possible, and the condition for living together in a society is their appropriation of narratives and elements which they consider primordial (moral, religion, family), and which can emerge from particular communities.

If citizenship is to be taken seriously, more than cultural identity, because it is at the core of democracy, then the recognition of the state demands an interest for, and a participation in, political and collective life. This interest is only possible if individuals identify with their country and feel some responsibility to it (Taylor 1996). Each person's sense of self-esteem depends upon the acceptance of his or her culture by society. If this does not happen, then the dignity or the self-respect of the person will be endangered, as seen in the case of Aboriginals and Quebecois in Canada or African Americans in the US (Taylor 1997: 25-6). In these conditions, the difficulties of maintaining minority social identity, as well as the reproduction of, and the respect for, socio-cultural milieus are of concern to the state. Minority identities must be recognized by the state, and justice must be done on behalf of individuals stigmatized and disadvantaged on the grounds of cultural markers. All hierarchy between cultures must be denounced.

Michael Walzer (1983) illustrates the conclusions drawn from these principles without going as far as defending a policy of multiculturalism. Cultural belonging cannot be allowed to pass unnoticed since all individuals are equal on the basis of a particularity: 'We are producers of culture; we make and we live in a universe of meaning' (314). The omission by the liberal political contract of experiences, attachments and values linked to a sense of belonging to a racial, cultural or religious group renders unreal the meaning of a life in community outside of the sharing of abstract qualities like rights and freedoms. Furthermore, private economic powers and the logic of the marketplace threaten rights and freedoms. Walzer criticizes the liberal thesis concerning equality, according to which each person benefits equally from goods because nothing, especially money, can be imposed upon society as a primordial good. He defends the application of different definitions of equality depending upon the area (workplace, school, culture), because to respect individuals as those who carry culture implies principles of justice elaborated on the basis of an understanding of what social goods mean to them. Nevertheless, since there is no possibility of determining a hierarchy in the cultural domain, justice cannot be rendered except through the respect of particular creations of individuals. As long as ethnic identity is a value for segments of the American population, the respect for it must be assured by the state through assistance to ethnic organizations, teaching the history of minorities, respect for each minority's special holidays, and aid to programs aimed at teaching ancestral languages.



Republican Rejoinders

Policies of recognition and Walzer's concept of equality are contrary to the republican idea of the unity of the sovereign people, and the solutions to stigmatization, advanced by republicans, are based upon a reinforcement of anti-discriminatory legislation, a reactivation of democratic processes and an education on intercultural issues.

This current is primarily concerned with the dissolution of what political commonality means, the weakening of class antagonism since the 1970s, minority contestations which effect a slippage of the theme of equality towards that of difference, and cultural as well as economic globalization (Oldfield 1990; Barber 1996). It insists upon the political participation of each citizen as a way of confronting these challenges. Barber (1984) suggests that adherence to the state and to society and a sense of common good could not be fomented solely through representative democracy; they can only appear in a relational context, deemed to be the only mode of creating empathy and a mutual spirit between citizens. Their most solid ground is in elected, local assemblies, small communities responsible for decisions concerning communal life. This local exercise of popular sovereignty permits the building of a sense of common life, and must be complemented by public civic education programs. Nevertheless, the models of this exercise, such as the Renaissance city-state, the Swiss canton, the Russian soviet and, moreover, the local assemblies of 18th century New England, remain examples for the exclusion of social categories which are culturally marked (women, Blacks, indigenous peoples, non-Protestants). Barber therefore recalls the need for state control over the respect of fundamental liberties by the local assemblies. But these assemblies form strong cultural majorities,⁹ so the problem of the status of cultural minorities remains.

A French current questions the abstract character of the republican ideal, and wants to reconcile it with the expression of cultural difference (Touraine 1994, 1997; Wieviorka 1996). For Touraine, the central problem in democracy is to know how the social rules applicable to all persons and the diversity of cultural identities can be reconciled as a means of 'living together'. He suggests that we redefine the solidarity of the welfare state as the ensemble of institutional guarantees for each person to construct himself or herself as a subject by affirming both his or her freedom and the meaning of his or her life experiences. To be democratic, equality must signify the right to choose and to govern one's existence, the right of individuation against all pressures of social and cultural conformity and of a moralizing of behaviors and values. Democracy cannot be reduced to a collection of guarantees against authoritarian power and the conquest of civic and social rights, it must become cultural, the instrument of cultural communication, without becoming a policy of cultural pluralism. Public school must be a place for the formation of respect for cultural differences, toleration, and for the inter-cultural.

Wieviorka (1996) analyses the foundations of resistance and suspicions of the French political system as regards identity-based demands. He refuses to see the institutionalization of ethnic communities, but he considers that egalitarian values in France must be reactivated by parties and by unions. For others, the impossibility of making the 'republican crucible' work provokes the 'ethnicization' of immigrants (Amselle 1996: 162) because since they can no longer refer to political collective references, individuals play upon the register of private identities. As such, the weakening of mechanisms for integration in Western states leads to attempts at 're-nationalizing'

⁹ See Kautz (1997, Chapter 5) for a criticism of Barber's notion of democratic communal dialogue.

societies for which the 'ethnicization' of immigrants and the attention paid to cultural orientations are but manifestations.

As regards the republican current in France, it is also important to note that despite a discursive opposition to institutionalized cultural pluralism, the state has kept abreast of the sociological reality and minority pressures ever since the 1980s. Public funds are accorded to immigrant associations if they show a social vocation, especially in deprived neighborhoods, and programs of positive action based upon criteria of income and place of residence were adopted to improve the condition of immigrants.¹⁰ Furthermore, since 2000, political parties have found themselves legally obliged to present female candidates for election.¹¹

The Nation and National Belonging

The current debate about nation and nationalism raises several questions. They are the confusion between citizenship and nationality in modern states, the dissolution of nationalism (deemed grand or official nationalism) as a result of multiple factors acting since the 1970s, the status of national minorities, and the idea of the national culture as a personal and collective good.

Official Nationalism

The idea of the fragility of modern democracy as foundation for a collective identification is at the heart of questions about national sentiment. For Schnapper (1994), for example, if it is true that different collective experiences and memories exist within a single society, only a sense of belonging anchored in the memory of a secular history, as well as particular public institutions, will permit to assure a sense of commonality in a society. This idea is not new; important sociologists linked social stability and nationalism (Durkheim 1957; Tönnies 1887/1957; Mauss 1968-9), while Montesquieu, Smith and Tocqueville considered that being attached to the monarchist state or to a dominant religious belief were both stimulants for democratic consolidation (Rothschild 2001). This sense of attachment reduces conflicts of value, in their opinion, and gives rise to a sense of loyalty that is so central to the continuity of the state.

The modern state is characterized by an inherent tension between its cultural foundation in a specific society, it being formed on a particular territory and its universalistic principle. The state exercises its sovereignty by integrating the population of a given territory, and by affirming itself as an 'historical subject in the world order, founded upon relations between political nation-units' (Schnapper 1994: 28). It creates a discourse about its inscription upon this territory, and it defines the population that participates in its particular common judicial and political space (ibid: 195). This international inscription and the necessity of creating an identity dimension and of instituting practices which account for its social and political heritage come up against the principle of abstract rationality of the modern state, as well as its regulating idea of universalism. The idea of shared (institutional, national, religious or linguistic) experiences of its members then constitutes a complement to its abstract definition of the political identity (Freitag 1981; Schnapper 1994; Harp 1998; Bourque, Duchastel et Pineault 1999).

The ideas of universalistic citizenship and societal specificity give rise to the debate about the illusory distinction between ethnic and civic nation. Some authors suggest the distinction between civic nationalism, deemed to be positive, like French, British, Dutch,

¹⁰ Including ZEPs, Zones of Education Priorities, for deprived populations.

¹¹ In order to avoid the adoption of quotas for women in the National Assembly.



Greek, Swiss, Canadian, American, and romantic or ethno-cultural nationalism, such as Asian, German, Central European and Eastern (Seton-Watson 1965; Kohn 1944; Brubaker 1989; Ignatieff 1994). A more fundamental question has to be asked: 'How is it possible to preserve universalism and recognize the legitimacy of solidarity between citizens who share the same public space, and a common imaginary, and evade the possibility that the "we" degenerates into ethnic isolation?' (Birnbaum 1997: 33, my translation).

History teaches us that the superposition of culture, ethnicity and state take shape in the 19th century, and subsequently develop. Gellner, describing the formation of nationalisms in 19th century Europe, explains that the particular mode by which capitalism was implanted in each country exposed persons to relative similitude in terms of socialization and experience, producing a relative cultural homogenization and the sense of belonging to a territorial entity. Deutsch (1953) insisted upon the multiplication of communications that reinforces the image of a unified territory. Other authors illustrate how, during the first half of the 19th century, states concerned with economic issues promoted equivalence between public institutions, national interests and territories. Then, beginning in the 1860s, an equivalence between individual qualities, a language, a secular history, blood-ties, and territory was constructed (Hobsbawm 1983; 1990),¹² notably through public schools which grew during that period (Green 1990; Harp 1998; Heathorn 2000). This equivalence was explained or enhanced by writers and historians as some recent writings have illustrated (Hroch 1985, 1995; Agulhon 1989; Nora 1992; Colley 1992; Thiesse 1999). Citizenship and nationality were superposed, a good citizen became a patriot, and nationalisms flourished, before other factors intervened. Voting rights were expanded under pressure from the 'popular classes' which were being integrated into political life (Carr 1945); urbanization and industrialization accelerated and provoked concerns about social disorder and degeneration,¹³ an idea central to the genesis of discourses about the particular qualities of nationals.

Since then, several factors and evolutions seem to have reduced the so-called common national experience and the socialization into the nation. We could think of the Marxist and socialist critiques, the human hecatomb of the Great War, the Nazi regime, the consolidation of the welfare state, the division of the world into two ideological blocs, the differentiation of lifestyles, the rise of identity-based demands and individualism, and cultural and economic globalization. But even if these facts did de-legitimize the idea of a genealogical or biological form of the state, which is now only supported by extreme right movements, they did not reduce its ethno-cultural and historicizing foundation. Studies (Perrineau 1994; Mayer 1997; Duchesne 1997; Bréchon *et al.* 2000; Helly and van Schendel 2001) illustrate how strong national sentiment can remain, supported by the idea of cultural and historical specificities such as similar qualities of a population historically established on the same territory, popular or scholarly patrimony. It is true that a new form of nationalism appears which makes room for the invocation of other specificities, such as social, cultural and economic politics of a state, its political regime and its place on the world stage. But the debate about national sentiment remains open, all the more because its forms in the context of globalization and the multiplication of international forms of regulation are not studied.

¹² For an overview of this and earlier evolutions, see Helly (1997).

¹³ The spread of social Darwinism, which presented the superiority of certain individuals and groups as reasons for their permanence and on-going influence, played a role at this time, as did the economic and military superiority of Germany. These facts contributed to the definition of national groups on the basis of particular qualities, as well as the importance accorded to education.

Minority Nations

Demands for the sharing of powers, and, moreover, for secession, by national minorities provoked the reflection of liberal authors (Tamir 1993; Buchanan 1991, 1995; Miller 1995; Kymlicka 1995b; Aughey 2001) on two points: the legitimacy of nationalism as defense of a culture and the legitimacy of secession. Following the social thesis, they suggest that the national community, like any other cultural community, constitutes a milieu and a common good, without which their members' choices would be but actions without continuity or coherence. The bestowing of political means for preserving this common good is but the equivalency of means which official nationalisms have resorted to since the 19th century in order to affirm themselves. Nootens (1999: 390) for example writes: 'Nationalist arguments based upon the will of a people to assure the survival and flowering of its culture, as well as the control of its destiny, can express reclamations which found moral arguments and legitimate intervention in political decisions. In fact, the nature of national belonging is such that its expression cannot be relegated to the private life of citizens; to be significant, to have meaning, it must be able to express itself in common life and common institutions' (my translation).

Going beyond the ethnic and genealogical definition of nation, Kymlicka (1995a) coins the idea of 'societal culture', to designate the 'means for significant living for its members in all spheres of their activities', including social, educational, legal, economic, religious, public and private activities (ibid: 76). He adds that in the modern world, where there is pressure for the creation of one common culture for each country, the same culture must contain political institutions that permit its reproduction (ibid: 80). Accordingly, the culture of a national minority is a form of life in society; it constitutes a product of history and of the representation that a particular group makes of itself, and it can be transformed to include persons from other cultural horizons.

The second question this raises bears upon the concrete political means needed to assure the vitality of a national minority. Is this governmental autonomy or the formation of a new state? The liberal practice permits that governmental autonomy is granted,¹⁴ but it is unable to answer demands for political secession. It can but allow for such a demand or revert to repression (Moore 1998, 2000).¹⁵

Walzer is of the opinion that the system of governmental autonomy is sufficient to assure the respect for and the reproduction of the culture of a national minority, and Taylor (1997: 29-30) suggests, as regards Quebec nationalism, that Canadian federalism remains a valid mode of operating. The multicultural approach permits the multiplicity of narratives and 'has the advantage of putting things in common, and of creating a space which is more open to complex identities, since it is itself a complex (multiple) identity. One can be Canadian and Québécois, Manitoban and Canadian, because these are not

¹⁴ Liberals defend governmental autonomy when colonial or democratic states were imposed or founded in societies including several institutionalized communities. Tocqueville valorized the system of British indirect rule in French Canada for this very reason. In the 20th century, the case of Puerto Rico and, more recently, of Catalonia, the Basque region in Spain or Scotland, all illustrate this solution. The liberal practice also accords control and public financing of certain institutions (pillar system in Holland and Belgium, the confederation in Switzerland; Crouch 1986; Jamart 1999).

¹⁵ Another way of recognizing communities of different language or culture was proposed in the 19th century in the Habsburg monarchy in the face of upheavals, and of the influence of the liberal thesis which proposed one-language-one-culture-one-state. This mode, called personal autonomy, permits the regrouping of people who wish to maintain their cultural affinities through institutions not linked to a territory and financed by the state. It was one of the demands of the Hungarian delegation at the end of WWI, but it was turned down, on account of the desire on the part of the Great Powers to dismantle the Austro-Hungarian and Ottoman Empires (Pierré-Caps 1995; Sabourin 1996; Hermet 1997).



different identities, they are simply identities which are structured differently (language, history)'. All the same, if this definition does not satisfy the majority, or forgotten minorities, then it is necessary to face up to either a federal a-symmetric system, or to give in to secession. Other liberal authors propose the first option (Kymlicka 1995b; Webber 1994).

Buchanan (1995) exposes legitimate situations in which secession could occur: the recovery of a historically occupied territory which was taken by force; a clear socio-economic inequality effected through taxation, or through politics which disadvantage a national minority. On the other hand, resorting to secession as a means of preserving a culture is not acceptable unless several proofs exist to justify it (ibid: 355-364). Culture, and the material basis¹⁶ of the institutions which support it, are in danger; they constitute a contribution to, or an enrichment of, lives of individuals and they do not in any way impinge upon their rights and liberties, or on those of others. Buchanan suggests that all racist, hateful or illiberal culture must be eliminated. The final conditions are that the territory of the future sovereign state must be economically viable, and the state that finds itself divided, or all other state or population have no valid right upon this territory. But since there is not any international tribunals or any clause in existing constitutions that could regulate the validity of proofs, Buchanan can but speak of a morality of secession.

Other authors defend another solution; the state must become multinational and not simply 'consociations' (Resnick 1994; Gagnon and Rocher 1997; Bourque and Duchastel 2000). In Canada, this solution implies the sharing, amongst Québécois and also some sixty native nations, of powers relating to the organization of collective life (Royal Commission 1996), as well as an alliance with the federal state in matters of money and international politics.

The Counter-Critiques

Individual and Collective Rights

According to the liberal argument (Barber 1996), the creation of particular cultural rights contravenes the symmetry of rights and invites the formation of closed communities. This argument is countered by Young (1989) and Kymlicka (1995a), since rights regarding the respect for minority cultural orientation concern persons and not groups. Further, given the precept of respect for individual liberties, this right cannot generate any enclave foreign to the state and to society in general. In fact, individual cultural rights do not allow for collective institutions such as schools and tribunals that could assure an effective communal closing-off, nor is the right to constrain others accorded (Helly 2001). In Canada, for example, all leaders of ethnic institutions financed by the state must respect the precepts of the Canadian Charter of Rights and Liberties in order to be elected. Important values of the majority are guaranteed.

Indeed, if it assures an equality of public status for religions¹⁷ and the right to an education in non-official languages, Article 27 of the Canadian Charter of Rights does not annul the predominance of the two official languages of Canada, English and French, nor

¹⁶ Buchanan (1995: 357) offers the example of the extermination of herds of bison, which eliminated all chance that American indigenous peoples could maintain their way of life.

¹⁷ For example, authorization given to Sikh RCMP officers, or to Muslims wishing to wear headdress at school, the annulling, in Ontario, of mandatory store-closings on Saturday, on account of it contravening the freedom of conscience and religion; the abolition of rules permitting religious exercises in public schools.

the protected status of Catholicism and Protestantism. The only granted collective right is the right to impose French as official language in Quebec.

The suspicion of some authors, especially French, as regards community belonging is based upon the idea that it corresponds to a regression, and to a second-rate meaning of state belonging which finds itself in the hold of intra-national, communitarian, and supra-national imaginaries in Europe. This idea of an incompatibility between minority and citizenship identities is criticized in writings showing that the sense of belonging to a cultural minority does not generate an indifference to public life or a retreat in closed and authoritarian communities. On the contrary, it supports a strong adherence to the individualist ideology and a strong link to the state (Whitaker 1992; Kymlicka 1998; Mendelsohn 1999; Helly and van Schendel 2001). Non-acceptance in the established society favors identification among immigrants with transnational and home country communities (Glick-Schiller et al. 1992; Basch, et al. 1994).

Balkanization and Cultural Relativism

According to a more cultural-based criticism, and to ultra-liberal commentators in Canada and the US around the 1990s, not only do rights aimed at protecting a minority culture not reduce the negative markings of the group (Bissoondath 1994), they create a balkanization. According to this argument, society is an organic set for which cohesion must be preserved through the affirmation of the predominance of existing similarities between members rather than respect for their differences, as well as the affirmation of the natural character of inequality and competition between individuals. The sharing of individualist values, of an historical collective heritage and of a little-defined social conformity, will constitute the social cement. All special treatment accorded by the state in the name of cultural and historical difference will destroy the unity that is sought, creating a host of differences and raising the specter of social fragmentation and divisive struggle (Bibby 1990; Schlesinger 1992; Ungerleider 1992; Bernstein 1994).

The other side of this argumentation is that cultural pluralism leads to an absolute and chaotic cultural relativism. But, according to Gellner (1992) there exists in Occidental societies a hierarchy of cultural forms, since the technological rationality surpasses all other cultural logic, and to think that constructions of meaning come to be made equivalent is to miss the importance of this hierarchy.

The Illusory Coding of Cultural Plurality

Post-modern authors point to the relativity of national messages, and of ways of living, on account of the logic of the marketplace, the reinforcing of individualism, the variation in lifestyles, and the ideology of interiority and of communication. According to their view, these evolutions show the falseness of any unitary idea of living together. And they transform the control of discourses and symbols into a central political stake as discourses determine social places as much as the marketplace (Lyotard 1971, 1979; Baudrillard 1985; Turner 1990b, 1993, 1994; Jameson 1991; Featherstone 1988, 1990; Heelas et al. 1995; Day 2000). From here, all control exerted by the state upon this evolution only reifies identities and avoids thinking about alterity. It codifies a particular form of cultural plurality in a society, and creates a new illusion of commonality and social unity (Day 2000).

Conclusion: The Present Context

The debate on the status of cultural pluralism and personal or collective identities in democratic states is inscribed within the four-pronged issues of universalism, equality,



national ties and citizenship as an exercise of rights. It participates in a critique of the welfare state, but it reproduces its logic of multiple creation of clienteles, which Marshall (1950) foresaw after the Second World War. In this, it seems to be a few years late, in light of the transformation of the welfare state during the 1990s. A new paradigm is hereby affirmed, which links citizenship as consciousness of obligations as regards others, active participation in the resolution of tensions and social problems, individual merit and performance, and 'social cohesion' (Helly 1999, 2000b). It affirms that 'social cohesion' grows out of cooperation between individuals and constitutes a source of social peace, equality and a sense of social belonging. It suggests that this cohesion is eroded by the decline of civic life, of political interest, of social solidarity, and an absence of any sense of social obligations on the part of individuals. This affirmation, presented with force in studies by Putnam (1993, 2000), is contested (Sabetti 2000; Forsé 2001), but it does support a public discourse throughout the developed world (Thomas 1997; Jenson 1998). This discourse insists upon two points even as it points to the effects of poverty and social disqualification: the need to re-create links between citizens, and to provide a meaning to the idea of living together. To achieve these two objectives, it maintains that the implication of each person in the management of collective affairs, notably locally, must be active.

This transformation induces a new conception of public policies. More attention is paid to their execution, their flexibility, their ability to react, and their adaptability; the enunciation of simple, durable rules is no longer privileged, and more importance is given to measures adapted to precise social situations and to public management efficiency. What follows are two new objectives and approaches for public intervention.

The importance accorded to the social and economic performance of individuals induces a new fragmentation and selection of state clienteles, which leads to programs of social protection which are less and less inspired by universalist logic, except in Scandinavian countries. Attention is paid to 'risk groups' that are defined by crossing failings in social insertion for reasons of cultural status or race to factors such as performance in school, family situation, gender, reliance upon social security or unemployment, age, drop-out levels, juvenile delinquency or area of residence. A larger delegation to NGOs of the management of social problems is in operation, at the same time as an extension of consultations with organisms of civil society and the adoption of programs aimed at the participation of residents in the resolution of social problems.¹⁸

Getting certain groups to catch up, after having been excluded or marginalized by the workplace, is the order of the day, rather than the question of sociological or political status of cultural differences. We could ask how the weaknesses of policies or measures aimed at the elimination of racism and cultural discrimination will be debated and considered publicly, especially when the new political mindset tends to alienate the autonomy and creativity of organisms which emerge from civil society. In this context alone, the effects of discrimination upon a difficult or impossible insertion into the workplace will demand attention. We find ourselves back in a situation that resembles the 1960s, with the difference that now the movements that fight racism and ethnocentrism are absent, and an eventual mobilization of the people affected is reduced by the fragmentation of their clientele in a highly differentiated state.

¹⁸ For example, the reformulation of the *Politiques de la Ville* in France, first adopted in 1981, the new programs put into place in the UK (Power 1997), and the new objectives of Multiculturalism Canada since 1995 (Helly 2000, 2001).

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REVIEW ESSAY

Truth, Justice & Reconciliation? The Problem with Truth Processes

Angela Hegarty, School of Law, University of Ulster, UK

The Heart of The War in Colombia

Constanza Ardila Galvis

Latin American Bureau, 2000

PBK: ISBN: 1899365427 £11.99 \$22.95

pp. 224 (including: footnotes)

Unfinished Business: State Killings and the Quest for Truth

Bill Rolston (with Mairead Gilmartin)

Beyond The Pale Publications, 2000

PBK: ISBN: 1900960095 £12.99

pp. 335 (including: bibliography and index)

The Politics of Memory: Truth, Healing and Social Justice

Ifi Amadiume and Abdullahi An-Na'im, (eds.)

Zed Books, 2000.

HBK: ISBN: 1856498425 £45.00 \$69.95

PBK: ISBN: 1856498433 £15.95 \$25.00

pp. 256 (including: references, tables, index)

One of the features of the modern era of internal conflict and civil war has been the attempt by various institutions, the United Nations included, to address the issue of gross human rights violations that have occurred during those conflicts. Many of those conflicts fall outside the legal definition of 'war' and thus outside the ambit of the international laws of war. The problem has been, therefore, to find a legal framework for addressing the many human rights violations that conflicts generate.

The gaze of the world is hard to avoid. It is more difficult to deny widespread human rights abuses in a world with high-speed communications and where 24-hour news organisations and the Internet facilitate the spread of information. Despite the bias of the west and its failure to see its own offences for what they are, we are more aware than ever of the cruelties of poverty and repression.

Along with the spread of information about conflicts has come an awareness of the concept of human rights. In the last few decades the consciousness of human rights and what Eide (1983) calls their *positivisation* has grown. Consequently the impunity of the junta, the puppet regimes and the dictators is increasingly difficult to justify. It is now the case that many countries accept the need to honour human rights standards on paper - the challenge now is how to get them to honour those standards in practice. Out of the awareness of that particular challenge has come the debate about accountability. One of the models to emerge from that debate has been the 'truth commission', a phenomenon particularly of the last 25 years. Originally an attempt to provide some measure of accountability, it has also been seen as a tool for peace and reconciliation. The popularity of the model has spread, across South America, into Africa and parts of Europe. In Northern Ireland, demands for a truth commission are part of the debate about the success of the evolving peace process.

These books, with their different focuses, methodologies and locations, seek to address the need for truth. Galvis' book is essentially a record of the stories and opinions of 10 people, mainly women, involved in the conflict in Colombia. It weaves its way through oral history, memory and debate to present a vivid picture of life in Colombia. Similarly, Bill Roulston's book, *Unfinished Business: State Killings and the Quest for the Truth* is a form of oral history, looking at the experiences of the relatives of a number of those killed by the state in Northern Ireland, who 'have *campaign*ed over state killings' (p. x). As Rolston correctly observes in the opening to the book, campaigning on such issues has not been easy.

Victims of state killings were often forgotten and ignored while the war was raging. To draw attention to them was to risk being labelled as 'soft on terrorism'. Criticising the state's human rights record was usually condemned on the grounds that it 'played into the hands of terrorists' (p. xii).

The Politics of Memory, on the other hand, is a more academic piece, considering truth processes from the perspective of law, social justice and human rights. It does so by making case-studies of a number of African countries, including Sudan, Rwanda and South Africa and by a thematic consideration of accountability and truth processes.

Civil War in Colombia

The long civil war in Colombia has been unimaginably bloody and destructive, and it has escalated further in the last year. As Amnesty International observes:

Paramilitary groups acting with the active or tacit support of the security forces were responsible for the vast majority of extrajudicial executions and 'disappearances'; many of their victims were tortured before being killed. Armed opposition groups were responsible for violations of international humanitarian law, including arbitrary or deliberate killings. More than 300 people "disappeared" and more than 4,000 civilians were killed outside of combat for political motives by the armed groups. Over 1,700 people were kidnapped by armed opposition groups and paramilitary forces. All parties to the conflict were responsible for the forced displacement of large numbers of civilians (Amnesty International, 2002).

In *The Heart of the War in Colombia*, the contributors are ordinary people, who begin by telling their stories. Some consciously chose the path of violence, seeing the life of the guerrilla as the only option in their lives. For others, involvement in the war was incidental, a product of poverty, birth or circumstance.

What emerge are experiences of great cruelty and great passion. Many of the women experienced violence in the home, as children from mothers, fathers and siblings; as young women from husbands, partners, and combatants. These early experiences in a society where physical violence seems to have been commonplace, combined with the surrounding poverty and conflict drove many of them into 'the heart of the war'. Some of the stories are beautifully told – Ana Dolores' mesmeric narrative of her life is reminiscent of Gabriel Garcia Marquez. The huge trauma inflicted through lives of grinding poverty, violence and displacement is apparent from these stories. But what also becomes clear is that many of these survivors are human beings of great spirit and endurance.



Later in the book the participants move through debate and argument to consider the experience of violence. Many conclude that non-violent approaches are necessary but not easy. Their debates echo many in other societies where civil war has bred despair and led to various attempts at peace making. In Columbia, heavily militarised, fractured by a vicious civil war, ridden with drugs and corruption, non-violence is a hard choice. As one contributor to the debate notes, 'war is not recent...the problem is power' (p. 196) Another observes that 'hatred does not end with accords' (p. 197). The problems and ideas that appear in these dialogues are familiar and recur throughout societies struggling to emerge from conflict. The attempts by these ordinary Colombians to explain and to understand the factors that created their experiences readily focus on poverty. They are slower to identify equally relevant factors such as patriarchy and the unyielding conservatism and authority of church, state and society. The women's' lives in particular are the products of their status as commodities, valued according to their virginity, their compliance and their willingness to hand over their sons to war. Their stories create a picture of injustice as a product of poverty and the abuse of power by families, governments and armies. A continual thread throughout this book is that abuse of power and the ease with which the powerful appropriate law. 'We are the law' is a repeated refrain of the men with guns.

The book does not seek to be a coherent analysis of repression and violence in Colombia. As Marcela Lopez Levy notes in her preface, its aim - and that of the process which produced it - was to reclaim a collective memory 'through the exchange of personal histories' (p. 7). The author's aim of 'reflect[ing] on the mechanisms through which ordinary people become willing and able to kill and torture and reproduce the cycles of violence in Colombia' (ibid.) is well achieved in this book. It is also claimed that the book's other purpose is to propose that 'truth and memory can reconcile both victims and perpetrators of violence to a new beginning' (ibid.). This is an aim that is not realised. It is a significant observation nonetheless - that finding the truth can facilitate reconciliation to a new start. Too often we are told that the purpose of truth processes is to reconcile victim and perpetrator to *each other*, when that is probably impossible.

This book is not an argument for a truth process. It is however a record of oral history and political debate as therapy. It is a powerful, compelling read, unblinking in its honesty about the capacity of ordinary human beings to inflict and to survive great harm. It refuses to provide any neat answers, presenting instead a picture of the confusion, disorder and pain that poverty and violence create.

Politics of Memory

The Politics of Memory opens with an examination of the meaning of social justice, positing it as the aim of reconciliation. This is a recurrent theme, particularly in Africa, where those who sought justice before the Truth and Reconciliation Commission often complained of their poverty compared to the wealth of their abusers. Economic reparation and the goal of social justice complete the loop of oppression and violence, human rights abuses, despair and war-weariness, through to peace making. It is often vast social inequality that creates the circumstances in which violence and oppression thrive, yet many of those who advocate an end to violence fail to couple that with a demand for an end to poverty. Without a serious attempt to end the repression engendered by poverty, the survival of a peaceful society may be precarious.

The Politics of Memory is a collection of essays, broadly on the theme of reparation and restoration after gross human rights abuses. The essay by Juan Mendez, on the Latin-

American experience and 'Truth in a Box', the chapter by Julie Mertus on the limits of the law and legal accountability, stand out as particularly significant pieces.

Mendez provides a good summary of the obligations of governments in the face of allegations of abuses and a succinct exploration of the arguments involved in truth seeking. In an important passage he effectively nails the old argument that truth processes only exacerbate division. The 'let's just draw a line under the past and move on' view is common in countries emerging from conflict. The case is made that one only obstructs reconciliation by requiring an accounting for the abuses of the past. But as Mendez points out, 'reconciliation must be preceded by some act of contrition by the victimizers' (p. 136). He remarks that 'in some camps there is a dangerous tendency to consider truth as an alternative to justice' (ibid.). He argues that this 'is a serious misunderstanding of truth-telling experiments... they function best when they are conceived as a step in the process of overall accountability, and worst when they are conceived as the final stop along that road' (ibid.). This is one of the problems with truth processes – people tend to see them as the end of the journey rather than the beginning.

It is an established principle that the rule of law demands accountability. As Julie Mertus puts it 'transition to democracy...requires the establishment of the rule of law' (p. 151). This is a commonly held view and many of the transition projects in post conflict zones – Eastern Europe, Africa, South America - specifically state that one of their goals is the re-establishment of the rule of law. It is clear however, that the legal processes instituted in the name of achieving accountability (criminal trials, tribunals, inquiries, truth commissions) may only deliver it in a limited form. Political considerations, deals, the legal threshold for proof, the sheer scale of abuses, all create a situation where not every crime is prosecuted, not every harm addressed. As Mertus notes: 'Tribunals can never try the many cases in which the harm has no name as a crime – the harm of lost time, dreams shattered, the suffering which comes from endless waiting, the humiliation of asking for the help of someone else' (p. 155).

But why, if the law is so imperfect, is the assertion of the rule of law so important? The answer is that accountability is necessary to prevent permanent impunity. Unless *the law* officially corrects the pre-existing official narrative that no harm was done then the offence, the harm continues. Just because legal truth processes are imperfect, they should not be rejected out of hand. To disregard their aim - accountability as reparation, the rule of law replacing the rule of the gun - would be a mistake.

The Limits of Law

Commentators ought, like Mertus and Mendez, to be realistic about the reach of legal processes. Those who seek such processes as a way of finding the truth and of honouring their suffering should be warned about their limits. In Northern Ireland, many demand the truth about the activities of state and paramilitaries, seeking judicial inquiries into the many unresolved murders. This is a clear thread throughout Bill Rolston's book, where there is a palpable hunger for the truth to be told, the 'unfinished business' of the title. That book captures the individual experiences very well and shines a light on one aspect of the conflict, the 10% of the deaths which were caused by the state and the other, numerous deaths inflicted by loyalist paramilitaries, where it is alleged they were assisted by the state.



The response of the authorities to these deaths has been denial, counter-claim and abuse of the relatives of the dead. Kathleen Duffy went to the hospital where the body of her 15 year old son Seamus had been taken after he was killed by a plastic baton round fired by the police. She was confronted in the hospital by a police officer who shoved a plastic baton gun in her stomach and asked her if she wanted to be next (p. 192). As Sean McGovern, whose young brother Kevin was shot dead by the police on his way from his local pub to a disco, remarks: '[t]he reaction of the security forces... is to behave as if the family of the victim have done something wrong' (p. 236).

Many continue to fight long, protracted battles with the authorities, some helped, some hindered by the legal profession. The names of two lawyers who helped the families of the dead conduct those battles recur repeatedly throughout the book. Both lawyers, Pat Finucane and Rosemary Nelson, are now dead, killed by loyalist paramilitaries acting, it is alleged, in collusion with the state.

Rolston's book serves as a firm warning about the need for struggle in the assertion of truth and justice, for what transpires in it is the terrible failure of the traditional legal models and the sheer power of state's opposition to telling the truth about its activities. Of course, the state was not the sole cause of death and abuse in Northern Ireland, but when the state claims a monopoly on the use of force, it must operate under stricter standards than the paramilitary organisations it criminalises. Story after story in the book relates the callousness with which people's experiences of grief and loss are treated by the authorities. That such treatment and the denial of the truth drove some people towards bitterness and division is not surprising. What is remarkable is the manner in which many have remained steadfast in their attempt to assert the rule of law. That they naturally do not trust the state to assist them in that attempt is hardly surprising and partly explains the yearning for a truth commission.

For many the long-running and unprecedented second Tribunal of Inquiry into the events of Bloody Sunday, where 14 unarmed civilians were shot dead by the British Army is the forerunner of a truth process in Northern Ireland. Yet many of the shortcomings that Mertus observes of the international tribunals are equally true of the Bloody Sunday Inquiry. She describes the limits of those legal processes, noting that '[f]or the war crimes tribunal, survivors of war wear the stamp of potential witness; they become conduits through which investigators and prosecutors can make their case' (p. 143). She goes on to observe that:

the process and the language of law transmutes individual experiences into a categorically neat something else. Law does not permit a single witness to tell their own coherent narrative; it chops their stories into digestible parts (p. 150).

This has been the experience of many of the civilian eye-witnesses testifying before the Bloody Sunday Tribunal. Their stories are not allowed to unfold naturally, witnesses are constantly interrupted by lawyers asking 'relevant' questions; their written statements put up on a screen and shards selected for further examination. This is the nature of the legal process, but traumatic experiences do not fit neatly into numbered paragraphs: memories of murder, panic and chaos cannot be treated as a series of files on a hard drive, accessible and complete at all times. In the legal process incomplete memories, or narratives which differ, however slightly, from previous statements are treated as suspicious, proffered as reasons to disbelieve the charge of murder against the state. There is little awareness, it seems, that the narrative form and content which people use

to tell their stories to friends, communities and even to the media is necessarily different to the one which they will be obliged to use when taking part in a legal hearing.

Truth and Judgement

The meaning of truth is explored, in *The Politics of Memory*, by Mahmood Mamdani in his essay on the South African Truth and Reconciliation Commission (an essay which is, peculiarly, without a bibliography). Mamdani criticises the TRC for focussing on limited types of victims and for not 'locating agency within the workings of the system' (p180). His argument is that the TRC should have indicted the legal system as well as the individual perpetrators, posing the question, what happens when the crime is legal? There is however, a difference between legality and legitimacy and it is here that the rule of law is crucial. The laws of Apartheid and the Third Reich may have been *legal*, but they were illegitimate. Perhaps the term 'the rule of law' is used less in the modern era, as it has been replaced by international human rights standards as an objective standard by which we can judge legal systems, their progenitors and actors.

Mamdani asserts that there are two kinds of truth – 'truth that brings unresolved tensions to light, and truth that obscures, hides veils, masks the unpleasant face of reality' (p. 177). This 'many truths' view is taken by several commentators, but it may be a problem with the nomenclature which is part of the confusion.

The notion of 'truth' is a difficult one both philosophically and practically. It is particularly difficult in the context of a conflict where even the nature of the conflict – that is, what the conflict was about – is contested. In many places, such as Northern Ireland, for example, it is further complicated by the length of the conflict and the appropriation of law by the state in dealing with that conflict. The school of thought which declares that there is no such thing as a single truth argues that there are always going to be different versions of an event, because people saw things from a different angle, remember things differently or imperfectly. It is however arguable that there is a general truth, an objective truth about events. Alex Boraine and others refer to this as 'forensic truth'. For example, one may say, perfectly correctly, that A shot B and that sometime later B's brother shot D. Anything further, any attempt to explain the actions of A or D is judgement. Thus 'A was wrong in shooting B and therefore it's understandable that B's brother shot C. This was war.' is a judgement. An alternative view of the same events would be 'A shot B because B was a terrorist. Look at what his brother did.' But both are not 'the truth'. Both are judgements, which is a different thing.

It therefore seems that people sometimes use the word 'truth' when what they mean is 'judgement'. Not 'judgement' in the formal legal sense that one gets damages for a civil wrong done or that someone gets sent to jail for a criminal offence, but an acknowledgement, an admission that what done was wrong. Thus the debate creates 'truth' as a pre-requisite for peace, when what is actually necessary is acknowledgement. Individuals, families and communities may all 'know the truth' about events, but if that truth is not formally acknowledged, the sense of injustice persists and the possibility of the abuse occurring again remains. Truth may be a part of the acknowledgement process, but without that acknowledgement, one cannot prevent the replication of the abuses of the past. Legal processes are obvious vehicles for such acknowledgements because of their status, form and formality, but they are not the only component in the process of truth and justice.



Conclusion

Mahmood Mamdani, in *The Politics of Memory*, makes one of the most interesting observations on truth processes when he urges that they should focus on the beneficiaries of abuses as well as the perpetrator. This is a useful reminder of the opening focus of the book – the need for equality and social justice. One of the consequences of years of repression and misrule is that the inequalities that created the oppression are further exacerbated. Too often it is the communities most disadvantaged by the initial injustice who suffer most from the conflict to which it gives rise (see, for example Fay et al, 1999, pp. 133-146). Rarely do truth processes properly address that outcome, but it underlines what is a key message of all three texts – that legal processes are only one part of the package necessary to generate accountability, closure and peace-building.

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WEBSITE REVIEW

Transitions Online

Sean Martin, Cleveland, OH

Name of Site: Transitions Online

Author: Jeremy Druker, Director and Editor-in-Chief

URL: <http://www.tol.cz>

Type of site: NGO, online newsmagazine

Housed at: Transitions, Prague, Czech Republic

Status on 23rd August 2002: live

Transitions Online (TOL) is an online newsmagazine devoted to the coverage of events in the twenty-eight post-Communist countries of Central and Eastern Europe, Russia, and Central Asia. The site debuted in July 1999 as the successor to *Transitions*, a print publication originally sponsored by the Open Media Research Institute. When printing costs forced *Transitions* to cease publication, former staff members founded TOL. Now established in its own right as a Czech NGO, TOL has grown into one of the most important websites for those interested in the current events of the region. According to the organization's annual report for 1999/2000, the goals of TOL are to provide news and analysis from the region in a knowledgeable and accessible way, to sponsor the development of professional journalists, and to pioneer in Internet non-profit publishing. Visitors to this exciting site will find that TOL fulfils its mission admirably.

TOL is best thought of as a newsweekly. Articles from correspondents throughout the entire region survey a wide range of issues, from transportation in Tajikistan to gay pride in Zagreb. The breadth of coverage makes this an especially useful site for students or anyone else interested in the politics, economics, culture, and history of the region. The news articles are brief enough to be read in a single sitting and are addressed to a general audience. The site is easy to navigate and, for the most part, links lead quickly to the desired article. The 'Week in Review' section is the core of the site, with 'Our Take' providing the editors' views on a specific issue of special interest.

Other sections that can be accessed most readily from the center of the site are 'Columns', 'Analysis', the 'Balkan Reconstruction Report', and the 'TOL Wire'. Links situated on the left of the screen include 'In Focus', 'Features', 'Opinions', 'Media', 'Books', 'EU Observer', 'In Their Own Words', 'Columns', and 'Letters to the Editor'. A secondary listing includes the online resources TOL offers, such as the archives; 'Newsstand', a listing of links to local publications for each country; and 'Jobs', listing job opportunities in NGOs. The division into the various sections is clearly meant to aid the visitor, yet the different sections can occasionally be confusing. It is sometimes difficult to understand why an article is included in a certain category. However, this does not necessarily impede the visitor from finding material, as the site is easily searchable from the homepage.

While TOL offers editorials and opinion and analysis pieces, it does not offer lengthy articles that, in any case, its readers would probably prefer to read offline. It is also clearly focused on politics and current events. There are no special sections for arts and culture or even religion. More in-depth coverage of these other areas would be welcome, but it might also jeopardize what TOL does best, which is to provide timely, provocative, independent news and analysis to thousands of readers.



The growth of TOL is readily apparent to anyone who checked the site even briefly a few years ago. The site now includes features such as the Balkan Reconstruction Report, the TOL Wire, and the Central European Review. These sections are clearly a part of TOL, but their format presents them as separate sites, each with its own content. The Balkan Reconstruction Report is the most established of these separate publications, similar in format to TOL but designed to take the reader beyond the stories of the region's ethnic conflict. While TOL's correspondents are young, promising journalists writing specifically for TOL, TOL Wire acts as a daily news wire, providing English-language translations of news from newspapers throughout the region. Central European Review was an independent online effort that has now merged with TOL. One can link to the CER site www.ce-review.org from TOL, but the merger is not yet complete. Material from CER is still being transferred to the archives of TOL. Once fully launched, CER will substantially improve TOL's coverage of arts and culture.

TOL's innovative initiatives to reach more readers justify the group's claim to be a leading pioneer in online publication. TOL reports that its correspondents have gone on to write for CNN and other news organizations and have enrolled in graduate schools of journalism. In addition to its younger correspondents, the site has drawn the talents of established writers, such as Lawrence Weschler and Tim Judah. TOL is also promoting the same kind of independent journalism through its site in Russian, TOL.RU, offering the same content as in TOL. Some TOL efforts are still in the developing stages, such as the 'Knowledge Network', intended to be a compendium of information and sites for each country in the region. In August 2002, I could access the 'Knowledge Network' only through the TOL Store and, even then, many sections were still under construction. In addition, one hopes that online journals focusing on Central Asia will eventually become a part of TOL's family of publications.

TOL is a self-supporting organization. Its primary funding comes from various foundations, especially the Open Society Institute, the Eurasia Foundation, the Robert Bosch Foundation, and the Media Development Loan Fund. From its inception, though, TOL has sought to develop paid membership. Membership fees are \$25 for individuals (\$12 for students). Universities, libraries, NGOs, corporations, and other institutions can subscribe at higher rates. Members of TOL have greater access to special features of the site, such as the 'Country Files', with detailed profiles, links, and articles on each country and greater access to the TOL archives. These are important features, but a majority of the material on TOL is available for free. In addition, TOL offers free two-week trial memberships and will even consider requests for exemption from the membership fee in case of financial need. Recognizing that a membership fee would prohibit many in the region from signing up, TOL offers membership free to citizens of the countries of Eastern Europe and Central Asia. TOL also offers merchandise – back issues of *Transitions*, books and magazines, music, films, T-shirts, mugs, etc. – through the TOL Store. The offerings in the store are still somewhat slim, though this might be a good place to locate the region's relatively little-known literature and music.

Those who teach in relevant fields would do well to recommend TOL to their students. In teaching the history of Eastern Europe, I have used articles on the site to provide a starting point for student projects or initiate class discussion on current events. Articles on pop culture or quirky topics, such as the recent changes to the calendar in Turkmenistan, can serve to pique student interest.

TOL is an excellent example of how the Internet can serve the general public as well as the scholarly community. By offering news from local correspondents, TOL presents

more accurate portrayals of the events in the region. Both the student doing a report on Kosovo and the professor looking for information on the latest developments in Azerbaijan can find what they need easily. The benefit to specialists of such a wealth of English-language information located on one site is obvious, but those with a casual interest in the events of the region will find much here to answer their questions about the region's past conflicts and current events.



REVIEWS

Meanings of Violence: A Cross-cultural Perspective

Göran Aijmer & Jon Abbink (eds.)

Berg, 2000

HBK: ISBN: 1859734359 £42.99

PBK: ISBN: 1859734405 £14.99

pp. 256 (including: index, bibliography)

This volume of nine articles is one of the most innovative collection of contributions to the discussion of violence in recent times. Although covering a wide range of topics, thematically and geographically, it presents itself as a coherent discussion of the subject at hand as if written as one book and not as nine different chapters by different authors. Running through the book are a few constant threads which all authors seem to be analysing only from different perspectives and with individual focal points. The cohesion of the various chapters is achieved through a common 'symbolistic' theoretical framework. Göran Aijmer suggests that this theoretical framework is able to take advantage of a variety of approaches to explain and examine violence, 'as holism and comparison are essential features of the symbolistic project' (p. 2). Aijmer points out clearly what he thinks the purpose of this book should be, when he states that 'this introduction does not offer a theory of violence stipulating the conditions for violent acts. Rather, it suggests ways of reading violence as it occurs in the world' (p. 19). In this sense all of the contributions can be read as parts of this overarching project.

In the first essay Anton Blok takes a look at 'the enigma of senseless violence' arguing that rather than condemning violence as simply brutal and irrational, we should look at it as a cultural form of meaningful human action and communication (p. 24). Blok emphasises the context of violence and its cultural embeddedness and enables us to understand violent action as a social element not as asocial. In a similar vein Nigel Rapport presents an understanding of violence as a meaningful 'experienced reality' and discusses the relationship between individual creativity and violence (p. 39). For him violence originates in individual creativity and it exists within, beneath and through social structure. In his theoretical account he differentiates between two forms of violence: democratic and nihilistic. While the former builds on the shared expectations of the individuals, the latter denies meaning. Rapport makes this distinction in order to indicate that social structures attempt to accommodate individual creativity while at the same time not advocating criminality. Individual criminality does not generate meaning, and thus is negative rather than creative.

While Blok and Rapport present theoretical discussions, the remainder of the volume consists of case studies resulting mostly from fieldwork. They provide the comparative examples of the symbolistic project Aijmer was speaking of in his introduction. Jon Abbink and Suzette Heald's contributions are most valuable for their examination and discussion of changes that occur in traditional societies and their constructions of meaning of violent action under the impact of modernity and global markets. Both have researched among African societies in Southern Ethiopia (Abbink) and the Kenya/Tanzania border Region (Heald). Abbink is interested in the ritual exchanges between one particular group (the Suri) and its neighbours. Violence seems to be part of these exchanges, which are also important for the maintenance of balance between the groups and inside the group itself. This balance has been threatened with the introduction of automatic weapons, with which violent action - attacking and killing - became an aim in itself, a medium of self glorification and of personal status' among

some of the Suri people (p. 91). Heald was researching the practice of cattle raiding among the Kuria in Kenya. Here, too, a traditional practice used for social control and economical and political exchanges between groups has developed into a problem for the people. She shows how the ritual practice has developed into a criminal economy, with former heroes (the raiders) turned into thieves who the state wants to be punished, hence producing an internal conflict in the group. In addition, the introduction of modern weaponry among the Kuria has had negative effects, as with their help new power relations could be established and traditional practices such as cattle raiding turned into a profitable business. Both articles connect individual cases with a larger context of global issues and thus show that even small scale societies and their interpretations of violent action have ultimately to be seen in a much larger context.

The remaining chapters consist of Alberto Bouroncle's examination of the meaning of violence apparent in the Spanish bullfighting ritual, for the social order in Spain today and in the past. He traces the origins of the bullfighting ritual and shows how the event (re-)interpreted over time to serve ideological purposes, such as the establishment of a new social order, state or ideology. The role of the state in the construction of discourses of violence is the subject of the two articles on China. Barend ter Haar shows how discourses were constructed in which all expressions of violence have been shunned which accompanied the development of a complex bureaucracy in favour of the military complex. Virgil Ho, in his account on China, focuses on violent punishments and their social role and function. Lastly Gerard Martin undertakes an investigation into one of the most violent societies of today: Columbia. Like Aijmer he does not believe in a total and all encompassing theory of violence, but sees the need to define the term for each discussion anew. Only a non-maximalist definition can account for a given subject and the research perspective given. In examining Colombian society and its violence, he takes a historic perspective to show the connections between the past and present in the interpretations of violence and to show how and why violence in different forms is so virulent in present day Columbia.

The structure of the book and its theoretical approach of taking in the variety of perspectives and discussing the subject holistically works well and makes the book an invaluable source of theory in the field. It raises many questions and most important does not stop in putting its object of research into a wider, even or necessarily global perspective. As a starting point to further theorise on violence or to compare other research, this book is certainly an important resource. While it does not discuss any theory as such, it makes excellent use of them and enriches the debate on the subject of violence.

Nils Zurawski, Westfälische Wilhelms-Universität Münster, Germany



Journeys Through Conflict: Narratives and Lessons

Hayward R. Alker, Ted Robert Gurr and Kumar Rupesinghe, (eds)

Rowman and Littlefield, 2001

HBK: ISBN: 0742510271 £57.00 \$75.00

PBK: ISBN: 074251028X £22.95 \$29.95

pp. xviii + 459 (including: index & references)

At the start of the 1990s, as the cold war faded and internal conflicts increased, two areas in the conflict cycle began to attract much more attention from scholars. Until then most of the conflict literature was concerned with the mediation and resolution of violent conflict. However, in 1992, the United Nations document *An Agenda for Peace* identified conflict prevention and 'post-conflict peacebuilding' as important areas of international action and this acted as a catalyst for major research initiatives in both areas. The whole area of prevention is particularly difficult. There is no consensus about the causes of violent conflict, either in terms of underlying or immediate causes. The statement in one of the chapters that the 'actual triggers of violence and hostility may be difficult to determine' (p. 197) is an understatement. So how can we prevent something we do not fully understand? The prevention literature also enters the dubious area of counterfactuals and 'what ifs', making it suspect in the eyes of many researchers. As the editors point out, 'conflict preventers deal with maybes, need nots and might have beens' (p. 19). There is also the problem of judging the success of a preventive intervention. What time frame do we use? For example, at the time, some commentators regarded the Arusha Accords of 1993 as an example of successful prevention work, though we now know it could not stop, and may even have contributed to, the genocide in Rwanda the following year.

One important aspect of conflict prevention is, of course, early warning; and it is this subject that is the theme of this collection of essays. They form the most significant output from a Carnegie funded project called Conflict Early Warning Systems (CEWS) that ran from 1995 to 1999. It aimed to raise awareness of 'hidden' examples of prevention work, facilitate the development of early warning indicators, encourage the development of institutional memories, and help with the development of support and training networks. Several of the participants, including the three editors, played a crucial role in the development of the growth of interest in prevention work in both the academic and policy communities and so can speak with considerable authority on this topic.

The book is divided into three main sections. The first describes the background to the project, setting out pre-history, premises, goals and methods. It also includes a chapter on the conflict in Guatemala that might have been better placed in the case studies section. This comes in part two. The research design called for focused, qualitative comparisons. So there are chapters on Africa (Burundi, Rwanda and Zaire), the former Soviet Union (Moldova-Dniestr and Chechnya), the Balkans (Slovakia, Macedonia and Kosovo), Africa (South Africa and Angola) and Asia (the Moros, the Mizos, Kashmir and Tibet). There is also an analysis of the experiences of the participation of NGOs and people in the conflicts in Mozambique, Sierra Leone and the Philippines. This is a fascinating, but rather uncritical chapter. However, it deals with peace-making rather than early warning. Part three turns to more general theoretical issues related to early warning with three chapters that present a comparative analysis of early warning indicators, a synthetic framework for early warning systems, and a discussion of alternative conflict trajectories which addresses the counterfactual issue. A fourth part

consists of a single chapter on lessons learned and policy issues arising from a review of early warning and early response work.

There is no doubt that there is important material contained in the work of all the contributors, especially in the chapters by Harff, Lund, and Gurr and Khosla, the best in the collection. However, the whole is certainly not more than the sum of the parts because there is a lack of overall cohesion. The volume reads like a set of conference papers assembled into an edited volume *ex post facto* rather than as a carefully designed and integrated project. There are, for example, considerable differences in the size of the chapters. Lund's analysis of Slovakia, Macedonia and Kosovo is fifty pages long. The chapter on South Africa and Angola, by Gouden and Solomon, runs to only sixteen. There seems to be no basic consensus about methods and ideas. Harff's analysis is organised around the concepts of accelerators and de-accelerators. Vorkunova 's examines signals as symptoms of violence. Lund relates incidents of violence to seven key variables. Gouden and Solomon use Rupesinghe's framework for conflict transformation, whilst Gurr and Khosla employ the themes of motives and management techniques. This bears out a claim in the final chapter that 'methodologically, there is little agreement on what indicators to use, information sources, and analytical approaches' (p. 400). Quite so, but this reader would have appreciated more guidance on how to deal with this lack of convergence. The title, after all, did promise to offer some lessons.

What was needed was for the third or fourth part to synthesise all the material into a cohesive final product. There is an attempt to do this in the two chapters by Schmalberger and Alker, but they drew too heavily on one or two of the case studies, most notably Padilla's analysis of Guatemala. The final chapter might have been better located earlier in the volume, as it is a useful overview of the state of play in the field of early warning research and action but does not mention the case studies analysed in part two. It is a shame that such a worthy project concludes in such an unsatisfactory and equivocal manner.

Stephen Ryan, University of Ulster, UK

The Politics of Memory: Transitional Justice in Democratising Societies

Alexandra Barahona de Brito, Carmen González, Enríquez Aguilar and Paloma Aguilar (eds)

Oxford University Press, 2001

HBK: ISBN 0199240809 £ 52.50

PBK: ISBN 0199240906 £ 18.99

pp. 413 (including: bibliographical survey, footnotes, index and references)

This is one of a range of recent books, such as Hayner (2001) and Biggar (2001), addressing various aspects of managing the past in conflicted or war-torn societies. Indeed, one of the editors and one contributor to this volume also contribute to Biggar's book.

In a lengthy introduction the editors state that the aim of the book is:



to shed light on aspects of transitional politics. Two kinds of transition are covered: those that occur as a result of the collapse of old regime forces, as in Portugal, Argentina, Central and Eastern Europe, Russia and Germany after reunification, where collapse was followed by absorption into another state; and those that are negotiated between an incoming democratic elite and an old regime, as in Spain, the Southern Cone of Latin America Central America, and South Africa (p. 1).

The book examines official methods of managing the past: truth commissions, trials and amnesties, purges and, *inter alia*, compensation, reparation and restitution. Unofficial methods of managing the past are also examined, such as church-based or NGO initiatives as a way of addressing the wide politics of memory. However, the book devotes its main attention to exploring the implications of the various methods for the process of democratisation, and how, if at all, retroactive justice affects democratic functioning and accountability. The book, unlike some of the recent South African contributions (see Boraine, 2000) adopts an agnostic (both in the religious sense and in evaluative stand) on the value of truth processes.

The book's overall conclusions on truth processes and commissions are particularly of interest to a Northern Ireland audience, where the debate continues about the viability or desirability of some formal truth process. This debate is conducted in the context of an ongoing Public Inquiry into Bloody Sunday, and calls for more inquiries into other killings such as those of lawyers Rosemary Nelson and Pat Finucane. The editors draw several conclusions on truth recovery, based on a synthesis of the chapters dealing with truth processes in Portugal, Spain, the Southern Cone and Central America, South Africa, Eastern Europe, East Germany and Russia: in their joint conclusion, they argue that the contribution of truth processes is primarily to the establishment of democratic governance rather than to 'reconciliation'. They point out in the conclusion the need for caution about raising unrealistic expectations about truth discovery, since; they conclude truth processes inevitably fail to satisfy absolutist standards of truth. In chapter 4, Barhona de Brita points out that both justice and truth are more easily achieved in societies where it is clear what side has the upper hand. Societies attempting to achieve pluralism, she concludes, are destined to struggle with issues of truth and justice.

She cites the examples of post war Belgium, Denmark, France, Netherlands where severity and speed were priorities hence the use of mass trials and mass jailings. She offers a useful distinction between what is just and what is fair. Measures can be seen to be just in political terms yet may be unfair in terms of the legal process. Issues of fairness also periodically arise since mechanisms often 'punish the small fish, whilst letting the big fish go' (p. 28). Such difficulties, contradictions and dilemmas in reinstating truth and justice leads some to favour 'forgetting' the past and abandoning the pursuit of truth and justice. Indeed Barhona de Brita argues that truth processes alone have little impact on democratisation and that other constitutional, social and political reforms are much more important, although she concedes that truth processes can rehabilitate the judiciary and other parts of the legal system tainted by association with the *ancien regime*.

Various contributors also usefully address the role of international actors and agencies in a chapter which examines the role of the United Nations, the Organisation of American States, the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the International Criminal Court. Case studies on Portugal, Spain, the Southern Cone,

Central America, South Africa Central and Eastern Europe, East Germany and the Soviet Union/Russia make up the core of the book.

Several points strike home. Roht-Arriaza's chapter addressing the role of international human rights law in challenging the behaviour of nations points to the role of the courts in United States and the United Kingdom in the case of General Pinochet. With the advent of the 'war against terrorism' and the situation of the Muslim prisoners in Cuba, the contradictions in the world politics of human rights are clearer than ever. The inequality between the powerful and less powerful nations and the difficulty in ensuring the accountability of all nations is addressed.

The chapters on countries/regions provide valuable insights into the specifics of the case studies they examine, and also contribute insights that have broader applicability. Many of these broader insights are brought together in the impressive encyclopedic analysis contained in the conclusion. For me, however, the outstanding merit of this book lies in its value as a reference text. The excellent bibliographical survey of the literature includes web-based material and surveys the main debates about transitional truth and justice, compensation and restitution, the politics of memory including issues of commemoration. Country studies are reviewed in sections on Africa, Asia (the shortest), Europe (by far the longest) and Latin America. The icing on the rich cake of this book is provided by the 54 pages of references cited by the various authors, and including references for the works included in the bibliographical essay. The scholarship is apparent, and the value of this work - as a reference, and a detached, legal and scientific analysis in a field that is often heavy with emotion - is clear.

Human history, however, often moves in directions that are not reasonable, sensible or scientifically grounded. Were we to learn the lessons of international experience, this book would provide an excellent primer. One suspects, perhaps sadly, that the way forward in Northern Ireland, and in other societies in transition, will owe more to pragmatism and the art of the possible than to the application of lessons learned elsewhere and set out clearly in the pages of books such as this one.

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Marie Smyth, Institute for Conflict Research: Belfast, and University of Ulster, UK



International Migration: Trends, Policies, and Economic Impact

S. Djacić (ed)

Routledge, 2001

HBK: ISBN: 0415237823 £65.00

pp. 273 (including: index, references and illustrations)

The challenge – and the opportunities – of international migration are currently moving quickly up a variety of academic and policy agendas in many countries in Europe and beyond. A book dealing with the nature and impacts of international migration could therefore make a timely contribution to these debates. Two possible ingredients for the success of such a publication in terms of maximum impact might be that it should engage with migration from a variety of perspectives and that it ought to speak to a wide readership.

The twelve chapters in this edited volume cover an extensive geographical range from Canada, the United States, and Mexico to Israel and New Zealand and Australia. Likewise, the topics considered in the chapters run from national studies such as consideration of Bulgarian illegal immigrants in Greece to abstract analyses of international migration in the context of a Ricardo-Viner model. So, to some extent, in the diversity of subject matter, the book meets one of my criteria for success. Despite this, however, I am not convinced that the book does make a consistent contribution to the wider literature.

One reason for this is that there are, in my reading, significant shortfalls in the way in which the diversity of international migration experiences – and conceptual approaches to migration – have been handled within the volume as a whole (although not perhaps by individual contributors). On the one hand there is almost too much diversity, as each chapter appears to take an isolated topic-by-topic approach. There is little clear sense of how the various chapters link with each other and it is noteworthy that although there is an introduction there is no conclusion to draw the various contributions together and no overall thematic discussion of trends and concepts. I imagine that if it had been provided that this 'big picture' could have been useful for many readers particularly those who are unfamiliar with the work of economists on migration. On the other hand, however, the book is only diverse in its own terms; wider perspectives and analytical approaches drawn from outside the economic paradigm, in which most of the contributors work, have been generally ignored. There is, for example, a large literature on globalisation and migration which hardly, if at all, gets a look in.

My second reason for scepticism concerns the style of the book and its potential to reach out to a wider readership. Many of the chapters contain demanding abstract material which requires readers to have a considerable grasp of economic theory and mathematical reasoning so as to understand the arguments. Written by economists – perhaps for other economists – many chapters will probably be extremely difficult for most academics in disciplines such as geography and sociology which also engage in migration studies, and impenetrable for non-academic lay readers who might want to learn more about recent international migration.

My overall impression of the volume is thus one of an opportunity missed. The omission of a wider discussion of themes and trends, plus the lack of a conclusion, mean that it is difficult to see the general thrust of the book. This weakens the volume. The concentration on economic approaches, and particularly the extended algebraic presentation of reasoning, also means that the book probably will remain restricted to an

economic readership. This is a shame as it could be worthwhile presenting this material in an accessible way for a more general audience.

Ian Shuttleworth, The Queen's University of Belfast, UK

NGOs and Civil Society: Democracy by Proxy?

Ann C. Hudock

Polity Press, 2001 (originally published 1999)

HBK: ISBN: 0745616488 £45.00 \$66.95

PBK: ISBN: 0745616496 £12.99 \$28.95

pp. 120 (including: glossary, references and index)

This short book makes one very good point and raises a number of important questions about international aid for democratisation and civil society-building. The one point that it makes is the empirical one that international support for Southern NGOs – generally described as 'capacity-building' – tends to build the 'capacity' of donors and international agencies rather than empowering Southern NGOs. The important questions raised concern the theoretical understanding of why capacity-building meets with such limited success and the policy responses to this.

Where the book is strong is at the level of description. Drawing on a large number of examples and four case studies, from Sierra Leone and Gambia, Hudock illustrates that international funding for Southern NGOs tends to have negative consequences for their capacity to work with the poorest and most marginal groups. There are two central difficulties. Firstly, the funding of projects tends to involve these NGOs in a lot of bureaucratic and administrative tasks, in both applying for funding and in the monitoring and accounting for expenditures, drawing resources away from 'front-line' work. Secondly, in order to meet donor targets, Southern NGOs will seek to work with groups and individuals where positive results are easiest to achieve, for example, those with easy access, organisation skills and easily attainable goals. She argues that while international resources being ploughed into capacity-building of Southern NGOs may increase their numbers and influence, the building up of the NGO sector does not necessarily give voice to the poor and marginalized in these societies – thereby creating the 'democracy by proxy' of the sub-title.

This basic point is a refreshing change and a challenge to much of the literature which assumes that NGO-building in some way equates to democratisation or civil society-building. Her work, which mainly uses examples from Africa, is supported by recent studies in other regions where NGO-building has been a focus of international initiatives, for example, in Bosnia.

Where the book is less informative is the theoretical understanding of the problems of 'capacity-building' and policy alternatives offered. Hudock illustrates that the resource inequalities between Northern donors and Southern NGOs have resulted in a relationship of dependency which gives donors leverage over the operations and aims of Southern NGOs. The alternatives are clearly limited, yet she seems certain that their can be a technical 'fix' that can make the power inequalities disappear, giving Southern NGOs a say in the 'capacity-building' process. She makes a number of suggestions for overcoming this structural inequality in the donor/NGO 'partnership' - from a plea for



donors to give funds on a secured long-term basis with less monitoring and conditionality so that Southern NGOs can pursue their own, independent, strategies, to ideas for alternative funding through corporate sponsorship or networks of dinner parties. She argues that 'capacity-building' should not be focused on 'internal' questions of management and administration but 'external' ones which address the key problem of resources, such as fund-raising capacities, for example by funding the post of fundraiser. The discussion of policy alternatives is at worst, a facile one, and at best, merely a circular argument, failing to address the main questions at issue.

The problems with the book are not merely at the level of solutions. She makes a number of key assumptions which are never examined, for example, that Southern NGOs can actually 'empower' the poor and excluded (if left to their own devices) and that Northern donors can 'empower' Southern NGOs (once they adopt her strategy of giving money without strings attached). These assumptions indicate that Hudock is not as hostile to 'democracy by proxy' as it may at first appear. In her work there is little consideration of the importance of the political process, democracy or self-government, and certainly little hostility to international donors calling the shots. Hudock, in fact, appears to be supportive of elite advocacy or 'democracy by proxy'. She argues that: 'it is imperative that NGOs engage with international organizations. NGOs often represent local communities' only opportunity to influence international agencies' policies and programmes, and in the process change local conditions' (p.57). How unelected and unaccountable Southern NGOs which spend their time in international policy forums can claim to either represent 'local communities' or to be better representatives than governments or to 'influence' international agencies are issues which are all conveniently ignored.

It appears that Hudock's concern is not that NGOs, being feted by international donors, are creating 'democracy by proxy' but that this process, whereby international control over the work of NGOs is so overt and NGO dependency on international donors so transparent, may undermine NGO's legitimacy and new role as preferred policy partners to governments. Hudock's theoretical assumptions about the role of NGOs and of civil society advocacy seem to be directly challenged by her empirical work. It is this contradiction at the heart of her book which makes her seek refuge in technical solutions and restricts the discussion of the political issues raised to the aside of 'areas for further study'. Nevertheless, despite the contradictions and the truncated nature of the analysis, this book still makes a valuable contribution to the current discussion on NGOs and civil society-building.

David Chandler, Brunel University, UK

Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe

Will Kymlicka and Magda Opalski (eds.)

Oxford University Press, 2002

HBK: ISBN: 0199240639 £45.00

PBD: ISBN: 019924815X £14.99

pp. 439 (including: index & bibliography)

For many years, Will Kymlicka has elaborated a political theory that seeks to reconcile classical liberal theory with the claims made by groups defining and distinguishing

themselves from majority populations by cultural, linguistic, religious and other traits. The resulting theory of ethnocultural justice is as much descriptive of situations in some (western) countries, such as Canada, Belgium or Switzerland, as it is prescriptive in terms of how and why liberalism and the recognition and implementation of group-specific rights are not mutually exclusive. Kymlicka's theory is in itself conclusive; whether one finds it persuasive depends very much upon whether one shares its underlying premises.

This debate to one side, what is an almost entirely different issue is the applicability of such a theory to situations outside the specific geographical, political, cultural and intellectual context within and for which it was developed. Kymlicka has always been quite clear that his is part of western political theory, and he makes this obvious again in the introductory chapter to this volume in which he aptly summarises the key premises, concepts and implications of ethnocultural justice (pp. 13-84). His own reluctance about a transfer of this theory into the quite different context of Central and Eastern Europe, is one thing, but it is undeniable that many of the concepts with which he operates have found their way into policy documents of a great number of predominantly western or western-dominated organisations that have influenced the choice and establishment of (political) institutions in countries in Central and Eastern Europe that have embarked on the difficult transition to democracy over the past decade. It is thus not only an intellectually stimulating and productive exercise to explore if and how western notions of ethnocultural justice can be transplanted into this region (and whether this is at all necessary and desirable), but it has also significant practical implications for the societies that are affected by this western agenda. The aim of this volume – to have an engaging debate between Kymlicka and scholars, policy-makers and advocates from the region – is thus a laudable venture.

The quality of the commentaries on Kymlicka's introductory chapter and his own concluding response ensure that the volume overall fulfils its purpose of critically examining the applicability of western political theory to the ethnopolitics of Central and Eastern Europe. The mix of contributors – one-third of the commentary chapters are written by western-based specialists on, two-thirds by experts in, the countries concerned – allows for a balanced debate of Kymlicka's views. Some of these chapters, particularly the one by Doroszewska, (to a lesser extent those by Barša, Fesenko, Opalski and Djumaev), are bleak in their assessment of the capability of countries in Central and Eastern Europe to cope with the complex challenges that ethnocultural diversity poses to democratising states. Others, Kolstø, Pettai and Andreescu, for example, take a more optimistic perspective. What emerges from these contributions is a divide between countries not in terms of the degree of their ethnocultural diversity, but in terms of the level of success they have had in democratising their institutions and political culture. Thus, Russia, Ukraine and the Central Asian successor states of the Soviet Union turn out to be the least promising cases, while the Baltic republics and Romania are described as more promising. In such a generalising distinction, this may be too simplistic a picture of the very complex situation in each of these countries. Yet, the authors submit ample evidence for their point of view, even though it might be argued that they leave out cases that would be potentially contradictory. Barša's account of the situation in the Czech Republic is, from the perspective of successful democratisation, the odd one out – nobody would dispute that the country has made great advances in its transition process over the last decade. However, the treatment of its Roma minority by state institutions and the high levels of distrust and discrimination that Roma experience at the hands of some sections of the Czech public, while others



simply stand by or look away, reveals that the democratisation of political culture in this respect is lagging behind. This is not a unique Czech problem as other authors remind the reader. Such problems also exist in Russia, Ukraine and Uzbekistan, and they were (and to some extent still are) also present in Romania, Latvia and Estonia.

A third category of commentaries engages with Kymlicka on a more theoretical level, focusing less on the applicability of his theory than on some problems that their authors perceive in applying it in the context of Central and Eastern Europe. I found this part of the debate especially valuable as it pinpoints a number of differences as well as similarities between west and east. Schöpflin and Várady, for example, both rightly point out that the idea of ethnocultural justice is not a novelty in Central and Eastern Europe, but was part of political strategies of accommodation and pacification in parts of the Austro-Hungarian and Ottoman empires. Tsilevich presents a thorough analysis of the similarities and differences between actual and potential ethnic conflict situations in east and west, concluding correctly that, despite all the existing differences, the threat to peace and stability emanating from these conflicts is a concern for the west as much as it is one for the directly affected countries in the east. Of all the contributors, Ossipov is the one most critical of Kymlicka's theory of ethnocultural justice, questioning some of its assumptions and its internal logic and wondering whether the assessment of the consequences of its application is comprehensive enough. Even though I personally do not share most of Ossipov's criticisms, I found it unfortunate that Kymlicka did not directly re-engage with him at any great length in his conclusion.

There are a number of other shortcomings in this volume. First of all, Kymlicka never defines precisely what he means by 'western'. This may seem trivial because it should be self-evident, but if the OSCE and the Council of Europe are called western organisations despite the fact that their membership includes numerous countries from Central and Eastern Europe, then 'western' clearly means more than a particular geographic region, cultural context or intellectual tradition. There is a second reason, why such a definition would have been important. In many ways, it could be argued that what Kymlicka refers to as western values are in fact universal values. While using the term 'western' may avoid a direct debate over universalism, it leaves the question unanswered whether there are certain aspects of ethnocultural justice that are indeed universal values and thus worthy of transferring to different geographic areas regardless of their distinct cultural contexts. Another problem are certain structural and factual inconsistencies: on page 6 Kymlicka and Opalski refer to 'six types of ethnocultural groups', while on pages 23ff. Kymlicka only discusses 'five types of ethnocultural groups'. The Flemings in Belgium are not a national minority, as claimed on pp. 25 and 29, devolution in the United Kingdom also encompasses Northern Ireland, not just Scotland and Wales, and there is still a sizable group of ethnic Germans left in Kazakhstan, numbering in their hundreds of thousands, even if there has been a measurable decline over the past ten years (yet emigration has not only, and over the past years not even predominantly, been to Germany, but also to German rayons in Russia). To be sure, these are very minor, and perhaps unavoidable, flaws in what is otherwise an extremely important book.

The significance of this volume is probably best summarised by saying that it does not just make a contribution to an ongoing debate, but rather that it is, in fact, the best reflection and most comprehensive and authoritative summary of the debate on the universality of the western conception of ethnocultural justice.

Stefan Wolff, University of Bath, UK

Guns and Government: The Management of the Northern Ireland Peace Process

Roger MacGinty & John Darby

Palgrave, 2002, Ethnic and Intercommunity Conflict series

HBK: ISBN: 0333779142 £45.00

pp. 226 + xvi (including: chronology of the peace process, map, notes, bibliography & index)

MacGinty and Darby point out that the Northern Ireland peace process has 'followed a 'stop-go' pattern, with long periods of stasis interrupted by concentrated bursts of political activity' (p. 2). This sounds almost like a technical description of me when I am drunk. The analogy between me when I am drunk and the peace process is appropriate at another level because when drunk I have only a vague idea of how to get from A to B. Arguably, however, I have more sense about where I am heading than any of the leaders involved in the peace process. As the authors point out midway through *Guns and Government*: '[t]he peace process has no endpoint. It is a process of managing rather than of ending conflict' (p. 75).

This last point is important to remember as you read the book. It is, as the subtitle states, a book about the *management* of the peace process in Northern Ireland. It is important to remember because in many respects the book is presented as an analysis of the peace process rather than a toolkit for conflict management.

The book is divided into two main sections, labelled 'narrative' and 'analysis'. The narrative contains three chapters providing a background to the peace process, the negotiations leading to the Good Friday (Belfast) Agreement in Northern Ireland and events relating to the implementation of the Agreement. The analysis devotes a chapter to each of six issues 'violence and security issues; economic factors; the role of external actors; popular responses; symbols and ritual; and progress towards political/constitutional agreement' (p. 5). All of this is topped and tailed by an introduction, which asks 'what are peace processes?', and a conclusion, which looks at the relative importance of, and interaction between, the six factors covered in the analysis.

MacGinty and Darby are hampered in their attempts to provide an analysis of the peace process by their *a priori* assumption that the peace process is a good thing. Events are not studied as illustrations of flux in the terrain of politics in Northern Ireland, but are judged in terms of whether they help to advance or retard the progress of the peace process. This underlying premise means that the book reads like a 'how-to-do-it' manual of peace processes.

This does not mean that the authors do not make any interesting observations. They recognise that the peace process focuses on the means to achieve peace rather than the end, peace. As they put it: '[i]n a sense, the peace process has become permanent politics in Northern Ireland' (p. 75). They point out that Clinton's involvement in the process was not because of any special devotion to Ireland. Rather 'promoting US economic interests lay at the heart of the Clinton foreign policy catechism, along with low risk interventions, soft facilitation and maximising public relations advantages. Northern Ireland fitted the bill perfectly' (p. 115). And they note that the Omagh bombing helped to promote the peace process not because of its severity, the bomb killed more people than any other single event in the history of the conflict, but because



of its timing. The Agreement, signed before the bombing, provided a context in which 'public outrage could be harnessed, as opposed to simply vented' (p. 104).

The *a priori* acceptance of the benefits of a peace process, however, blinds the authors to a key paradox of the peace process. The principle of inclusion is central to the peace process, but the process has been advanced through the exclusion of the majority of the population of the region from any significant decision-making. The authors note that while 'much in the peace process was impermanent and *ad hoc*, key elements were structural' (p. 72). One of the key elements that provided consistency and coherence to the process was 'the inclusive nature of the process... It was deliberately designed and organised to include those previously on the political margins' (p. 73). 'Those previously on the political margins' is a euphemism for the paramilitary organisations (and the political parties that represent them). The inclusion of these parties, however, was often at the expense of democratic norms. So, for example, in the elections to the negotiations that were to lead to the Agreement, the government employed an electoral system that was guaranteed to include the political representatives of the two main Loyalist paramilitary groupings. The elections gave the formal appearance of people being involved in decision-making when in fact the British government had already taken the key decision. MacGinty and Darby note something similar in relation to the referendum on the Agreement 'people power would only extend to giving or withholding consent on a government-set question' (p. 59).

MacGinty and Darby note that in 'Northern Ireland a popular desire for peace was not the vehicle which led to the ceasefires' (p. 138). This lack of popular support for the peace process is perhaps to be expected given that the process has been elite driven. As the process has progressed its perpetuation has depended on the exclusion of the public from political influence. Nervousness that elections may become a second, unfavourable, referendum led John Reid, secretary of State for Northern Ireland, to successively suspend the Northern Ireland Assembly in the summer of 2001.

MacGinty and Darby were well placed to produce a penetrating study of the peace process. Their research coincided with the negotiation of a peace process in Northern Ireland, so they were able to study the process as it emerged. This advantage was enhanced by their access to key players in the process which enabled the authors to record the 'unvarnished contemporary views and reactions' of the key players (p. 6). Their *a priori* assumption, however, has curtailed many of the interesting insights that their research might have brought to light.

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Paramilitary Imprisonment in Northern Ireland: Resistance, Management and Release

Kieran McEvoy

Oxford University Press, 2002

Clarendon Studies in Criminology

HBK: ISBN: 0198299079 £45.00

pp. 442 (including: foreword, notes, bibliography, index, appendix)

Kieran McEvoy's book is an important contribution to an already substantial literature on the conflict in Ireland since the undeclared declaration of war between the British state

and the Irish Republican Army. What makes this work so distinctive is its exhaustive analysis of prison life within what is widely known as Long Kesh, but is officially described as Her Majesty's Prison (HMP) Maze. That confusion of tags provides both an emotive backdrop to the work as well as a thumbnail introduction to the history of Republican struggle since Unionist Prime Minister Brian Faulkner endorsed the introduction of internment, in August 1971.

This is a book about prison; but more than that, it is a book about prison struggle dominated by one politically inspired, determined section of the prison population. McEvoy puts his finger on the dominant theme by noting that '[t]he escape from prison of politically motivated prisoners goes to the very heart of ideological struggle between combatants and the state' (p. 50). This is an important observation. The prisoners saw themselves as engaging in a unique form of resistance to the authority of the state as it was represented in the prison. Much of this is dealt with thematically in the first half of the book. McEvoy traces the history of the protests from the earlier days when resistance to the condition of imprisonment was reflected in the prisoners attempting to find ways of managing the tedium and monotony of prison life to the open resistance which culminated in the protracted 'blanket' protests and the deaths of ten hunger strikers in 1980-81.

However one seeks to examine books from one or other of the numerous perspectives on politics and history in Northern Ireland, it is always difficult to find one which struggles to provide focus and particularly difficult when describing a prison such as Long Kesh/Maze. The complexity of the prison problem is made even more challenging by the persistent demands for 'balance', especially from within the one or other of the political/religious camps. But because of the nature of the study, one is inevitably drawn to the principal players in the prison struggle. Inevitably therefore, it concentrates on the Republican prisoners as the driving force behind the campaign against criminalisation and the attempt to force the British Government to recognise them as prisoners of war (POWs). For some, anxious to look for 'balance' that focus may be seen as a shortcoming. I would not agree. For those familiar with the events of the time, it is clear that although the 'Loyalist' prisoners did not involve themselves in the 'blanket' protests and hunger strikes, they benefited enormously from the outcome.

The contrasting attitude to imprisonment of both Loyalists and Republican prisoners is made most clear in the book's discussion of the 'ideology' of escape. McEvoy demonstrates that Loyalists were relatively ambivalent on the question of escape whereas Republican prisoners saw it as an obligation. As one former IRA prisoner puts it: 'escapes demonstrate to the British that they cannot imprison our struggle' (p. 48).

Many saw their period in Long Kesh as opening another opportunity for continuing the 'war' by 'other means'. In many ways the existence of the prison struggle was critical in the development of a revived Sinn Fein, even if it was unintentional. For many wondering at their rapid ascent into a position of power in Irish politics since 1981, one merely has to examine the political role played by the Republican prisoner before and during that time. It is often claimed that the powerhouse of republican politics emerged through the debates taking place in Long Kesh, during the period of 'special category status' and both before and during the protests in the 'H' Blocks. Indeed Sinn Fein President, Gerry Adams makes much of the defining role of the prisons in his much criticised address to a gathering of Republican families in Dublin recently. On the other hand a few former leading prisoners dispute the significance of that role. McEvoy quotes



one former prisoner, now a senior member of Sinn Fein, who believes that the 1981 hunger strike 'sowed the seeds that there were additional strategies to the armed struggle' (p. 99). Perhaps that is the significance of the prison struggle, it stimulated a diversification of strategies on the part of the Republican leadership, rather than acted as a powerhouse of Republican politics.

Many of the prisoners' leaders were acutely aware of the central importance and political advantages of a good propaganda opportunity. Indeed, McEvoy argues cogently in his book that there were a number of strategies asserted by the prisoners in their demand for political status. In this regard, it has to be said, it was the Republican prison community which transformed the nature of prison protest into something resembling a second front. They were conscious at all times that they were engaged in a political struggle, whilst some clearly saw their imprisonment as an opportunity to extend the military campaign to a new and unique location.

No book is perfect. A few matters marred this otherwise excellent contribution to the literature on the conflict in Northern Ireland. The term 'paramilitary', contained in the title, is also casually used throughout to describe all of those imprisoned for their involvement in the conflict. Almost all republicans believe that it is a pejorative term, however, as a badge of identification it sits comfortably on those who describe themselves as 'Loyalists'. A discussion on the implications of this differentiation would have been interesting because it reflects the distinct and separate ideological mindset of both sets of prisoners.

Finally, this is a book which charts the development of the politics of male prisoner resistance to prison authority and focuses almost exclusively on the experience of Long Kesh/Maze as the prison which has been the subject of much media attention since its establishment as an internment centre in 1971. But it was not the only prison and it did not hold women prisoners, most of whom, until HMP Maghaberry was built, were held in Armagh Jail. I look forward to Kieran McEvoy's next contribution which might restore the need for balance by charting the course of 'resistance, management and release' of the women who also attempted to escape, protested and embarked on a hunger strike against what they saw as the penal manifestation of state authority. Their persistence forced the 'H Block' committees outside the walls to add the name 'Armagh' to the title of the organisation. It is something worth remembering when contemplating the complexities surrounding the name identifying one of the most notorious prisons in western Europe, now thankfully, confined to another dustbin of Irish political history.

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Contemporary Politics in the Middle East

Beverly Milton-Edwards

Polity Press, 2000

HBK: ISBN: 074561471X £50.00 \$66.95

PBK: ISBN: 0745614728 £14.99 \$30.95

pp. 256 (including: bibliography & index)

The Middle East is often portrayed as mysterious, violent and utterly unique. Beverly Milton-Edwards has taken up the task to prove that it is not, and that indeed, politics in the Middle East are similar to politics elsewhere. The author's stated objective in this

textbook is to challenge the misconceptions about the region and to encourage new students 'to rethink their own prejudices and test them against academic orthodoxy' (p. x).

Covering many Middle Eastern countries through case studies, the book explores eight key issues underlying contemporary politics in the Middle East. The first four chapters deal with such themes as the impact of colonial rule, the development of nationalism, the effect of oil, and the widespread phenomenon of unrest that has characterised the region.

Looking in chapter 1 at the nature of political rule and the economic motive behind colonialism, the author states that the example of the Middle East reveals a pattern comparable to that found elsewhere. Outlining the debate about the extent to which foreign intervention disrupted the region, she contends that much of the turmoil in the Middle East is rooted in the colonial era. But as further explained in chapter 4, factors such as the prevalence of the military, the nature of state-formation, issues of internal legitimacy and the role of international actors should not be underestimated when examining the reasons behind the region's instability.

Chapter 2 focuses on the rise, development and manifestations of nationalism and Arab nationalist ideologies such as Ba'athism and Nasserism, while chapter 3 discusses the impact the large oil reserves have had, not only on the economy of the Middle Eastern countries, but also on their political systems, their integration into the world-system, their relations with the West and among each other.

The last four chapters address the issues of non-state actors - political Islam, democratisation, women and ethnicity. The most sophisticated and probably best part discusses the impact of political Islam (chapter 5). The argument is that there is no such thing as political Islam, rather the term political Islams account better for the myriad phenomenon that has emerged throughout the century. The Iranian Revolution that transformed into a state system of government and the non-state actor Palestinian Hamas illustrate this diversity of manifestation of political Islam.

Chapter 6 links the debate on the revival of Islam with the issue of democratisation. The chapter reviews current debates about democratisation in the region, including a section which examines the claim of some theorists, particularly Huntington's in his 'Clash of civilisations' thesis, that the Middle East is culturally intolerant to the idea of democracy. The final two chapters address issues that have been an increasing focus of attention, ethnic minorities and women 'the invisible population' (p. 173) - and reflect new trends in scholarship on gender and ethno-nationalist politics.

The book is aimed at the non-specialist first time reader who wants to understand the modern history and politics of a region that has not been devoid of discord and misinterpretations. The approach differs from other regular textbooks in Middle Eastern issues in that it avoids both the linear chronological approach and the conventional state-centric approach.

Employing a clear-cut thematic structure, the book follows the same pattern throughout the eight chapters. The author starts by introducing and explaining key concepts, then outlines major debates revolving around the topic and discusses it in its context. Every



chapter contains two case studies illustrating the theme in hand and is concluded with a 'boxed' section suggesting useful sources for further reading.

Milton-Edwards' style is engaging, and she is engaged with her material. She makes no attempt at hiding her admiration for a 'fascinating world which is dynamic, political in all respects and which interacts culturally with a variety of forces' (p. 220) and a 'fascinating region of the contemporary world' (p. xii). One cannot resist a knowing smile when, after taking good care at presenting an unbiased and dispassionate overview of the region, she suddenly lets loose her anger against its leaders: 'while the Arab world burns, their leaders dance, eat and make merry on profits from state industries, revenues from state assets and investments, bribes from the business community and loans secured in the name of poor and destitute populations' (p. 73).

The book is a major achievement for at least two reasons: first the author has succeeded in introducing, through a comprehensible critical examination of major debates, the body of best informed literature on the region; second, by avoiding the 'orientalist' insistence on the peculiarity of the Middle East, she has succeeded in providing a study that is both accessible and penetrating.

Nevertheless, the book is not devoid of problems. As ever with a study of this kind, the coverage of the countries is uneven. Whereas Egypt is the subject of four case studies and Palestine of three, countries such as Libya, Morocco, Tunisia, and Yemen are given less importance, yet could have provided informative case studies for the author's analysis of colonial rule, democratisation or political Islam.

Also the choice of excluding Turkey from the definition of the Middle East on the grounds that it should be regarded as a southern European state is open to discussion. Alongside Iran and Israel, Turkey is naturally excluded from studies of the Arab world. But there is much in Turkey that argues for its inclusion in a study on the Middle East, especially if the study encompasses Iran and Israel. The role of the military in the politics, *Âtatisme*, the rise of political Islam, the ethnic conflict with the Kurdish minority all make Turkey a good informant of Middle Eastern politics.

A final problem lies, as often with books covering contemporary politics, with the rapid pace of changing events in the Middle East. This book was first published in 1999. It was possible then to talk of 'a growing awareness within the West that Islam and politics is not about armed terrorists' (p. 136) and 'the tendency to fixate on fundamentalists, particularly in America, is gradually waning in the popular conscious' (p. 136). Sadly, it is no longer true after the events of the 11th September 2001, and an update of the discussion on Islam, terrorism and the West is inescapable for future editions.

Despite these weaknesses, Milton-Edwards' book is an excellent introduction to present-day politics in the Middle East. It will engage readers to think about the Middle East in an unprejudiced fashion and will undoubtedly constitute a key reference for undergraduate students.

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Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence

Caroline O. N. Moser and Fiona C. Clark (eds.)

Zed Books, 2002

HBK: ISBN: 1856493350 £45.00 \$65.00

PBK: ISBN: 1856493369 £15.95 \$25.00

pp. 243 (including: notes, diagrams, tables, bibliography and index)

The lack of a gender dimension in most analyses of the origins, impact or resolution of ethnic conflicts was, until recently, a familiar criticism of most of the torrent of writing which has charted the proliferation of violence with an ethnic dimension in the post Cold War world. A considerable number of recent studies have begun to redress the balance and this edited collection is one of the more recent contributions.

To describe it simply in these terms is, however, to underestimate the originality of at least some elements of the book. To generalise, most studies of the interaction of gender and ethnic violence follow one of two paths. There are those which present authentic and moving first hand testimonies from women in conflict areas of their experiences before, during and after periods of ethnic conflict. The rapes, economic privations and bereavements are chronicled in horrifying detail but analysis which seeks to explain the events or attempts to suggest a way forward are often limited. On the other hand more abstract examination of the ways in which gender and ethnicity interact during periods of violent conflict quite often in cast women in a unidimensional victim role and/or focus on ways in which the increased involvement of women in decision making could alleviate suffering. Such work frequently relies on 'motherist' models, which portray women as having specific qualities or interests which make them more likely to be able to compromise, negotiate successfully or reject violence.

This book makes a real contribution to breaking out of this pattern. The editors make it clear that they want to examine the extent to which women are actively involved in conflict situations at all levels. This implies analysis of women as direct participants in acts of violence, as supporters of movements, which engage in violence and as important elements in the constituencies, which must give assent to any attempts at political resolution. Perhaps not surprisingly the outcome of their efforts is of mixed quality. The actual structure of the collection, although divided into seven sections with titles which imply a focus on specific approaches to their theme, essentially follows a fairly standard pattern. There are initial chapters which provide theoretical or general examinations of underlying issues, these are followed by a series of case studies from varied conflict zones and the book concludes with attempts to draw together key questions. Or it almost ends in this way since there is a final chapter on women's testimonies to the South African Truth and Reconciliation Commissions, a sort of coda which initially seems rather oddly placed. Although it could be argued that it provides both an illustration and a summary of many of the arguments developed throughout the book.

The chapters by Cynthia Cockburn on 'The Gendered dynamics of armed conflict and political violence' and by Caroline Moser on 'The Gendered Continuum of Violence and Conflict' are particularly interesting. The first examines the extent to which gender is significant in different ways at all phases of ethnic conflict, not just in its obvious manifestations during the periods of open violence. The second presents a convincing analysis of the connections between the sorts of violence women experience during periods of armed conflict and other forms of sexual aggression in the family and the



community. Both these studies provide a basis for moving thinking and research in new directions. Similarly the chapter on sexual violence directed against men, by Dubravka Zarkov, is thought provoking and challenges some of the stereotypes about gender and violent conflict.

Perhaps it is hardly surprising that this level of originality is not sustained in the case studies. These are both more predictable in content and more variable in quality. They cover relatively familiar ground in their examination of the experiences of women in Peru, El Salvador, Guatemala, Colombia, India, Israel, South Africa and Northern Ireland. The dedicated and sensitive field work which has produced the moving and emotive testimonies of so many victims of violence cannot be doubted but there is the nagging doubt about how far they further our understanding of the complex social, economic, cultural and psychological forces which generate such acts.

The penultimate chapter returns to conceptual issues as Caroline Moser and Cathy McIlwaine examine 'Gender and Social Capital in Contexts of Political Violence', through an examination of women's organisations and activities in Colombia and Guatemala. Here there is an examination of the applicability of currently fashionable models of 'social capital' to women's roles in sustaining community institutions, both during periods when violence is at a high level and in subsequent phases of reconstruction. The varied aspects of social capital and the gendered nature of some of these is used to explain the different roles that men and women play in social and economic reconstruction and their differing needs and interests during peace processes. Again this points in new directions and reinforces the view that although this collection may be a little like the 'curate's egg' the best elements make it well worth a place on the bookshelf.

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Self and Nation

Stephen Reicher and Nick Hopkins

Sage, 2000 (Pbk, 2001)

HBK: ISBN: 0761969195 £ 55.00

PBK: ISBN: 0761969209 £ 18.99

pp. 256 (including: references, author index, subject index)

Reicher and Hopkins present an elegantly written critique of certain limited psychological conceptions of national identity, especially ones that posit character traits to national identity. Using contemporary commentaries from politicians and commentators as evidence (mostly from interviews of politicians in Scotland about Scottish identity, political devolution or independence), they argue that national identity is socially constructed. In particular they point to the use of rhetorical devices to instigate and justify political projects that vary according to the propensities of the agent in question. Thus, being located in socio-historical context and negotiable, national identity is continually being reconstituted and reinterpreted by people in the community in a public arena of mass media that ensures widespread dissemination of commonplace expressions of national belonging. They castigate the propensity towards using psychology to pathologize aspects of national identity as being psychologically defective. Their closely argued text challenges social psychologists to engage with issues of national identity in such manner as to eschew tired old notions that typify national identity in terms of national traits and stereotypes.

The authors utilise Billig's (1979, 1995) pioneering analyses to effectively illustrate that politicians 'use' psychological concepts and models in a strategic fashion to implement their agendas. One might say 'misuse' them for their own purposes, except that a good proportion of such concepts derive from practitioners of professional psychology. Psychologists have frequently been implicated as actively providing rationales and support for politicians' agendas. This has often been with potentially horrific consequences, as during the Nazi era or periods of colonial conquests (Richards, 1997). *Self and Nation* is a wake-up call to psychologists to reform their discipline so as to be acutely aware of the limitations of their 'psychological knowledge' and to be cautious in their use of 'psychological concepts and models', which, given agentic human activity and thought, may be used, misused, reappraised or abandoned by others.

A further strength of their analysis is to demonstrate the limitations of generic theories of intergroup relations that currently predominate in academic social psychology:

If our position is accepted as self-evident (we need to look at the ways that others relate to ingroup interests if we want to know how group identification will affect our orientation to those others, and hence the way to affect these orientations is through the way we construct such relationships), then all attempts at generic theories of intergroup relations must be scratched from the start (p. 85).

Their critique of standard social psychology of stereotyping is equally comprehensive:

Any conceptual or methodological approach to stereotypes which abstracts them from their argumentative context is likely both to obscure our understanding of the phenomenon and to reify particular political dispensations (p. 104).

Reicher and Hopkins usefully elaborate processes of forming category boundaries to include variously defined 'prototypical' national constituents and demarcate them from others, and relate these contextually shifting boundaries with political leadership – central to the process of collective influence and mass mobilization. Contrary to standard social psychological analysis of leadership, their point is 'that leadership tends not to alight upon an individual but is actively sought. The practice of leadership is about the strategic creation of personal and collective realities so as to merge the two (or separate them in the case of one's rivals)' (p. 180). They continue their analysis by demonstrating the diachronic or historical construction of politicized categories, not as pre-existing givens based on evident national characteristics, but forged when politicians attempt to mobilize conceptions of nationhood: 'how the nature of social practice at one point in time feeds into the way we categorize things at another point in time and also how our categorizations at a given moment mobilize people to reorganize the nature of social practice at another moment' (p. 181).

Despite the authors' critiques of outmoded thinking in social psychology, their many evocative quotes, penetrating comments, and references to thoughtful commentaries by other contributors on issues of national identity, one is left wishing for a demonstration of what especial contribution psychology could make to comprehending processes that are so powerfully manifested under the guise of national identity. Reicher and Hopkins do not ask certain kinds of important questions. Why, for example, do so many people find appeals to primordialist sentiments about national identity so powerfully evocative? Why are others acutely aware that national identity is a situationalist construction? How



do such orientations to national identity relate to political orientations? What cultural contexts and biographical experiences influence primordialist and situationalist perspectives?

Conceptual and methodological tools of Identity Structure Analysis (ISA) together with empirical evidence from comparative research (Weinreich, Bacova & Rougier, 2002) elucidate such processes in a manner commensurate with this text, but focusing also on the foregoing questions. These tools and evidence delineate differences in national propensities towards primordialist cultural ethos, within which however 'primordialists' and 'situationalists' differentially identify with political entities, and wherein certain kinds of biographical experiences promote situationalist perspectives on nationality. This new research explains why primordialist sentiments about nationality constitute the primary perspective, which may *with hard won comprehension and first hand experience* become layered with situationalist elucidations. And consequently we can understand the continuing appeals to, and all-too-ready acceptance of, rhetoric about ancestral origins and exclusion of alien influences in the mobilization of nationhood and the effort required rebutting such rhetoric. ISA, avoiding the shortcomings in the psychological literature identified by Reicher and Hopkins, also emphasizes the agentic self that acts in relation to a nexus of others and continually constructs, reconstructs and elaborates one's identity in respect of negotiated discourses. It views such appraisals and reappraisals as occurring in relation to the individual's *biographical experiences that involve a complex of developmental processes*.

In summary, Reicher and Hopkins provide a refreshing and stimulating analysis of the processes that politicians and commentators engage in when mobilizing social action by appeal to, and in pursuit of, 'nationhood'. They provide a powerful warning that psychologists should be wary of their complicity in the promotion of nationalism. This does not, however, preclude psychologists from analysis of national identity. Important questions, which psychologists are best equipped to answer, remain. Reicher and Hopkins have helped to demolish many of the fallacies of the psychological research on national identity, in doing so they have helped to clear the way for the development of a more nuanced approach.

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How the Troubles Came to Northern Ireland

Peter Rose

Palgrave, 2001

HBK: ISBN: 0333753461 £52.50

PBK: ISBN: 0333949412 £15.99

pp. xx + 216 (including: list of abbreviations, chronology, bibliography and index)

This is an important book because it introduces much valuable material into one of the less researched areas of the 'Troubles' literature - the preplay before the outbreak of violent conflict. More than half of the book is concerned with events up until March 1968, and the remainder takes the narrative up until August 1969. It is a worm's eye view and should be welcomed for that alone. Rose's research is prodigious: besides a through search of the secondary material he has made excellent use of the public records under the Thirty Year Rule as well as a seminar on Northern Ireland policy in the late 1960s which he conducted in conjunction with the Institute of Contemporary British History (ICBH). And since the aim of his research had been to 'analyse the role of Cabinet, Whitehall and Westminster not Ulster's political and social arrangements' (p. 172) that narrowness of focus added to the depth of his primary sources.

Here, then, we have a book which is laden with rich and diverse research. It highlights the deficiencies in much of the earlier publications. With one or two honourable exceptions, the period 1964-70 has not been academically productive because it belongs to the realm of the (unreliable) memoirist intent on getting their version in quickly, to the journalistic pot-boilers, and to those who mirrored too closely the (foul) temper of the times. They all lacked proper reflection and none had any understanding of the nature of the tidal wave that was sweeping aside an old order. Rose begins to redress that imbalance through a combination of painstaking research and judicious oversight. He is impressive on the intensity of the debate within the Cabinet and in Whitehall particularly after October 1968. He illustrates, too, the fissure inside the Labour movement between that small but persistent body committed to Irish nationalism and a more general view of indifference and/or fatalism, positions akin to those when the Attlee government grappled with the Irish question. Rose's evidence confirms that of Billy McCarrick who takes a longer view when he pays particular attention to the period 1918-24 and concludes that 'for Labour the Irish cause was never an end in itself but always a matter of British domestic politics' (1992, p. i).

So what to do when violence broke out on the streets of Derry and Belfast in 1968/69? Rose clears the Wilson government of the charge of indifference because, he emphasises, they had a contingency plan. The trouble was that it was not implemented and the author chases the reasons why. One was simply the daily grind of politics - one damned problem after another - and Wilson had more than his fair share of these. Ulster, because it was so messy and so 'foreign', had to take its place way down the food chain. That raises a second issue, the personnel implementing policy. Rose confirms the Home Office's complicity in its Nelson's eye view of Stormont. In one or two passing asides in footnotes he castigates the role of the great reforming Home Secretary of the twentieth century, the urbane and scholarly Roy Jenkins. Indeed so scholarly was he that one of his officials suggested that Jenkins's completion of his biography of Asquith at the time of Labour's victory in 1964 persuaded the Home Secretary to steer well clear of Ireland. It is good to know that scholarship should not get in the way of humanity! Thirdly, there is the role of the shadowy intelligence and security services. In the light of the IRA's unpreparedness in 1968-69, it is intriguing to read that there were potentially



3,000 IRA personnel willing to take advantage of the fiftieth anniversary of the 1916 rising. Given such alarmist predictions, is it not strange, as Rose suggests, that the government was taken unawares less than three years later? The simple fact of the matter is that any government response has to be understood against the benign neglect of the previous fifty years.

Rose's benchmark is the Attlee government so he misses on some of the deeper cultural misperceptions that (mis)guided Whitehall policymakers. It may seem churlish to criticise him for not taking the longer view. He never set out to produce that type of book so he must be judged by the standards of contemporary historical analysis. Here we enter into the business of methodology and one that should be pertinent particularly to readers of this journal. Contemporary history may produce a wealth of material but it raises at least two important issues. One concerns our capacity to re-remember, that is, we recreate what we once said or did in the light of where we now stand. Here I declare an interest. I was one of those who participated in the ICBH seminar in 1992 and yet three years later the author reminds me (and us) that I could not remember what I said about the implications of a particular incident. It is a small, but telling, point. At a much grander level Rose calls on the expertise of two former Northern Ireland civil servants. One, John Oliver, published his memoirs in 1978. His thoughts then do not measure up to a rather vainglorious interview he gave to Rose in 1995. In the latter he suggests that 'brainy chaps' such as himself and his Whitehall counterparts provided the model for addressing Catholic grievances as early as the mid-1960s. It was a model that could have been adapted on the political and constitutional side but it was 'a pity that the Home Office did not send over an equal team to come and talk to chaps like me' (p. 59). Since the Home Office was receiving advice from chaps like him and since they were happy with arrangements as they stood Oliver can scarcely be surprised that nothing came of this - that is, if the idea was even mooted in the first place. The second expert, Arthur Green, repudiated some of the sentiments of the Cameron Commission (1969) - of which he had been secretary - some quarter of a century later. That is his privilege. We begin to doubt his judgement, however, when after reading (p. 155) that he believed that Wilson had not imposed direct rule because he had been dissuaded by Unionist politicians and by 'leading Catholics' we then discover that the latter was a single 'Catholic judge' (p.169).

The second methodological issue concerns who gets their hands on the material. Rose is a former lobby correspondent who was able to gain wide access, all of which enriches his narrative. My own experience has been less successful. I note that the authors of a book on the Heath Government thank the Conservative Party for permitting the authors access to papers in the Bodleian Library for the period 1965-74 (Ball & Seldon, 1996). As one of the contributors this was news to me because I was turned down flat when I made a similar request (my chapter was the only one that focused on the Heath Government's record in Northern Ireland). Other examples of selective access can be supplied, but in a short review this may read like a paranoid whinge. I raise it not as a personal complaint, but as a methodological issue for researchers of contemporary history.

Students of ethnopolitics need to be aware of how research can be helped or hindered in the field of contemporary history. Peter Rose's book happily belongs to the former category. It is written with verve and coherence and is a model of a multi-faceted approach. I highly recommend it.

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An Introduction to African Politics

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The fact that sub-Saharan Africa tends to figure toward the bottom of most global social indicators is a matter of grave concern and a vexing puzzle for Africa analysts. It is perhaps not surprising therefore that books covering the past four decades of post-colonial Africa tend to converge on the issue of failure. In the recent past, and especially during the 1970s, emphasis was placed upon the legacy of colonialism and the stranglehold that Western powers and Western-dominated institutions exercised over the continent. While this approach remains with us today, it tends to carry less weight. The discourse has moved on from explanations largely drawn from underdevelopment theory and tends to make the African state the core analytical problem. Alex Thomson's problematisation of the African state as a 'vampire', 'kleptocratic', 'predatory' or 'pirate' state is in similar vein to Bayart, Ellis and Hibou's *The Criminalisation of the State in Africa* (1999).

In his introduction, Thomson makes two prefacing statements. First 'Africans are innately no more violent, no more corrupt, no more greedy and no more stupid than any other human beings that populate the world. They are no less capable of governing themselves. Not to believe this is to revive the racism that underpins the ethos of slavery and colonialism' (p. 2). Thomson posits the use of reason to discredit these assumptions and to provide explanations for even the worst events and processes that Africans have experienced. Secondly, he reminds us that Africa is a big place, its societies differ greatly and general statements about its political processes need to be approached with caution.

Methodologically, Thomson nevertheless does identify common elements across societies, deconstructing the 'whole' of African politics by dividing it into conceptual component parts that are examined in separate chapters. By examining the relationships between the three key actors: the state, civil society and external interests, he provides the tools for reconstructing these parts. Yet this schema largely excludes those engaged in subsistence agriculture. This large proportion of society is defined more by its non-absorption into the relations of the market and would perhaps need to be included as a fourth actor.

The emergence of the modern African state, being externally driven and shaped largely by external interests, was a process that resulted in state institutions having distant



relations with indigenous civil society. This provides a useful starting point for beginning to appreciate the tenuous position elites occupied at independence. Thomson's use of the term 'bureaucratic bourgeoisie' is apposite. With the significant exception of South Africa, Africa's elites lack the capacity to play an independent role in their national production processes. State institutions have had to compensate for the weakness, and in some cases continued absence, of indigenous capitalists. These polities have by default attempted to perform the role of economic regulators. Substituting themselves for either developed market mechanisms or fully socialised systems of production, the bureaucratic bourgeoisies took on a daunting task. African elites sought to overcome their weak social standing by adopting populist ideologies. Senghor's 'negritude', Nyerere's 'ujumaa', 'Mobutism' and even the 'scientific socialism' adopted by some a decade later, are here shown largely as populist variants of nationalism. The ideology of nationalism enjoyed particular salience due to its key role in the overthrow of the colonial state.

What has frustrated the transformation of the African 'bureaucratic' bourgeoisie into the real thing? It is worth remembering that in the 1960s Nigeria's economy compared favourably with Thailand's, as did Ghana's with Indonesia's. No-one could then have predicted their greatly divergent outcomes. Thomson discusses Africa's 'crisis of accumulation' in terms that centre largely upon the agency of the bureaucratic bourgeoisie. The core problems he develops are clientalism - the networking of relations succoured by state patronage - and bad policymaking. Instead of earning legitimacy by way of developing productive relations between the state and civil society, the bureaucratic bourgeoisies sought to short-circuit this process and buy legitimacy by means of clientalism. Poor policymaking led to the inappropriate allocations of resources. This meant that white elephant development projects soaked up precious resources while the potentially productive rural sector was undermined.

But are clientalism and deficient policymaking symptoms or causes of Africa's crisis of accumulation? When assessing the negative impact of the external actors, ex-colonial and other Western powers, and the Western-dominated institutions that mediate Africa's relations with the global economy, Thomson does show the price paid by much of Africa for being a Cold War arena. Yet he seems to accept rather uncritically the post-Cold War Western 'conditionalities' that began with good governance and democracy. In Thomson's view democracy is good because it allows civil society to exercise some power over the state. In this respect Thomson's discussion of the role of ethnicity in Africa is interesting.

According to Thomson, 'if nationalism was the ideological tool of the state, then ethnicity remained the tool of civil society' (p. 65). Thomson notes that all nationalists had to concede to the salience of ethnicity. He is careful, however, to point out that ethnic identities are not primordial or 'traditional', but modern social constructions. The salience of ethnic identity in the post-colonial period derived from the way that it was utilised by elite factions in a fashion similar to pork barrel politics. Thomson points out that ethnic mobilisation in Africa moderated authoritarianism and provided a modicum of pluralism. This is true, but it is a one-sided view. Ethnic mobilisation also drained resources and restricted the representation of civil society. The persistence and strength of ethnicity in Africa is a symptom of the weakness of the African state, rather than an indication of the strength of civil society.

Thomson's undue emphasis on clientalism obscures a more serious problem with African elites: weak bargaining power when dealing with donor states and institutions. Forces

external to Africa have shaped the internal institutions and processes of African states. The contemporary salience of ethnicity is a case in point; it derives from the decline of Cold War politics and the imperatives of conditionality.

The World Bank has admitted that its structural adjustment programmes have largely failed - going so far as to say that some states that resisted implementing these programmes have performed better than those that were compliant. Yet the price of this failure extends beyond the exacerbation of poverty. It has accelerating the region's marginalisation from the global economy. Since the scope and intrusiveness of conditionality is ever increasing and now penetrates the heart of decision-making capacities, this problem can only become greater. If structural adjustment has had negative consequences, shouldn't we be casting a more sceptical eye upon the latest conditionality of poverty reduction?

Africa certainly has problems of governance. Its leadership's limited ability to overcome the parameters set for it by the international community is arguably the more serious expression of its problems. Students should nevertheless find this book an extremely useful and stimulating introduction to African politics.

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