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Transitions are times of great opportunity and risk. As the new editor of the Southwestern Journal of International Studies, or the “SISA Journal,” it is my hope to capitalize on the opportunity and minimize the risk taken by my Southwestern International Association colleagues in trusting me with this fine journal. The SJIS was established as an outlet for scholarly work presented at the annual meetings of the Southwest International Studies Association, and to encourage SISA activity in-between conferences. As well, scholars engaged in inter-disciplinary research continue to face challenges in publishing such efforts because they do not often fall into the neater categories of the defined disciplines. While this is changing, the SJIS remains an important outlet for scholars seeking to build theoretical and methodological bridges across the disciplines.

Another long-standing character of the SISA is to actively encourage undergraduate research through professional integration. SISA is one of few regional or national professional associations that actively and regularly reserves panel space for undergraduate research presentations. The ultimate incentive for our undergraduate (and future graduate) students to engage in rigorous research is to also reserve space in the SJIS for publication of such research.

All papers are subjected to the traditional blind review process. While preference is given to manuscripts of research presented at the annual SISA meetings, we are now open to all submissions.

Finally, and most importantly, I join all of our SISA colleagues in extending deep thanks to our founding editor, Dr. Dragan Stefanovic, professor of political science at Appalachian State University. Dr. Stefanovic’s dedication to the profession, developing junior professionals, and support of undergraduate research are now proud hallmarks of the Southwest International Studies Association and a major point of distinction for our association.

Hans Stockton, Editor

Southwestern Journal of International Studies

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Who Votes in Europe? Can Wolfinger and Rosenstone Apply to Turnout in European Parliament Elections?

Jeff Wm. Justice

Department of Political Science, Tarleton State University (justice@tarleton.edu)

Abstract

Wolfinger and Rosenstone's *Who Votes?* provides a classic examination of demographics affecting turnout in American elections, in which they found that education, age, and being in a spousal relationship have the greatest impact on who decides to vote. This paper attempts to apply this model in an effort to explain the turnout in elections to the European Parliament, which has decreased in every election held since the body was opened to selection by direct democratic vote. It is my expectation that this model will generally hold true when applied externally, but it is also my expectation that other factors involving attitudes toward the European Union and its brand of democracy will have a significantly stronger impact.

Introduction

The first direct elections for the European Parliament took place in 1979, with a turnout rate of just under 62 percent. Since then, this figure declined with every successive election, falling below 50 percent in the 1999 contest, and reaching an all-time low of 43.24 percent in 2009. One country – Slovakia – reported a turnout in the most recent election of a mere 19.63 percent, according to official European Union sources.¹ That same country reported a turnout of nearly 55 percent in its 2006 national election.² While this decline has been persistent, it took a marked nosedive in the 1999 contest, dropping over five percentage points, whereas each of the previous drops was less than two percentage points lower than that of the previous contest.³

There can be little doubt of the growing importance and clout of the European Union, not only within Europe itself, but also on the global stage. The Euro, now in its eighth year of regular circulation, rapidly ascended to a place alongside the American dollar and the British pound sterling as a currency against we compare all others. The blue flag of Europe frequently takes a place on the dais alongside the national flag in the national parliaments of the Union, and so forth. Thanks to the Schengen Agreement, crossing national borders within the EU is just as

uneventful as crossing state lines within the United States. Why, then, do Europeans – who turn out in droves for their national parliamentary elections – treat elections to the European Parliament with a yawn? Who does vote in these contests, and who stays home? This brief paper attempts to address this question.

To be sure, there is a plethora of models that attempt to explain who votes and how they vote, and there is a lesser amount of extant literature explaining who does not vote. Some models look into systemic reasons. Others examine demographics. Still others look at this problem through cultural and economic norms. Nearly all studies involve either a case study or a comparative analysis. While the European Parliament has been subject to popular vote since 1979, the literature examining mass public behavior *of any kind* regarding its elections is very scant. The unique evolution and current structure of the European Union makes research difficult in terms of applying extant models to many of its aspects, but until we can uncover the factors that do explain what happens there, and election behavior models are no exception to this.

In this paper, I choose to offer a model that continues to influence electoral turnout research, and that is Wolfinger and Rosenstone's model as presented in their 1980 work *Who Votes?*, which examined American election turnout. Their work found that multiple demographic factors that impact whether a given person is more likely than not to cast a ballot. Their strongest variable is in education, with those spending more time at study being more likely to vote. Similarly, they found that those who are currently in school are more likely to vote as well, given the nature of universities and colleges to stir discussion on political issues of the day. They also found that married couples are more likely to vote, and they found a positive correlation between age and likelihood to vote. Additionally, those who recently changed residences were less likely to vote, as were those who face barriers to registering to vote. Their model also looked into other aspects of the American voting system, including registration requirements, racial identity, whether a state-wide (gubernatorial) election occurred, and geographic controls.

Some readers may immediately question “Why Wolfinger and Rosenstone?” when we have published European election models that I could use. As the literature review to follow will note, even non-American models turn to the American literature -- even in a comparative sense --

when attempting to explain behaviors of other systems. For instance, *The American Voter* continues to impact party identity models for democracies around the globe, despite the fact that the model is now over a half-century old and focused entirely upon the American electorate. Demographics played a key role in that work, and other comparative works of election behavior research use them as control variables if not those under direct examination as a part of the research questions posed.

Another factor to consider is the fact that some aspects of Wolfinger and Rosenstone cannot apply, such as the American voter registration barriers that do not exist in European systems. Still others can only apply with great difficulty, such as the local elections factor. Some of the member states of the EU have unitary forms of government, while others have regional governments with varying levels of authority, and still others operate with completely federalized systems. Furthermore, some of these subnational structures experienced marked levels of evolution during the period covered by this study. We must also take into consideration the fact that election rules and political party systems differ -- sometimes markedly -- from one member-state to the next. In some instances, voters must deal simultaneously with four level of government: local, regional/provincial/state, national, and the European Union. While European Parliament elections occur every five years on a fixed timetable, elections at other levels occur irregularly.

As the literature review below will note, Wolfinger and Rosenstone's demographic variables are highly statistically significant in terms of their impact on the decision to vote. However, prior literature also shows that their overall explanatory value is quite low. As a series of competing theories will argue, turnout in the case of these particular elections may also rest on questions of the European Union's legitimacy. Both scholars and political pundits frequently question the democratic legitimacy of the EU, particularly given that the European Parliament is the only institution subject to popular vote, yet it presently lacks the ability to initiate legislation. If anything, it would seem to function more as an upper chamber in a European national parliament, many of which serve only as chambers of review or very seldom exercise the privilege of initiating legislation.

In consideration of the above, the overarching research question I raise here is whether Wolfinger and Rosenstone's demographic model can apply to explaining turnout in European

Parliament elections. I begin addressing this by looking at other works examining turnout, followed by a look at literature regarding regime legitimacy.

Turnout in Elections

A glance through the prior research that examines turnout in elections reveals a topic proven somewhat surprisingly difficult to examine. Even more interestingly, it is very American-centric. There are some European turnout studies, but most of those operate in comparison with the US, and there is very little at all on European Parliament turnout. To begin, Matsusaka and Palda (1999, see also Matsusaka, 1995) argue that there is considerable inconsistency in the results of many of the studies published to date. What is certain is that there are demographic and political factors that do seem to consistently impact, including campaign spending, being contacted by campaign workers, workers in the public sector and farmstead owners, married persons, those with higher levels of education, and those who are older. Naturally, much of this reaffirms Wolfinger and Rosenstone's seminal research.

More recent works take a rational choice approach to explaining the decision to vote or to abstain from voting. Bendor, Diermeier, and Ting (2003) found that even when the costs of voting are high, very large electorates will still experience turnout rates of at least 50 percent or greater, and those voters who are rational actors will learn from repeated efforts of voting how to make their voice heard loudly through the ballot box, thus increasing the payoff of choosing to vote.

Other scholars assert that a systemic approach to the issue provides the best answers. Leighley and Nagler (1992) tested Wolfinger and Rosenstone and found that their demographic approach does hold, by and large, but they also supplemented their data with various controls, including voting registration restrictions, impacts of party competition levels and the presence of trade unions. Their results upheld and strengthened Wolfinger and Rosenstone's original model, showing that demographics do make the largest impact upon turnout. Leighley and Nagler's additional factors are also statistically significant, but only on a regional basis, and they conceded that a regional explanation provides stronger explanatory power than a comprehensive model examining the entire electorate, owing in no small part to differences in demographics and the additional factors across the United States.

Pursuant to this line of theory, Timpone (1998a, 1998b) found that the Wolfinger and Rosenstone demographic factors merit far greater attention by scholars than some previous works have paid to them. Additionally, trust in government and voter attitudes toward political candidates play a significant role in the decision to vote. Further to this, he found that several of those demographic factors make an impact upon “social-connectedness,” a factor he found to have significant influence upon electoral turnout. However, he also found that education and income levels – two factors well-established to be highly positively correlated – directly impact turnout without being affected by social-connectedness variables.

Abramsom and Aldrich (1982) took a systemic approach of their own in a piece presented a decade earlier. Their approach held that declining turnout was the result of two factors: declining party identity and declining senses of external political efficacy, with upwards of half of declining turnout rates explainable by this model. Jackman (1972) shared similar perspectives a decade earlier, asserting that effective government can only occur if the citizenry are politically engaged. Shafer (1981) stated that these two factors were indeed the answer, and he offered a third: whether a respondent followed closely a political campaign in the press. Kleppmer (1982) agreed with these three variables, and he went so far as to assert that “virtually all” of the decline in turnout during this time period could be traced to these three factors. However, Cassel and Luskin (1988) argued that the Abramson and Aldrich, Shaffer, and Kleppmer models fall far short of offering a satisfactory explanation for declining electoral turnout, with a sizeable portion of the explanatory factors still awaiting discovery.

Jackman (1987) offered a comparative systemic explanation of his own attempting to find factors that would tend to increase turnout, with his model focused on both institutional and legal arrangements. He asserted that turnout increases when electoral districts are competitive, where representation is proportional in its distribution across the polity, and where the parliament operates on a unicameral arrangement. Turnout is especially likely to increase in cases where mandatory voting laws exist. Powell (1986) countered that a two-party system – not the multiparty system suggested by Jackman – tends to discourage voting, especially if voter registration requirements require proactive behavior on the part of the aspirant voter to get onto those rolls. Political attitudes do matter, but being required to register to vote and the party system matter to a far greater extent. In a European sense, Tavits (2009) and Franklin (2003)

both suggest that turnout relates to the frequency and salience of elections, with the latter going so far as to suggest that the presence of direct elections to the European Parliament actually serves to depress turnout in national elections.

Other systemic models attempt to blend analyses of institutional factors and political processes with demographic factors in order to approach the question of declining electoral turnouts. Bowler and Donovan (2002) asserted that political institutions with “educational” factors to them can alter citizens’ perceptions of their political system, and if direct democracy is present, citizens feel a stronger connection to their political system. This leads to improvements in their perception of both internal and external political efficacy. Other scholars would counter that it is the electoral campaign itself that needs to engage citizens if it wishes them to turn up at the polls. Jackson (1993) wrote that this would occur with higher levels of campaign spending or the emergence of quality challenger for office. Merrifield (1993) argued that incumbent politicians have significant control over systemic factors that would increase turnout. Political efficacy is a significant factor, but so are others relating to public policy debated within parliament.

The one study that comes close to examining the matter of turnout in European Parliament elections is a research note by Pasek and Radcliff (1999) that offers an explanation of which parties benefit from a low turnout in elections. In it, the authors begin with a note, perhaps a lament, that the EU’s profile was well on its way up by the time of their study on the 1999 election, yet turnout had reached yet another record low (as it would again in 2004 and 2009). In fact, the elections were more an expression of voters’ attitudes toward their national governments than they were an indication of how they thought things were going in the European Union itself.

Scully, Jones, and Tristan (1999) addressed similar questions to those I raise here with respect to their look at the low turnout in the inaugural Welsh National Assembly elections of 1997. Their work found support for hypotheses of apathy toward politics in general and the new assembly in particular, but they did not find support for a third hypothesis suggesting that the Welsh people did not want the assembly in the first place. This work moves us into a second

body of literature examining the concepts of democracy and legitimacy, a pair of issues that continue to surround the European Union.

The Politics of Democracy and Legitimacy

Lipset forcefully asserted in *Political Man*:

The stability of any democratic system depends ... upon the effectiveness and legitimacy of its political system.... Legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society (1981, 64).

He operationalized the concept of a crisis of legitimacy as occurring when the status of existing conservative institutions are somehow threatened by change imposed by new social structures, coupled with a lack of access to the system by all major groups within society. Such a crisis can also be caused by the entry into society of a new group, the cause being a question of whether to grant that group political access. Particularly, he raised the issue of “citizenship,” both in a political and economic sense when it came to inclusion and exclusion from participation in a polity.

The problem that emerges in the literature that followed Lipset’s landmark work is that there is considerable a discernable lack of consensus in the literature in defining and then operationalizing which factors impact legitimacy. Hurd (1999, see also Grafstein, 1981) asserted that an institution gains legitimacy, in one sense, when there is a general sense that its decisions ought to be obeyed by those governed by it. We can work with this definition insofar as it applies to the four member-states that do have compulsory voting laws applicable to EU elections on their national statute books: Belgium, Greece, □Italy, and Luxembourg. Three of these ranked among the top four member-states in terms of turnout in the 2009 election. However, citizens of these countries vote not because the European Union told them to do so, but they voted because their national governments require it.

The epistemological problem presented here does not end with whether European Union institutions command the kind of legitimacy necessary for them to warrant the kind of obedience and respect we know to be due to the states within its membership. Legitimacy may not even emanate from the institutions themselves, but as Dryzek (2001) suggests, it may do so from

deliberative democracy. As he wrote, an election does not necessarily lend itself to being an exercise in deliberation, but an election can facilitate such deliberation and discussion. Rather, he contended that Habermas' theory applies here: that when institutional decisions coalesce with the general position of the mass public, those institutions gain legitimacy. Under such circumstances, I might suggest that we couple Habermas with the theory of the General Will pronounced by Rousseau in *Le Contrat sociale*, in that the welfare of the people as a whole is paramount and ought to operate through the rule of law. If a governing institution is willing and capable of doing so, it should gain legitimacy through its actions and maintain it as long as it continues to do so.

Assuming that Dryzek is correct, then Gabel (1998) and Eriksen and Fossum (2004) enter into play. Gabel suggested that the European Union gains some of its legitimacy through application of Lijphart's consociational democracy theory. As the EU expanded in the 1990s (and again in the 2000s), it became more difficult to achieve consensus on policy of the type needed on a regular basis to secure greater legitimacy. The cause of this problem roots itself in the fact that adding states means adding polities to the consociation that bring to the discussion different values, policy preferences, and points of national and/or subnational interest. Gabel suggested that replacing existing institutional arrangements with a true bicameral European parliament, one that would include one chamber representing the people and a second chamber representing the member-states. This would enable now-extant consociationalism to withstand future expansion through a deliberative institution that could enable new voices to join without upsetting the ability of discussion and debate to continue.

Eriksen and Fossum took a similar perspective, emphasizing that the EU is a work-in-progress. One can argue that any living, organic polity exists in such circumstance, but they stressed quite forcefully that a lack of a *telos* behind the project hinders both continuing development as well as increasing legitimacy within the public sphere. To this end, they presented a two-part approach that would address this issue: the first of which would repackage the EU as governance that provides actual solutions to problems collectively facing its member-states, while the second would work to establish a sense of European identity through emphasizing the citizen instead of the state and enhancing public deliberation of issues

confronted by the EU. This would give the public a sense of ownership over these institutions, helping foster a collective European identity.

Presumably, democracy is one means of providing the kind of collective public ownership that Eriksen and Fossum asserted the EU needs in order to address its legitimacy issues. However, the European Parliament's own website points to the fact that it is the only major EU institution directly chosen by the peoples of Europe.⁴ Much of the existing literature on the EU addresses a perennial issue of democratic deficit within its institutions (see Lodge, 1994 and 1996; Burgess, 1996; Gabel, 1998; Shaw, 1998; Nye, 2001; Karp, Banducci and Bowler, 2003; Hooghe and Marks, 2004; Mueller, 2005; among others). Schmidt (1999) even went so far as to argue that the EU's gain of power at the expense of member-states and dearth of democracy have gone so far as to make those member-states less democratic. The democratic deficit, she argued is made worse at the European level by the lack of accountability of the EU's non-elected institutions to the European Parliament that one frequently finds in government/parliamentary relationships at the national level. Hence, one could say that if democracy would serve as a means of providing public ownership over the EU, then the continuing dearth of democratic accountability would mean that such ownership that Eriksen and Fossum contended as being necessary will continue to be hindered until such time as reform comes to those institutions.

To that end, Rohrschneider (2002) tested a model that concentrated on the democratic deficit issue, finding that there is a negative relationship between attitudes toward the representativeness of the European Union and attitudes toward national institutions. Further, he found that this becomes especially pronounced when respondents perceive that their national institutions are functioning well. In such cases we can expect that support for the EU would decrease. He particularly noted that these attitudes do not depend upon economic conditions of the day. Put succinctly, when one feels that one is well-represented in governmental institutions, support for those institutions increases. However, when one does not feel well-represented, such support decreases and especially so when feelings of confidence run high regarding national institutions.

Lodge (1994, see also Lodge, 1996; Burgess, 1996; Mueller, 2005) also took on the perennial democratic deficit issue in a theory piece, asserting that the authors of the treaties

establishing the authority and scope of the European Parliament deliberately restricted its movements so that it would not become a body that could challenge the authority, sovereignty, or legitimacy of national parliaments in the member states. When the European Community began to morph into the European Union with the drafting of the Maastricht Treaty, cries of “Federalism!” rang throughout EC member-states, frequently among those warning of the high potential for an increase in powers for the new EU at the expense of the member-states. Among the changes made was a significant increase in the European Parliament’s powers, which would be a critical change given that its members were now democratically elected. In light of the above, she urged clarifying the Parliament’s role as well as increasing its authority as a means of addressing and improving the democratic deficit situation.

Karp, Banducci, and Bowler (2003) submitted a piece to the debate that took the angle of the democracy deficit as being caused in part by an informational deficit. Their work acknowledged the continuing deficit issue along with the weaknesses of the European Parliament within the EU system as being major factors contributing to lack of interest in voting. They noted that support for the EU, where such support does exist, is not uniform across its member-states. They also found a tie between information levels and support for democracy. Those respondents with higher levels of support were more likely to view EU democracy with jaundiced eye, while those same respondents were more likely to view their own national democracy positively.

While the above all addressed questions regarding the democratic deficit and allowing the people a voice in the affairs of Europe, there remains a basic question of legitimacy and its other roots. Stillman (2002) suggested that legitimacy stems from compatibility of government policy with societal values. To be sure, democracy is one of those, but I think it safe to assume at this stage that it is not the only one. Stillman’s theory did *not* include attitudes toward the government itself when calculating the legitimacy level it has. His theory also asserted that legitimacy is not a binary concept. We can and should measure it in terms of a thermometer or ordinal scale. He extensively cited Karl Friedrich’s work on the issue, which included several permutations on the concept of ‘majority rules.’

To a point, Stillman's theory harkens back to Aristotle's prescription in *The Politics* that a government's laws must conform to its constitution, and Stillman himself notes that a constitution – as must any law – must conform to the values of the society it governs. Similarly, the actions and inactions of government – public policy, in other words – also ought to conform to those values. One could easily argue that this becomes a heightened concern in cases where democracy operates, which is precisely the point made by Nye: “Anti-globalization protesters complain that international institutions are illegitimate because they are undemocratic,” who went on to point out that most such institutions have very little political authority and exist to facilitate international cooperation (2001, 3). However, that does not apply to the European Union, whose institutions do have the authority to make enforceable law in those areas delegated to it by the current governing treaties.

Hypotheses, Data, and Methods: Demographics and Turnout

To be sure, much of the literature reviewed here focuses on the American polity, but it also offers multiple perspectives to consider in an effort to explain the reasons why people choose to vote or choose not to vote, and these are perspectives that we can apply comparatively to other democracies. While the works reviewed each take differing perspectives on why turnout increases or decreases, one point permeates many of them, and that is that demographics matter. Even works that attempt to disprove the point usually end up grudgingly acknowledging that demographics are a significant factor, even if they do not provide a satisfactory explanatory power. Hence, I find that Wolfinger and Rosenstone's classic research on this question is a good place to start. Again, the key question is whether it has external validity, and I assert that it does, particularly since we have already seen that there are some comparative models already in existence that do give consideration to the impact of demographics on electoral turnout.

Given that their model was tailored to the American polity, I do not expect to find that all of their factors will be relevant. Furthermore, as I will discuss in the following section, not all of them are present in the data sets now available on European Parliament elections. Bearing this in mind, I suggest the following:

H_{1A}: Gender will not impact turnout.

H_{1B}: Those currently in school will be more likely to turn out to vote.

H_{1C}: Those living in rural areas will be more likely to turn out to vote.

H_{1D}: Older voters will be more likely to turn out to vote.

H_{1E}: Those who are civically active will be more likely to vote.

H_{1F}: Those who consider themselves to be of a higher social class will be more likely to vote.

To test these hypotheses, plus those that follow, I used the European Election trends survey, which includes data from the 1989, 1994, 1999, and 2004 elections. Hence, I use those four elections to test these hypotheses.

The data set does not include a variable for the respondents' race, which was a key variable in Wolfinger and Rosenstone's model, so I do not include it in the basic model here or offer a hypothesis on it. Also, there is not a variable controlling for farm ownership; the rural versus urban variable is the closest approximation available, from which I created a dummy variable coded as "1" if the respondent stated that he or she lived in a rural area. Finally, there is no variable asking for a raw income figure; the five-point ordinal scale subjective social class variable is the closest approximation to an income variable, hence I substituted it into the basic model.

For the remaining independent variables, I coded gender as a dichotomous measure, "0" for male and "1" for female. I coded the in-school variable as "1" if the respondent stated that he or she was still in school or "0" if this was not the case. I coded the age variable as a matter of the year in which the respondent was born. For civic activity, I used as a proxy a measure on trade union membership. The data sets did not ask about other forms of group membership. They did ask about church attendance, but this variable was not consistently available in all of the data sets for the cases tested. Trade union memberships is a dichotomous measure coded as "0" if the respondent stated that he or she was not a member or "1" if he or she claimed membership. This variable also serves as a surrogate for the Wolfinger and Rosenstone controls for various types of career paths that they included in their models but not available in this data set.

The dependent variable is a dichotomous measure coded as "1" if the respondent cast a ballot for the European Parliament in a given election or as "0" if not. As a result, I used logit to estimate both the basic models outlined here and the enhanced models to be described shortly. It

is worth reiterating a key point made by Cassel and Luskin that the demographic variables cited by prior studies were statistically significant, but they were also very weak in terms of explanatory power. This led them to suggest examining other avenues of explanation for declining voter turnout. Given the consistency of this in related studies, I fully expect to find that the basic demographic models for each election year will be applicable to the European situation, namely that it will yield results with low explanatory power, and I offer accordingly an expectation – short of a hypothesis – that the explanatory power of these models will be quite low.

Hypotheses, Data, and Methods: Legitimacy and Turnout

In light of the above, we can expect there to remain significant portions of turnout unexplained by demographics alone. It is my contention that there is a legitimacy crisis present that has served to depress turnout since the advent of direct elections to the European Parliament, and that crisis hinges in no small part toward attitudes toward the EU vis-à-vis one's own nation-state as well as interest in its work and being informed about it and what it does. Again, bearing in mind the literature above, I offer the following:

H_{2A}: Those feel that the European Union's presence is bad for their member-state will be less likely to turn out to vote.

H_{2C}: Those who have learned of the European election from news sources will be less likely to turn out to vote.

H_{2D}: Those who have no interest in the European Parliament will be less likely to turn out to vote.

The independent variables for these models are coded as follows: The variable on the respondent's views on how good or bad the EU is for his/her member-state is a three-point variable, coded as "1" if the respondent viewed the EU as a good thing, "2" for a neutral answer, or "3" if the respondent viewed the EU as bad.

I constructed the information source variable from two variables in the data set asking whether the respondent had watched TV or heard radio news on the European election, which were the only two such variables available on the 1989 and 1994 models. I did run a variation on this for the 1999 and 2004 models that also included a third variable for examining a website on the campaign. Adding this variable did not make any notable difference on either of those models, so I did not include it in the final version of the models I ran for this study. Further,

issues of colinearity make it statistically impossible to include these as separate variables. I coded this information variable as “0” if the respondent replied that he/she had not checked broadcast news sources or as “1” if he/she had done so at least sometimes during the course of the respective campaigns. Finally, I operationalized the interest in the European Parliament variable as a four-point ordinal scale, coded from “1” for “very interested” to “4” for “not at all interested.”

I am well aware that European identity is a factor that we should consider in such a series of models. Regrettably, the data set available here does not consistently control for this factor, and it was not available for all four years when considering the other factors tested or used for control purposes. In the name of consistency, I elected not to include the variable at all, and I would call upon those who construct these sets to take care that they make such a variable readily available for future research on this topic.

In view of my expectations regarding the explanatory strength of the Wolfinger and Rosenstone-based demographic variables and my expectation that inclusion of the legitimacy issues will offer a model with significantly more explanatory strength, I offer one final hypothesis:

H_{2D}: The legitimacy variables will overpower the demographic variables to an extent that the demographic factors will become statistically insignificant.

In addition to the variables tested above, I also include a control variable in the interest and legitimacy models that controls for the left/right placement of each respondent along a 10-point scale, this recognizing that euroskepticism is a concept most often associated with the right wing of European politics (but not exclusively so).

The variables that Wolfinger and Rosenstone tested proved highly statistically significant in their models, and they have generally continued to do so in later models based on theirs. However, as the prior literature previously and repeatedly noted, these models have a low explanatory value, leaving a very high level of unexplained, undiscovered, and/or untested factors behind the decision to vote. Should the legitimacy factors significantly add to the Nagelkerke R-squared scores, particularly if they more-than-double them, the demographic

factors should lose a high amount of their significance in comparison, possibly to the point of becoming more or less control variables instead of independent variables under test.

Analysis and Discussion

As noted in the previous sections, the dependent variable under study here is whether a potential voter decided to cast his or her ballot in an election for the European Parliament. Since this is a dichotomous choice – either a vote was cast or it was not – the appropriate means of estimating these models is logistical regression. I began with four models – one each for the European Parliament elections of 1989, 1994, 1999, and 2004 – which replicated as closely as the data set would allow the demographic models utilized by Wolfinger and Rosenstone. In order to control for country-related effects, I used vector corrected estimates centered on each country included in each respective model of this study. I report in Table 1 the results of these models.

[Table 1 about here]

As expected, all of the Wolfinger and Rosenstone models (reported on the left column for each election year) had low Nagelkerke R^2 scores, ranging from 0.056 (2004 election) through 0.121 (1989 election). One can say justifiably that these results in total confirm prior studies' assertions that further research must look beyond Wolfinger and Rosenstone-informed demographics in order to better explain electoral turnout. At best, greater than 87 percent of the reasons why a person decided to vote or not vote remain unexplained by the demographic models.

Focusing on the Wolfinger and Rosenstone-based models, gender was statistically significant for 1989, 1994, and 2004 models, indicating in all cases that women were more likely to vote than men. The percent change-of-odds score was remarkably consistent early, falling at -16.6 and -17.0 percent, in 1989 and 1994, but dropped to -9.2 in 2004. The gender variable was insignificant, as expected, in all four of the interest and legitimacy models. The results for the “in school” variable were strongly in favor of . It achieved statistical significance in three out of four models, but its sign fell in the anticipated direction in only one – the 1989 model. It fell in the opposite direction in the 1994 and 2004 models. The age variable produced its own mixed results, albeit somewhat more consistent with the hypothesis presented. It was likewise statistically significant in three out of four models, but it was signed in the expected direction –

favoring younger people turning out to vote – in two of them, those for 1994 and 1999. Its sign fell in the opposite direction for 1989.

The rural-versus-urban demographic was only significant for the 1989 model, but its sign fell in the expected direction for all four models, which is somewhat encouraging. Civic activity – taking the form of trade union membership, in this case – was somewhat more consistent in predicting likelihood to vote. In all four models, this signed in the expected direction, but it was only significant in the 2004 model. In this one case, it also had a high percent change-of-odds score of 35.8 percent. The demographic variable that showed the greatest consistency in terms of the hypothesized expectations for it was that covering subjective social class. It was significant at the 0.001 level in the 1994 and 2004 models; it was significant at the 0.10 level in the 1999 model. Its $p > |z|$ score for the 1989 models was 0.102. In every case, its sign fell in the expected direction. In each year model, it predicted that those who deemed themselves to be in a higher social class would be more likely to turn up at the polls. The percent change-of-odds scores on this variable ranged from 7.9 percent (1989 election, and the only one less than 10 percent) through 30.4 percent (1994 election).

Upon adding the legitimacy variables from the second group of hypotheses, I found a very significant increase in the explanatory power for three of the four models, accompanied by a moderate increase in the number of cases correctly predicted by each. The lowest Nagelkerke R^2 score was 0.120 (1994), just 0.001 lower than the highest such score for the models that only examined the demographic variables. The highest score was 0.218 on the 2004 election model. The 1994 election model saw the smallest increase in the Nagelkerke R^2 score, from 0.111 to 0.120. The 2004 model saw the most significant jump, from 0.022 to 0.218.

The variable asking respondents if they thought the EU was good or bad for their respective home states – quite a blunt measure of attitude – was highly significant and signed in the expected direction in all models, namely that those who held positive views of the EU would be more likely to vote. In each case, a one unit decrease in the variable toward the “good” side of its scale represented no less than a 20 percent increase in the likelihood that a respondent would choose to vote.

Interest in European Parliament elections carried the most consistent explanatory value of the three interest and legitimacy variables. In each model, its sign fell in the expected direction, and it had consistently high percent change-of-odds scores, ranging from -31.1 to -54.1. Source of information was not as statistically significant, although it was in each of the four interest and legitimacy models, also showing high percent change-of-odds scores ranging from 27.9 to 55.0.

These models and the results they present raise more questions than they answer. To be sure, the explanatory value increased when the interest and legitimacy variables enter consideration, although the amount of increase fluctuates from election to election. However, of greater interest is the fact that the percentage of cases correctly classified actually *drops* consistently for each election for both sets of models. We do see an increase in the percent correctly predicted within each election when adding the interest and legitimacy variables to the original Wolfinger and Rosenstone models. This increase amounts to mere hundredths of a point in 1989, but it accounts for an increase of nearly six percentage points by 2004. However, the decrease in accuracy would indicate that other factors not included in these models are driving the decision to vote, evidence by the fact that even the interest and legitimacy models never explain more than 22 percent of the decisions made.

Nevertheless, these models do produce results that certainly merit discussion. As expected, the demographic variables largely held true to expectations in the four models based upon Wolfinger and Rosenstone's original models as applied to American elections. When significant, these variables were highly so, however these models also fell within or near to the hypothesized expectation of having low overall explanatory power. When I added the interest and legitimacy variables, the demographic variables often – but not always – lost significance. Three of these variables did achieve significance relatively consistently, each doing so in three out of the four electoral models, albeit not in the same models. The age variable consistently predicted that younger persons are more likely to participate in European elections. The subjective social class variable predicted that those of a higher class would be more likely to vote. The student variable consistently – and counter-intuitively by prior research as well as these results – predicted that *non*-students were more likely to vote.⁵ Young people, however, were still more likely to vote, which would seem to indicate that younger people are more

accepting of Europe as a political entity, but higher education levels may blunt youthful enthusiasm.

In light of the above, what conclusions can we draw from these results? The EES data set does not allow a perfect re-creation of Wolfinger's and Rosenstone's work, but it does allow testing of the concepts that they raised, namely that demographics do impact whether someone will choose to participate in an election. With respect to European Parliamentary contests, their results generally hold true, but only when we exclude other political and identity considerations. As was the case with prior research following their work, these demographic variables – while highly statistically significant on their own – explain only a small portion of the factors that predict the decision to participate in the political activity of voting. Adding political geographical identity and attitudinal variables did significantly increase these models' explanatory values, and in doing so, they practically reduced the impact of the demographic variables to control variable status.

Moving past the immediate research implications, these results make clear that Europeans do recognize the importance of the European Union and its institutions. Perhaps counter-intuitively, they show that Europeans view the EU as being generally good for their home member-states, but they also take a decidedly passive view when it comes to elections for the European Parliament. This is particularly noteworthy, given the Parliament's status as the only EU body currently subject to direct elections and the overall criticism of the EU's democratic deficit.

Ratification of the Lisbon Treaty in late 2009 will almost assuredly increase the reach and scope of the European Union, particularly with the establishment of the new offices of president of the council and high representative for foreign affairs. However, as of this writing, neither office is subject to democratic election, nor are they directly accountable in any manner to the European Parliament, a point made forcefully in Parliament by hard-line Eurosceptic MEPs from the Europe of Freedom and Democracy Group since the treaty came into force.⁶ It is certainly possible that the non-elected status of these positions may serve to alienate further an electorate that is already apathetic and disaffected. The fact that adding Internet sources to the information sources aggregated variable made no significant impact whatsoever on the models should

amplify this concern, given that practically all EU member-states have ready access to the Internet, and some of those states have gone so far as to make available public free access spots to encourage citizens to use this information source.

A further point to consider for further research on this topic is European political and social identity. The EES data sets used in the models I present here do not include any variables controlling for respondent geopolitical identity. The closest currently included address whether the respondent feels that certain top issues are handled better by national governments or by the European Union. Again, I did not include this in this particular paper due to the unavailability of the variable among all models and a desire to be consistent across all of them for sake of ease of comparison. However – particularly with respect to finding causation behind Hypothesis 2_A, this is a point that merits further research and debate. The models in this paper well establish that some European citizens consider the EU's work to be important. Those who find that the EU is beneficial to their home states and who take an interest in its work are most likely to participate in its elections. Intuitively, this knowledge should lead to an increase in likelihood for a voter to participate in an election, and it does so. This said, I suggest that such geopolitical identity could crucially impact the decision to vote in European Parliament elections. Consistent data will aid us in determining this.

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APPENDIX

Table 1: Logit Models, European Parliamentary Elections, 1989-2004

Coefficient/Significance

Standard error/Percent change-of-odds

	1989		1994		1999		2004	
Attend church	- 0.2332**** 0.044/-20.8	- 0.2179**** 0.048/-19.6			-0.239**** 0.064/-21.3	- 0.2256**** 0.070/-20.2	- 0.3031**** 0.063/-26.1	- 0.2596**** 0.056/-22.9
Trade union	0.3643 0.229/n.a.	0.3113 0.226/n.a.	0.2275 0.174/n.a.	0.1443 0.183/n.a.	0.0495 0.104/n.a.	0.0162 0.091/n.a.	0.3208**** 0.056/n.a.	0.2744**** 0.064/31.6
Gender of R	0.-0.182*** 0.065/-16.6	-0.0832 0.064/n.a.	-0.1859** 0.072/-17.0	-0.178 0.094/n.a.	-0.1101 0.071/n.a.	-0.0551 0.083/n.a.	-0.0964* 0.058/-9.2	-0.0233 0.054/n.a.
Subj social class	0.0721* 0.042/7.5	0.0287 0.456/n.a.	0.2657**** 0.057/30.4	0.1898** 0.065/20.9	0.1752** 0.083/-10.4	0.1227 0.077/n.a.	0.1995**** 0.042/22.1	0.1121*** 0.042/11.9
Rural/Urban	0.0406 0.085/n.a.	0.0698 0.091/n.a.	0.1987** 0.092/22.0	0.1871* 0.096/20.6	0.128 0.133/n.a.	0.1453 0.132/n.a.	-0.0327 0.059/n.a.	0.0164 0.056/n.a.
qStudent?	- 1.1927**** 0.231/-69.7	- 1.2716**** 0.222/-72.0	-0.8142*** 0.310/-21.3	-0.9177** 0.309/-60.1	0.2226 0.191/n.a.	0.1057 0.188/n.a.	-0.428**** 0.129/-34.8	- 0.4807**** 0.146/-38.2
Age	- 0.0208**** 0.002/-2.1	- 0.0208**** 0.002/-2.1	- 0.0251**** 0.004/-2.5	- 0.0234**** 0.003/-2.3	- 0.0241**** 0.002/-2.4	- 0.0202**** 0.002/11.2	-0.00001 0.00002/n.a.	-(1.22)10 ⁷ 0.000/n.a.
Attitude toward EU		- 0.2405**** 0.070/-21.4		- 0.3056**** 0.083/-26.3		-0.2307*** 0.087/-20.6		- 0.2756**** 0.067/-24.3

Interest in EuroParl		- 0.0512**** -0.076/- 42.7		-0.325**** 0.080/-31.1		- 0.5874**** 0.116/-44.4		- 0.7797**** 0.056/-54.1
Left/right self-placement		-0.0512** 0.020/-5.0		-0.291 0.018/n.a		-0.0188 0.013/n.a.		0.0217 0.015/n.a.
Source of information		0.2463*** 0.080/27.9		0.3742** 0.148/45.4		0.3089* 0.171/36.2		0.4382**** 0.083/55.0
Log-Lik Intercept	-3467.106	-3467.106	-3701.088	-3701.088	-3957.345	-3957.345	-7973.078	-7973.078
% Correctly Classified	77.42	77.68	76..57	76.66	67.28	69.76	63.74	69.71
N	6254	6254	6568	6568	6237	6237	12104	12104
Nagelkerke R²	0.121	0.188	0.111	0.156	0.076	0.160	0.056	0.217

¹ www.elections2009-results.eu/en/turnout_en_txt.html. Accessed 16 June 2009.

² www.parties-and-elections.de/slovakia.html. Accessed 16 June 2009.

³ www.elections2009-results.eu/en/turnout_en_txt.html. Accessed 16 June 2009.

⁴ "Welcome to the European Parliament." URL:

<http://www.europarl.europa.eu/parliament/public/staticDisplay.do;jsessionid=9C2B193A9359F2683806A3081288F865.node2?id=146&language=en>. Accessed 6 July 2009.

⁵ Students accounted for just over 8 percent of the number of respondents in the 1999 model and less than that figure in the other three.

⁶ BBC News. 25 February 2010. "UKIP leader Farage blasts 'damp rag' EU chief."

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The Beauty and the Beast: Civil Society and Nationalisms in Bosnia and Herzegovina

Joan Davison

Professor of Political Science, Rollins College (jdavison@rollins.edu)

Jesenko Tesan

Sarajevo, Bosnia and Herzegovina (jesenkot@aol.com)

Abstract

Both ethnic nationalism and liberal civic nationalism exist with historical precedents in Bosnia-Herzegovina. Many elected elites privilege extremist ethnic nationalism. The power-sharing structure of the Dayton Peace Accords institutionalizes their influence and permits the current political stalemate. Further, a legacy of authoritarianism vitiates a political culture supportive of elite accountability and mass responsibility. Yet a nascent civil society witnesses to the past and potential future of liberal cosmopolitanism. This research includes interviews with leaders and members of civil society organizations to assess the impediments to and strength of civil society as a vehicle to promote civic nationalism. While interviewees acknowledge multiple impediments to the development of civil society and civic nationalism, they also perceive reasons for optimism. They contend the primary challenge to the development of liberal civic nationalism is not ethno-religious tensions but rather the legacy of authoritarianism. Moreover, people from diverse backgrounds already organize in response to various shared, practical problems. Cooperation in civil society presents a context for the development of civic nationalism. The challenge remains whether civil society and liberal civic nationalism can gain sufficient strength to counter political intransigence and virulent ethnic extremism.

Introduction: Ethnic and Civic Nationalism in Bosnia-Herzegovina

Tension characterizes the current political stalemate in Bosnia and Herzegovina (B-H). The failure of the international community to mediate this intransigence heightens pessimism regarding the ability of domestic or European elites to resolve the situation. Ethnic nationalisms thus fragment B-H, fueling a debate regarding their origin, character and durability. Yet, the fact 43% of the population primarily identifies as B-H citizens suggests the potential of a bottom-up civic nationalism to counter ethnic extremisms (Kaldor 2006; Oxford Research International 2007). An overlooked, albeit nascent, civil society exists in B-H. The strength of this civil society arguably correlates with civic nationalism and offers an indicator of the potential character and direction of a democratic inclusive civic nationalism. The history of B-H's

cosmopolitanism and current developments in civil society provide some basis to believe civic nationalism perhaps can moderate ethnic nationalism.

The nailing of obituaries to a central town tree continues as an interesting tradition throughout the Balkans including B-H. In neighborhoods and villages a particular tree or alternative obituary stand serves as the vehicle for death announcements. In an ethnically pure Balkan village the tradition illustrates respect for people's lives and civility in death. The practice also demonstrates recognition of the right and need to engage in activity in a shared public space. Within B-H too, the tradition demonstrates civility about people's lives and deaths and the right to engage in activity in a shared public space. This is B-H, however, where rights and territory since 1992 often are contested. Thus, the practice in B-H highlights civility and shared public space *irrespective of ethnicity and ethnic tension*. Indeed, the tradition within B-H suggests an acceptance of equal dignity in death, a shared interest among the living, and tolerance in the public square. While perhaps insufficient to claim civic nationalism exists or to counter the ethnic nationalisms which dominate politics, the practice hints of shared values and tangible common ground. Indeed the practice requires the type of decency and respect for rights which Nairn views as the basis of a "civic form of national identity" ultimately necessary for civil society (1997, 87).

Likewise the story of Hajra, a widow living in the isolated hilltop community on Mountain Bjelašnica in Jabukovača illustrates an effort to develop social trust, civil society and civic nationalism. The post office in nearby Tarcin is the government's only presence in Hajra's neighborhood. The international community also is absent. Yet, Hajra works to unite and organize the Mountain Bjelašnica residents to address problems as diverse as breast cancer screening and loose dogs. Following a dog attack on a cat Hajra gathers neighbors of all ethnic and religious backgrounds and uses the symbolism of wild lawless animals to emphasize the need for respect of rights, recognition of responsibilities, and renewed cooperation. She brings together neighbors who are 55% Bosniak, 20% Croat 15% Serb, and 10% other.

Beyond the obituary tradition and Hajra's story exists a history of civic nationalism. B-H residents lived and worked together for many decades. Estimates suggest at least a third of families constituted inter-marriages before the war (Mazower 1997). In the pre-war B-H census at least one third of the population identified with the national Yugoslav category compared to only 6% throughout Yugoslavia (Vuckovic 1997). Indeed, the Yugoslav Agency of Statistics

shows 43% of B-H citizens identifying as Yugoslav in 1980 and 1990.¹ The people also shared pride in the Sarajevo Olympics and united during the protests of 1992. Currently a variety of programs and organizations seek to unite the people of B-H to advance their interests. Thus, while many analysts highlight the failure of the Dayton Peace Accords (DPA) and the prominence of ethnic conflicts and elite intransigence, people do cooperate across ethno-religious lines.

The primary question of this research focuses upon whether B-H can resurrect the strands of its historic cosmopolitanism as a political movement of civic national identity and thereby overcome ethnic nationalist extremists which embrace objectives consistent with superiority or exclusiveness. From this perspective, civic nationalism need not challenge all ethnic nationalisms. Some ethnic groups accept the possibility of multiple identities and focus upon celebrating their identity without rejecting other groups or the potential of a common viable democratic state.² Yet, extremist nationalisms, typically rooted in a romanticism which celebrates sacred lands, epic struggles, and ethnic purity, pose a barrier to the development of liberal civil society. This research finds a concern within B-H of the potential for a Hobbesian environment in the absence of cooperation. Hajra as well as indigenous civic leaders and international workers acknowledge the fear of stalemate or even disintegration. The research identifies the seeds of civic nationalism as expressed within civil society which offers a counter to the polarizing ethnic nationalisms and current political stalemates.

Civil Society and the Question of Civic Nationalism

The broad objective of this research focuses upon investigating the possibility for the reemergence and development of a civic nationalism in B-H which can serve as the foundation for an inclusive and democratic system (Bernhard 1993; Bernhard and Karakoc 2007; Howard 2003). Accordingly this work considers the extent to which extremist ethnic nationalism, elite interests, and/or other factors limit civil society and civic nationalism. The work also assesses the viability of civil society as an expression of civic nationalism.

Nationalism is variously understood as an ethnic identity, a political opposition movement for state power, a polity based upon equal rights, or a self-determination/state-

¹ The second highest level of Yugoslav identification existed in Serbia with 11.5%.

² Oxford Research International finds that 43% of the people who primarily identify with an ethnic group also secondarily identify as B-H citizens. Only 14% of the population exclusively identifies with an ethnic group (49-51).

building movement. Individual researchers often focus upon one conception while ignoring other definitions (see for examples Anderson 1983; Brass 1991; Breuilly 1994; Gellner 2006; Hobsbawm 1990; Renan 1882; Smith 1994, 1996, 2009; Taras 2002; Tilly 1994). To the contrary, B-H's past demonstrates the possibility for the coexistence of ethnic nationalism and civic nationalism. Indeed, this analysis recognizes the existence of various nationalisms in B-H without debate concerning the ideas, origins, causes, and character of these nationalisms. The situation since the early 1990s, however, illustrates a specific struggle between nationalisms: liberal v. illiberal, bottom-up v. elitist, and civic v. ethnic.

Civic nationalism unites people based upon a shared appreciation of equal political rights and a loyalty to democratic beliefs, practices, and processes (Renan 1882). While bloodlines typically determine ethnic national membership, civic nationalist identity requires a commitment to the values of the social and political system. Ignatieff notes excessive patriotism can create intolerant civic nationalists, but "a society anchored in a culture of individual rights and liberties is more easily returned to the practice of toleration than one where social allegiance is invested in ethnicity" (1996, 219). Conversely, extremist ethnic nationalism founded in romanticism often creates claims about land and identity which impede tolerance.

Indeed the competition between these two nationalisms is reminiscent of the story *The Beauty and the Beast*. The Beauty represents the hope of a flourishing civic nationalism, open-minded and optimistic. The Beast resembles exclusive ethnic nationalism, currently angry and conflictual, but with the capacity for moderation. Just as a kiss from the Beauty transforms the Beast to an attractive and strong prince, so too ethnic identity tempered by civil society can nurture an Actonian same state in which ethnic differences are accommodated and common goals achieved (1995). The story begins with fear motivating the Beast; in relationship to the Beauty, however, the desirable qualities of the Beast- turned- prince emerge and dominate. Ethnic nationalism free of fear can contribute to a state's strength. A dichotomy between civic nationalism and ethnic nationalism is not inevitable; multiple identities and the coexistence between ethnic and civic nationalism are possible.

Thus, this research identifies and accepts various nationalisms as political movements in B-H, and suggests the tension and competition between these nationalisms characterize contemporary politics in B-H. The analysis focuses, however, upon the foundations for a modern state and democracy within the historic liberal national consciousness of B-H and emergent civil

society. A key premise assumes civil society relates to civic nationalism (Kuzio 2001; Nairn 1997; Walzer 1998). The research finds contemporary expression of this civic nationalism in the developing programs and efforts of civil society.

Various debates persist regarding the concept of civil society. Diamond suggests civil society consists of associational groups which stimulate participation, facilitate compromise, summarize interests, and check the state (1996). Putnam sees civil society as a vehicle to promote tolerance and trust and counter the state (1995). Howard suggests civil society and the state necessarily overlap and interact. Indeed, Mudde contends civil society is not necessarily in tension with the state; rather a strong (but limited) state can protect and promote civil society, just as a strong civil society can support the work of the state (2007).

Additionally, debate exists concerning whether political parties constitute civil society. Cohen and Arato exclude parties because they view “The political role of civil society...not directly related to the control or conquest of power but to the generation of influence through the life of democratic associations and unconstrained discussion...” (1992, x). Howard notes elites seeking state power primarily compose parties while “civil society is the realm of ordinary citizens who join and participate in groups and associations because of their everyday interests, needs and desires” (2003, 35). Given the focus of this research upon whether civil society can move B-H in a direction which elites and extreme nationalists resist, the research excludes parties and focuses upon organizations and associations outside the exclusive ethnic nationalist and elite context.

Accordingly, this research understands civil society as consisting of public institutions and organizations existing independently of the state, which create and offer an environment in which individuals and groups both can interact with one another and cooperate to influence the state. Liberal civil society assumes a tolerance of differences, an embrace of civil liberties, and openness to all individuals. The Center for Civil Society at UCLA states: “A healthy civil society offers the hope of an expansion of local democracy, just and efficient service delivery, and the creation of a shared and inclusive civic identity.” While some scholars separate civil society from the political and economic sphere, this research not only accepts the interaction of society with the state but also appreciates the importance of economic groups in the formation and expression of societal interests. Thus, in a liberal civil society, a free market operates and brings together buyers and sellers irrespective of race, religion, ethnicity, and gender. Indeed, in B-H, and other

systems transitioning from a planned to a market economy, the significance of economic groups becomes notable.

By contrast illiberal civil society (or uncivil society) and illiberal organizations preference and exclude individuals based upon ascriptive characteristics. Howard excludes from civil society such illiberal groups because "only those groups or organizations that accept legitimacy of other groups" (2003, 40) are part of civil society, and those which seek "denigration and destruction of other groups" (2003, 41) are excluded. From this perspective, civil society also excludes organized crime. Yet, Mudde importantly notes uncivil society can play a significant role in the development of democratization and liberalism (2003). Bieber likewise explains uncivil groups can create a context which inspires moderation toward democracy (2003).

A context for this research developed from 2006-2008 during interviews of government and political party officials. These interviews coupled with the B-H leadership's ongoing internal 'cold war' and failure to advance constitutional reforms produced doubt regarding the possibility of elite led change. Yet, at the same time instances of civil society organizing across ethnic national lines became notable. Discussions with young GROZD (Civic Organization for Democracy) campaign workers in 2006 and the farmers protesting outside the parliament during 2006-2007 highlighted the reality that some people understood their interests were better served outside of the politics of extreme ethnic nationalism. GROZD united people on salient economic platforms and demanded politicians articulate their positions on these issues which cross-cut ethnicity. The farmers camped at the parliament represented all ethnic groups, but their motivation and community developed from their shared opposition to free trade in agriculture.

Moreover, fertile ground for the further development of civil society seemed apparent beyond the political realm. Conversations with multicultural Procter & Gamble executives whose investments are sought throughout B-H, condo developers who willingly sell to any buyer, hunting enthusiasts who sought to revitalize an old magazine, and members of the Sarajevo soccer club highlight a broad range of interests willing to set aside ethnicity in pursuit of other goals. These attitudes also reinforce evidence of a nascent civil society revealed in the United Nations Development Program's (UNDP) *The Silent Majority Speaks* which demonstrates people's primary concern is economic, the overwhelming majority aspires to EU membership, and citizens accept the notion of multiple identities (Oxford Research International 2007).

This background contributed to the decision to interview representatives of international organizations which work with civil society and non-governmental organizations constituting part of civil society. These organizations operate in both entities and throughout B-H. (See Appendix 1 for a brief description of the missions, objectives, and programs of these groups as well as an identification of the representatives). The interview questions developed from Howard's work but evolved during extended discussions with the representatives of civil society. Interviews first occurred during summer 2009 with follow-up discussion in fall 2010. The objectives guiding the research were to assess existing impediments to civil society and examine development in interethnic civil society as a meter of civic nationalism. These factors are significant because as Nuhanovic contends, civil society protects the core of a civil public and thus offers a counter to the salience of ethnic nationalism (2002).

Nationalisms in the 1990s

Spontaneous movements in B-H in the 1990s demonstrate existence of a civic consciousness rooted among the people of B-H. Yet, illiberal, xenophobic nationalisms reacted against this civic nationalism, fueled war throughout Yugoslavia and B-H, and impeded B-H's development as a state (Crnobrnja 1996). B-H now struggles with questions of identity and sovereignty despite its cosmopolitan history and current efforts from below to reinvigorate cosmopolitanism (Kaldor 2006).

During the economic development of Yugoslavia in the 1970s and 1980s, B-H, like other republics, awakened to a new consciousness. Economic change and associated political and social developments nurtured a voluntary impulse and civic national consciousness which eventually contributed to the demise of communism. The system of self-management created the space for various interest associations including workers, health care, and tourism (Bartlett, 1985; Djordjevic, 1958; Uvaliy, 1988). In the 1980s environmental, economic, religious, and academic groups developed to voice their interests (Kabala 1988; Ramet 1992). Additionally the media diversified and became critical. The independent television program Top-Lista Nadrealista, a B-H Monty Python, proved notable for its satire of the political system (Denich 1993). So too, the music of the New Partisans brought to pop culture a denunciation of the contending voices of ethnic nationalisms while explicitly lionizing civic nationalism with a call for democracy to support “three people who don't think the same way sharing the same place”

(Misina 2010). B-H certainly appeared the most multicultural republic with the least xenophobic tendencies. In fact, Andjelic argues that in 1990, B-H still lacked ethnic movements (2003).

The secular democratic nature of this popular agenda, however, disturbed many political leaders. Misina cites the “disillusionment with the communist leadership’s inability or unwillingness to relax its ideological rigidity and broaden the country’s political field” (2010, 273). According to former President of Yugoslavia Dizdarevic some communist leaders subsequently adopted ethno-religious identities to counter liberal civil society (Tesan 2007). He admits members of the Communist Party opened the door for politicians to offer the vision of ethnic nationalism because they hesitated to respond to the citizens’ preference for the alternative vision expressed in the form of a secular, civic liberal nationalism (Tesan 2007). Thus, politicians embraced competing self-interests and goal maximizing behaviors under the romantic nationalist motto: Your state is not good for my nation (Breuille 1994). This elite response signaled the beginning of the temporary eclipse of B-H civic nationalism and civil society. Consequently, nationalist parties contested the 1990 elections and 75% of the vote supported their candidates.³

Ultimately, civic municipal movements challenged the communist leadership (“The Last Train to Save Bosnia” 1992). Di Palma generally characterizes the end of legitimation from the top and the beginning of civil society with a “revolution of citizenship” and “extraordinary mobilization of civic identities” (1992, 52). Movements confronted the authoritarian policies and introduced a liberal nationalist consciousness consistent with democratic transition based upon a consensus against dictatorship. The movements attracted a wide range of B-H individuals: Catholic, Orthodox, Muslim, Jewish and others. Their outreach built on the existing, centuries-long, cosmopolitan civic traditions. The Committee for the Protection of Right and Liberties of Individuals and Groups and the Green Movement included citizens irrespective of ethnic identity (Andjelic 2003) These developments demonstrate a bottom up effort to support civic nationalism through civil society. Consistent with Renan’s understanding, such nationalism spurs any particular ethnic or linguistic background to broadly embrace people of a shared vision as a common nation.

³ Significant to note is research which demonstrates the nationalists fared less well in urban, integrated areas as well as indications that a vote for a nationalist party did not necessarily equate with nationalist sentiment (Pugh and Cobble; Cohen 105; Donia and Fine 211; Pierce and Stubbs).

Accordingly, when intense agitation toward nationalist elites in political institutions occurred in early April 1992, the discontent crystallized into a broad based civil society movement whose demands included representative liberal democracy. The movement paralleled comparable “peaceful revolutions” elsewhere in Eastern Europe notably Leipzig and Dresden. In fact, often the language and tactics were replicated. Archival evidence highlights the significant liberal political movements which formed and tried to convey to politicians that the status quo was unacceptable in the wake of change throughout the region (“Leaders spent all their Credibility” 1992). Di Palma notes the movements did not assume the form of typical opposition groups contesting for power because the people viewed themselves as largely powerless. They sought not political office but rather to challenge the policies of elected officials (1992).

The embodiment of civic nationalism in B-H peaked in the demonstrations of 5 April throughout the country and most notably in the capital. Citizens gathered at the parliament to support dialogue, civic nation-state traditions, and peace. This liberal social movement swiftly reacted to both ethnic nationalism and an unresponsive government and formed a broad based organization. Pejanovic discusses this citizens’ opposition to war in Yugoslavia and demands for cooperation between elected nationalists in the B-H Parliament. He states “...The idea of a ‘citizens parliament’ grew from the gathering of crowds around the Parliament building” (2002, 53). They sought the creation of a new parliament based on civic nationalism to counter or replace the existing, outdated and failed political institutions. The movement also demanded political institutions consistent with its interpretation of the basic creed of B-H: peaceful existence of all nations under one state.⁴

While this liberal nationalism of the 1990s might seem imagined and constructed, so too an illiberal, exclusive, ethnic nationalism builds in reaction to the integrative approach. From the beginning of the conflict in B-H, authoritarian elites manipulated ethnic nationalism to protect

⁴The significance of the evolution of this cosmopolitan liberal movement often is lost in the subsequent extremist nationalist response. The comparative perspective is informative because the character of the movement is sometimes misinterpreted due to failure to consistently translate the demands. English, German, and Serbo-Croatian media variously translated the call for a new political institution as Nation's Parliament (Narodni parlament), All-nations Parliament (Svenarodni parlament), Assembly of Nationals of B-H (Vijece nacionalnog spasa), Government of National Survival of B-H (Vlada nacionalnog spasa), National Parliament (narodni parlament), or Citizens Parliament for the Peace (Gradjanski parlament za mir). The slogan, Mi Smo Narod, parallels the German slogans of the period, Wir sind das Volk (HU OSA 304-0-7 and 304-0-12). Therefore, these demands, using the terminology of nation, should not be misunderstood. These slogans are a call for rights and democracy rather than an assertion of ethnic nationalist sentiment. One co-author was present at these events and contends the evidence is clear that broad based civil society explicitly demanded a representative liberal democracy.

their status (Belloni and Deane 2005; Crocker 2007; Fischer 2006). Mansfield and Snyder suggest political and military elites employed extremist nationalism to maintain legitimacy in the face of increasing pressure for democracy. Nationalism offered the advantage of uniting elites and masses (2007). In this case, elites targeted differences and created a party system based on these cleavages (Enyedi 2005). Gagnon argues nationalist propaganda also offered a vehicle to discredit liberal democratic reformers (2004). Accordingly, during the early 1990s, elites desiring to maintain power, transformed communist ideology into a mythical, ethnic nationalism, presented a counter identity, and manipulated a counter-mobilization (DeFigueiredo and Weingast 1999; Fischer 2006; Gagnon 1994; Glenny 1996; Cohen 1992). In late 1991 the Serbian Democratic Party (SDS) declared the Serbian Republic of B-H to be followed by the Croatian Democratic Union's (HDZ) declaration of a separate Croatian Community. Finally, the war then created the basis for the ongoing struggle between the elites' illiberal and coercive nationalism and cosmopolitan society's fading liberal civic nationalism.

Debate continues about the specific origin and character of the war in B-H. Puhovski identifies this phenomenon of the "war after the war...the battle for the interpretation of the past-as a verbal extension of the war-the key moment for postwar self-understanding of communities..." (2004). Stokes, Lampe, Rusinow and Mostow extensively review this debate (1996). Woodward highlights the complex nature of the dissolution including the influence of economic and international forces (1995). Torsten examines the changing nature of the conflict as it proceeded (2008). Other authors focus upon whether the conflict fits the category of war of secession or independence (Carevic 2003; Krech 1997; Malcolm 1996; Sudetic 1998). Hoare identifies secession as a consequence of dissolution but also describes "...Serbia's assault on Bosnia-Herzegovina [as] the next stage in Belgrad's plan of expansionism" (2010, 123). Indeed, other analyses focus on an interstate war, emphasizing the aggression of one party (Dizdarevic 2006; Lampe 2000; Crnobrnja1996). Bennett specifically highlights the behaviour of Milosevic (1995). By contrast, other accounts maintain a civil war between ethnic groups occurred (Bose 2002, 2007; Burg and Shoup 1999).

Facts associated with the B-H conflict establish that the war followed independence wars in Slovenia and Croatia. Yugoslavia transferred quantities of arms and equipment to B-H from Slovenia and Croatia prior to the outbreak of fighting. The weapons primarily benefitted Bosnian Serbs. War began in April 1992, lasted to autumn of 1995, and became characterized as the most

catastrophic and painful conflict in Europe since the Second World War (Bieber 2010; Crnobrnja 1996). As Puhovski highlights, the conflict possibly included elements and periods of aggression and civil war (2004). Further the conflict continues after the DPA as elites try to benefit from their political offices and all sides maneuver to defend their truths.

Yet in the post-war environment space exists for a slow awakening of the cosmopolitan identity of the people, primarily expressed through economic freedom. This revived cosmopolitan political identity no longer originates from elites as Gellner assumes (1994) but rather disseminates through society, percolating from the bottom-up as Kaldor suggests (1996). The current civic nationalism seems to be rooted and an organic product of society (Appiah 1998; Robbins 1998). Civil society maneuvers for space within this context and serves as a visible meter of civic nationalism's development.

Impediments to Civil Society

Various impediments to the development of civil society exist and interact. While ethno-religious tensions contribute to these impediments, the often-overlooked reality is other factors also create critical barriers to civil society. Interviewees identify as important among these factors the consequences of the war and the structural conditions of the DPA, albeit both are difficult to separate from the ethno-religious context. Still, the most notable obstacle to civil society remains the legacy of authoritarianism. In this sense, B-H shares the challenges of other post-communist and newly independent states (Howard 2003). Contemporary B-H also struggles with the ongoing role of the international community.

The question of the influence of nationalist and religious tensions is unavoidable. Some representatives of B-H civil society perceive these tensions as elite manipulated while other representatives acknowledge even if manipulated these differences precede current difficulties. Yet, all representatives concur nationalist tensions currently are political vehicles to maintain power. They also agree politicians manipulate and exacerbate the nationalities' issues in the post-war, post-DPA period. Adis Arapović of the Centres for Civic Initiatives (CCI) contends politicians create an illiberal ethnic nationalism to maintain power and voters' unquestioning allegiance. Nebojša Šavija-Valha of the Nansen Dialogue Center (NDC) and Omir Tufo, program manager for the Civil Society Promotion Center (CPCD) concur with this perspective and identify one of the motivations as the need to maintain patronage jobs. Tufo qualifies a sense of nationalist origin always existed in B-H, but nationalism is new. "In previous periods people

of different backgrounds liked each other and worked together...In the past, B-H was national oriented but not nationalistic.”

Religious differences also became a post-war *issue*. In post-war B-H, religious leaders entered politics to gain resources while politicians emphasized religious identity to win votes. Tufo explains some of the refugee resettlement funds were used to construct mosques. He suggests, “religious leaders’ interests are to frame territory” with their churches and mosques. This contrasts with the pre-war and communist period when people worked together without attention to religious identity. Tufo notes, “In the past, religion, like soccer, happened after work and school.” Various reports substantiate the ongoing and perhaps strengthening influence of exclusive civil society based on religion (Jelusic 2009; USAID 2009).

In fact, many people believe religion dominates and directs nationalism. To this extent nationalism is both a top-down and bottom-up creation. The people possess a real sense of ethno-religious identity which the leadership reinforces and manipulates. Yet to the extent religious and political leaders encourage a primary loyalty to their group the OSCE’s Slađana Milunović and Saltana Sakembaeva maintain many people increasingly are sick of *their* issues and increasingly disinterested in religious and ethnic differences. Indeed the UNDP’s *Silent Majority Speaks* cites that 55% of the population favors politicians not make decisions based upon ethnicity (Oxford Research International 2007).

Nonetheless one cannot deny the heightened importance of religious and ethnic identities in the post-Dayton period. Nor can one ignore the real traumas which people associate with ethno-religious differences. Still, most interviewees view such traumas as a consequence of the war rather than a result of religion and/or nationalism. Indeed, the development of civil society must contend with apathy, distrust, and exhaustion. The reality of territorialized and displaced people further complicates these sentiments as does the specifics of the DPA.

Darko Brkan of Dosta highlights the DPA as the primary impediment to civil society because of its tangible structure and observable behavior. He emphasizes the DPA constrains citizen input in political decisions. As a consociational system the structure tends to privilege elected elites, emphasize the absence of shared loyalties, and segment the population into its relevant identities (Steiner 1998; Horowitz 1993; Snyder 2000). Norris specifically identifies B-H as a case in which power-sharing arrangements intensify ethnic extremism and threaten democratization (2008). Tsebelis’ work with nested games and veto players explains

consociational systems as impediments to institutional reform which reward elites who engage in conflictual behavior (1990). Thus the Party of Democratic Action (SDA) and Party for Bosnia and Herzegovina (SbiH) favor eliminating entities, while HDZ endorses decentralization of the federal arrangement, and the Alliance of Social Democrats (SNSD) supports the existing DPA formula which provides a high degree of Serb autonomy – no consensus emerges. Elites also avoid compromise in some instances because they believe their counterparts under pressure will concede, thus giving the intransigent elite the best outcome (Tsebelis 1990). This explanation seems consistent with Fischer's notion of B-H politicians as conflict entrepreneurs who perpetuate the system because of the benefits associated with patronage (2006). Furthermore, from Dosta's perspective, DPA removes B-H from the category of a typical-post communist state in which nascent civil society struggles. The perception exists that civil society must operate within corporate segmented structures.

Interviewees express concern with the DPA's structure which tends to emphasize tripartite representation to the exclusion of civil society. Civil society must counter the complexity of the multiple ministries and levels of government. Yet, civil society leaders view central government politicians as more problematic than local officials. Local leaders increasingly accept the need to work with civil society on basic issues of sanitation, health, education, and economic development. To this extent, OSCE's UGOVOR program to build civic responsibility and government accountability achieved its objectives in 79 of 100 localities.

Politicians' preferences for the status quo rather than the uncertainty of constitutional change also relate to the legacy of authoritarianism. A culture of powerlessness, dependency, and/or irresponsibility probably creates the greatest impediment to the development of civil society. All representatives agree the legacy of socialism, authoritarianism and external control stands as a potent barrier to civil society. The periods of Ottoman and Austro-Hungarian rule left the mark of powerlessness among the public. Tito's dictatorship reinforced this character. The legacy continues to affect the development of civil society in diverse, divergent ways. McAlister (with the UNDP) Arapović, Milunović and Sakembaeva believe it reinforces apathy. They contend some citizens would like to go back to socialism even if they must also forego political rights because they prefer the guarantee of having economic needs met. This sentiment remains particularly prominent among the older population (Oxford Research International 2007). Šavija-Valha asserts the authoritarian and imperialistic legacy allows for blame and permits a "culture

of dependency and irresponsibility.” Indeed, 92% of the people believe the state should solve problems; only 4% believe people should solve problems (Oxford Research International 2007). Thus, *The Silent Majority Speaks* concludes, “Politics and politicians and not citizens’ actions are seen as the vehicle for the implementation of change...most respondents understand intellectually that change is needed but are reluctant to abandon the ‘delivery van’ of the administrative-centralist socialist legacy” (Oxford Research International 2007, 4). Others identify a popular suspicion and disinterest in associational activity attributable to state control during the socialist era (Sejfića 2008). Yet, civil society leaders note the legacy of socialism also positively affects civil society because people remember the level of inter-ethnic cooperation under socialism. People do not wish to “rebuild the socialist brotherhood” but they recognize the need to cooperate on common interests and problems (Milunović).

A second problem for civil society related to the authoritarian legacy is it creates a new phenomenon for both politicians and people. Politicians and the public long functioned without civil society, and B-H lacks a fiscal and legal environment supportive of non-governmental organizations (NGOs). Arapović explains politicians are unaccustomed to accountability, and citizens never assumed a need to demand transparency and accountability. Laws pass without consultation with relevant interest groups. Furthermore, politicians view civil society as a constraint contrary to their political interests. Therefore they are disinclined to change the legal framework. McAlister concurs people in B-H assume it is appropriate for politicians to act in their own interests. The personalization of power in B-H creates an upside-down system where the public finds it difficult to hold institutions accountable. “Politicians are not connected to voters and have no sense of obligation to voters. Politicians campaign each electoral cycle as if not an incumbent; they present their promises and programs, and the voters do not question their past records” (Tufo).

In this atmosphere people do not know how to communicate with government. While only 13% report contact with a local government or board, a mere 1% contact the state or entity governments. Further, such ‘participation’ typically is associated with patronage politics rather than public policy (UNDP 2009c). Concern persists “whether a crucial mass of readiness among government, NGOs, and citizens who are aware of civic activism is present...without such a mentality there can be no sustained change” (Tufo). Accordingly, much of CCI and OSCE’s training focuses upon understanding budget cycles and grant proposals. Likewise, CPCD is

launching a new initiative, Sporazum Plus⁵ to organize local civil society based upon local needs. Thus, the general legacy of authoritarianism and external control impede the development of civil society. Representatives of civil society concur the legacy creates a state-societal relationship in which leaders are not accountable and people lack a sense of efficacy, responsibility, and citizenship. Brkan highlights the current negative effect of the Office of the High Representative (OHR). He contends “its role as a pseudo-society indirectly suppresses indigenous civil society.” Civil society must operate within the framework and paradigms of the dominant international community. Grass root apathy associated externally imposed authoritarianism persists. The legacy of authoritarianism therefore emerges as a major impediment.

Ethnic Nationalism Meets Civil Society

While not the source of ethno-religious tensions, the DPA creates a political system which permits ethnic and religious tensions to persist. The consociational structure with its tripartite presidency, ethnic vetoes, and powerful entity governments institutionalizes ethnicity and often impedes state-building, decision-making, economic rationality and reconciliation (Tsebelis 1995; Bose 2002; Norris 2008). Elected elites lack incentive to change the structure which gives them political power. In fact, some leaders tend to stir and manipulate ethnic feelings in order to maintain their constituencies (Belloni and Deane 2005; Crocker 2007; Norris 2008; Tsebelis 1990).

Elite manipulation of ethnic issues differentiates B-H from the model of the modern state in Western Europe where the administrative development of the nation from the top down supports unity among the people (Crocker 2007; Fischer 2006). By contrast, the support and encouragement of multiple, exclusive national identities conflicts with both spontaneous and constructed developments of a civil society and impedes an inclusive civic nationalism founded on a common embrace of rule of law and democratic principles.

Nonetheless, concrete problems, programs, and projects create a need for citizen cooperation. Various actors identify the economic crisis as a potential watershed issue. Dosta speaks of the need for “Crisis Resolution” not only to solve the economic problems but also to address dealings between the IMF and the government. Dosta denounces the lack of broad participation in the negotiations and specifically criticizes the exclusion of parliamentary

⁵ Sporazum corresponds to Ugovor which means contract.

representatives. Additionally, Brkan contends budget cuts must be progressive rather than linear with a focus upon protecting the socially endangered. In the absence of such processes and solutions, Dosta will continue to mobilize a broad, inter-ethnic coalition. Indeed the population clearly identifies economic concerns as more serious than ethnic issues, and even maintains class and wealth divisions are a greater source of tension than ethnic differences (Oxford Research International 2007; UNDP 2009c).

Tufo and Arapović also express concern regarding the deteriorating economic conditions and agree the economic situation might encourage various groups to respond in unison. Arapović envisions the possibility of the “withering away of national differences” to address the economic crisis. He cites the nascent civil society as important to convey such public opinion and contends the existence of a diverse independent media will make it difficult for the government to silence the public voice. The UNDP and OSCE also recognize the potential effect unsolved economic problems might have upon local politicians.

Wide agreement exists that the economic crisis did not occur in isolation but rather relates to constitutional problems and the current governmental crisis. In fact, representatives of civil society perceive the current system as non-sustainable. Part of the problem relates to the DPA’s institutionalization of nationalities. Beyond the crisis, however, the federal structure creates bureaucratic duplication and inefficiency throughout B-H. While some progress occurs in centralization and capacity building, currently 49% of B-H’s GDP is dedicated to government spending (IMF 2008; Europa 2006). Finally the existence of tripartite representatives within the myriad of bureaucratic agencies and ministries permits buck passing, creating a government too often non-responsive to citizens’ needs (Tsebelis 1995).

While general pessimism exists regarding imminent constitutional change, pressure continues for partial solutions. CCI presses for legislation on non-governmental organizations including laws to provide tax-free non-profit status and to offer tax credits for individual and corporate gifts to NGOs. Dosta argues for the introduction of direct democracy mechanisms at the state level including referendum, initiative, and recall. In October 2009, Dosta cooperated with Zastone to initiate a broad-based campaign for direct democracy which attracted wide participation.

Finally, concrete local issues offer bases for the organization, mobilization, and action of diverse citizens and civic groups. The UNDP’s experience encompasses a number of instances in

which citizens' groups play a critical role. UNDP's Upper Drina Program first focused upon non-contentious projects such as HIV and TB education and testing. Later, ecotourism related to rafting united a variety of ethnic groups with diverse interests in both the FBiH and RS Upper Drina Region of eastern B-H. Groups focused upon economic growth, youth employment, and the environment now cooperate across ethnic differences to build new camp grounds, host rafting championships, and construct climbing walls (UNDP 2009a). McAlister sees the slow maturation of civil society in that people now suggest to the UNDP additional projects. Furthermore, "what is noticeable is that an ethnic agenda is no longer evident; rather there is a focus on the task to achieve" (UNDP 2009b:15).

The finalization of a sewage truck contract facilitated by the UNDP's Upper Drina Programme provides another specific example of shared interests fostering cooperation and mutual benefits despite ethnic tensions. The cities of Foča and Goražde cooperate for service. Goražde owns a truck which it must finance; Foča does not own a truck but needs services. The certain benefit of cooperation in an area of compelling necessity displaces the ethnic tension and led to an agreement for the Goražde utility company to service Foča (UNDP 2009b). UNDP also cites a new willingness for local governments under citizen pressure to cooperate in other ventures including water utility companies (2009b). Similarly the decision to integrate after-school English language and technology opportunities near Srebrenica in order to obtain computers serves as a concrete example of economic realities trumping ethnicity. Pressure from parents' groups who preferred computer education to segregation contributed to the policy change at Petar Kochich School. In this case local officials from the SDA and SNSD responded to demands to cooperate and reached agreement with the NSC to accept computers from Norway. Perhaps more significantly, the experience motivated parents to create a multi-ethnic NGO, "Dialogue Srebrenica-Bratunac" to address other issues.

In Mostar, as well, some Bosniak and Croatian students at Stolac High School opted to attend an integrated class within their high school in order to gain access to computers and enhanced journalistic training. Such programs seem critical for young people given research which indicates they desire high quality youth centers and affordable technical education (Oxford Research International 2007). NDC consequently launched recent discussions regarding comparable multi-ethnic educational enrichment programs in Jajce and Zvornik. Accordingly, people of diverse ethnic and religious backgrounds opt to work together on shared, concrete

problems, such as education. In the process they implicitly acknowledge the equality and rights of fellow citizens. In Srebrenica the experience motivated the local creation of an inter-ethnic NGO symbolic of nascent civil society and the potential of civic nationalism.

Civil Society and the Potential for Civic Nationalism

While NGOs initially proliferated rapidly following the DPA to more than 10,000, many of these NGOs were not conducive to the development of a bottom-up civic nationalism. Indeed, the development of civil society in B-H is not best measured in terms of number of organizations. Rather key features to consider are the impact upon the political and social situation within the country and the control and commitment of the indigenous population. The latter is not merely a matter of numbers but rather interest and intensity of involvement.

B-H representatives of civil society explain a variety of problems existed with early NGOs. External NGOs and IOs introduced and funded B-H NGOs without consultation with local groups and people. Some of these projects were not suitable for B-H and the local conditions, but rather simply modeled upon projects in other transition states or post conflict states. Early NGOs focused on refugee return, reconstruction, and the socially marginalized. Important and necessary programs, but democratization and the development of civil society were secondary (UNDP 2009c; Tofu; Arapović). Indigenous NGOs often lacked a well-defined purpose and operated in the absence of outcomes assessment (Tofu; Arapović; Milunović; Sakembaeva). People then harbored suspicions of NGOs, concluding the employees were poorly trained and self-interested. Brkan and Šavija-Valha assert these early NGOs served the objectives of the international community rather than the needs of B-H citizens. The public also suspected NGOs made deals with the EU and IMF as well as political parties. Some organizations operated in a corporatist relationship with parties thereby suppressing independent civil society (UNDP 2009). Civil society representatives concur that these early problems with NGOs led people to react against external dominance and not trust civil society (UNDP 2009).

The status of NGOs began improving in 2005-2006 and the public's perception changed (USAID 2007; 2009). A variety of factors contributed to this change including the impressive election work of GROZD and emphasis on local needs and organizations, especially OSCE's efforts to develop partnerships. In the last few years, CCI, OSCE and UNDP also placed emphasis upon consolidation of NGOs and local empowerment. In RS the improvement partially relates to the increase in funding available from local governments for NGOs following the 2006

passage of the Law on the Budgetary System. Further, the Ministry of Civil Affairs invited NGOs to file grant proposals (USAID 2007). Finally, the Ministry of Human Rights and Refugees accepted the UNDP's conditions for operations across entity lines in the Upper Drina region.

Consistent with these trends, CPCD began operations in December 2006. CCI, CPCD, UNDP and OSCE now work with NGOs to define missions and objectives and teach budgeting and accountability. The OSCE and UNDP also encourage NGOs to understand how government works, to apply for grants, and to hold politicians responsible. The increase in local initiative and control highlights a qualitative improvement in the nature of civil society as NGOs emphasize their indigenous character and responsiveness to the community. For example, domestic NGOs now seek assistance from international actors for specific local programs ranging from electrification to sheep farming (UNDP 2009b).

Notable in this time period is OSCE's 2005 establishment of UGOVOR which in 2008 attained success in 79 of 100 target municipalities. Central to the project are a requirement elected officials and civil society representative must follow a code of ethics and a freedom of information act - both of which contrast with the previous typical authoritarian behavior. NGOs receive education to understand budget cycles, grant requests, lobbying and government policy making. OSCE works with both government and civil society to support responsiveness, accountability and social action. In small rural communities where UGOVOR proved too ambitious given limited capacity, OSCE now strives to assist groups with targeted programs for specific needs.

Arapović and Tofu identify as critical to the change in perception regarding civil society the success of GROZD during the October 2006 election. GROZD developed a 12-point program on cross-cutting issues including education, the economy, healthcare, and ecology, and then used these positions to evaluate candidates (USAID 2007). The group continued its work in the 2008 local elections, informing citizens on programs of all registered candidates and political parties. GROZD estimates its work increased participation in elections at the local level by 25% and in 29 of 30 targeted municipalities. Further GROZD claims its work with civil society organizations promoted local budgets and policies consistent with civil demands (CPCD 2009).

The international community's decision to permit extended funding and operations in the RS Upper Drina region also proved critical to the advancement of civil society. UNDP began its

program in rural regions with substantial ethnic tensions. Initial successes in health care delivery, agricultural development, and ecotourism create the potential basis to address civic concerns about rule of law, gender equality, and political rights. McAlister notes the RS government cooperated with some NGO initiatives, while USAID cites governmental response as positive but selective (2009).

Thus, civil society incrementally evolves with activities and programs operating along a broad spectrum. OSCE encourages organizations as well as episodic volunteerism. CPCD and CCI focus upon facilitating the consolidation of groups into a few well-functioning and targeted organizations. Arapović and Brkan claim the continuing evolution of an independent media constrains the ability of government to ignore citizens' demands or violate citizens' rights without negative repercussions.

Yet, the development of civil society certainly still encounters difficulties. Civil society, while progressing, continues to be weak, fragmented and dependent upon international technical and financial assistance. Šavija-Valha and McAlister note young people remain disillusioned and apathetic while the traumatized, such as the widows of Srebrenica, remain particularly distrustful and fatalistic. Milunović explains rural, small and new locales often lack capacity to respond to civil society. UNDP research substantiates this concern (2009c). Meanwhile, Arapović, Tufo, and Brkan claim extremist nationalist leaders in different governments still resist secular civil society and attempt to withhold participation from NGOs. Organizations such as CCI, CPCD, GROZD, NDC, and Dosta all cite frustration with the uncooperativeness of elites striving to protect their status.

Nonetheless optimism exists and progress seems real as civil society struggles but persists and strengthens. In 2008 the B-H Council of Ministers established the Department for Cooperation with the NGO Sector (USAID 2009). The UNDP now holds cross entity meetings in eastern B-H. The OSCE introduced *Local First* to step past the success of UGOVOR and target rural areas, marginalized groups and young people (OSCE). Dosta moved beyond a reactive posture during the 2010 elections. The coalition focused upon solidarity and direct democracy.

Moreover, participation in civil society seems a vehicle for civic nationalism. People involved in civil society are more likely to have friends of different ethnicities than those not involved and to engage in "significantly more inclusive" relationships than others (UNDP

2009c). Brkan notes Dosta attracts people uncomfortable with ethnic nationalism who need a voice. He believes particularly the urban middle class seeks a civil society tolerant and representative of civic nationalism. Arapović also identifies a weak civic nationalism, originating primarily from economic self-interest of urban young people. Tofu concludes, “civic nationalism is asleep, not dead. B-H has not had sufficient time in its post-conflict history for civic identity to blossom. We need first a national awakening of citizenship, and then civic nationalism will follow.” To this extent the nascent civil society fosters attitudes and identities consistent with civic nationalism.

Conclusions

Civic nationalism embodied in citizens’ movements and organizations became political reality in the late 1980s and early 1990s, but also encountered polarizing ethnic nationalism. The traumas of 1992-1995 challenged and still haunt this civic nationalism. Currently, the disillusionment of the population coupled with the apathy associated with the centuries of authoritarianism suppresses participation in civil society. Nevertheless, civil society slowly strengthens and offers a vehicle for the practical solution of problems as well as the development of civic nationalism. Indeed, the current political stalemate creates a void in which civil society can operate and increase its legitimacy. Whether local and grass roots activities can counter national political intransigence remains uncertain. B-H society now possesses the advantage of international support for civic nationalism, but the domestic reaction to the international role limits this advantage.

Relevant, however, are the willingness of more than half the population to move beyond the memories of the war and the overwhelming percentage of the population willing to embrace an identity as a citizen of B-H (UNDP 2009c; Oxford Research International 2007). Such attitudes coupled with the growing professionalization and local initiative of organizations of civil society positively influence the future of civic nationalism. The process is tense, uncertain, and inconsistent. Yet, the civic consciousness, which previously contributed to the communist demise, now slowly develops to challenge the status quo. Civil society seems to offer a vehicle for the evolution of a progress oriented civic nationalism even within isolated and rural areas.

The question of the significance of civil society requires more extensive investigation particularly to examine the interest and intensity of indigenous initiation and involvement. An important question is the extent to which liberal civil society in B-H can emerge without the

assured support of a liberal state. Such a consciousness previously developed from the bottom-up within the context of authoritarianism. Whether contemporary nascent civil society can evolve to possess sufficient strength to temper extremist nationalism remains uncertain. Yet this research suggests the outcome remains open for the Beauty to pacify and transform the Beast.

Appendix 1: Organizations and Interviewees

OSCE in B-H strives to promote the development of civil society and communication between civil society and the government. OSCE seeks to change citizens' perceptions by teaching people to identify local problems, represent themselves to government, lobby about concrete problems, and solve these problems. Slađana Milunović is a participation officer working with voluntary and civic organizations. Saltana Sakembaeva assists Milunović with UGOVOR, Local First and the establishment of volunteer centers.

UNDP assists indigenous civil society with surveys and polls to identify needs, attitudes and clients. UNDP emphasizes the importance of transparency and budget and grant processes. Its Upper Drina Program operates in eastern B-H, in both entities, and in tense regions. Lauren McAlister is Monitoring and Procurement Officer for the Upper Drina Regional Development Programme of the UNDP: Bosnia and Herzegovina.

CCI is one of the largest indigenous non-governmental organizations in B-H. Its mission is to initiate and promote active participation of citizens in the democratic process, strengthen capacities of individuals and organizations to successfully solve problems, and increase citizen participation in decision-making. CCI targets local groups which articulate specific plans and desired outcomes. It works in many cities including Tuzla, Banja Luka, Mostar, Sarajevo, Doboje, and Bihac. An excellent example of CCI efforts is the creation of GROZD. Adis Arapović serves as public advocacy consultant and project manager.

CPCD focuses upon supporting interests in society which seek to organize. Its tactics include lobbying, advocacy, and community organizing. Omir Tufo is the program manager. He also worked closely with the leadership of GROZD.

GROZD first emerged from a coalition of 300 groups during the 2006 elections and became successful in evaluating candidates and issues. GROZD developed policy positions on cross-cutting positions including education, the economy, healthcare, and ecology. GROZD enunciated a 12 point program and gathered over half million signatures during the election. It extended its work in the 2008 local elections when it informed citizens on pre-election political programs of all registered candidates and political parties. GROZD subsequently assisted citizens and civil society organizations to promote local budgets and policies responsive to their demands.

Dosta promotes solidarity, direct democracy, and citizen action. Dosta perceives itself as successful as one of the first indigenous civil society groups, acting apart from the international community. Currently, Dosta focuses upon the Direct Democracy Campaign and its efforts to gain citizens the right to referendum, initiative and recall. In this campaign it closely affiliates with Zastone. Currently Dosta includes 10 regional organizations and 3 interest groups (students,

workers, and the diaspora). Darko Brkan serves as President of Zastone and a coordinator of Dosta.

NDC works in some of the most tense and least developed areas of B-H and maintains central offices in Sarajevo, Banja Luka, and Mostar. NDC identifies its mission “to contribute to the development of democratic practices and the prevention and resolution of conflict throughout Bosnia and Herzegovina by creating dialogue across ethnic and national divides.” It focuses upon process, that is dialogue and communication rules, rather than projects and infrastructure development. In Srebrenica and Bratinosc local dialogue centers are being established under the local initiatives. Nebojsa Šavija-Valha is the Programme and Project Development Manager.

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After Doi Moi: Vietnamese Agricultural Policies 2003-2010

John H. Barnett

Department of Political Science, Emporia State University (jbarnet1@emporia.edu)

Abstract

Vietnam officially concluded the Doi Moi (New Reforms) period in 2003; however, the country has continued to make changes to its agricultural policies in three sectors: aquaculture, mainly focusing on shrimp and catfish; forestry, with products such as oranges, coffee, and tea; and traditional agriculture, with crops such as rice, sugar, and peppers. Considerable research has been done on the Land Law of 2003, but in contrast to prior quantitative studies, this article focuses on specific policies implemented since the enactment of the Land Law of 2003, the intent of those policies and their impact on peasant farmers in various localities. This article draws on Vietnamese documents known as the Cong Bao (Official Gazette), which are available at Vietnamese governmental websites: the Ministry of Agriculture and Rural Development and the Vietnamese Communist Party. In addition, some Vietnamese documents are available from the Food and Agriculture Organization of the United Nations. Overall, the policies implemented in support of the Land Law of 2003 have promoted a longer term of land usage in all sectors of the agricultural economy, including aquaculture and forestry. All policies in each sector (traditional agriculture, aquaculture, and forestry) have stressed the need to develop the market economy in Vietnam while modernizing the infrastructure. The Land Law of 2003, and the agricultural policies made subsequently, fit a recurring pattern for Vietnamese legislation. First the land law was enacted; then policies were developed that addressed the rural economy as a whole, followed by policies that focused on subsectors such as traditional agriculture, aquaculture, and forestry.

Introduction

Doi Moi officially ended in 2002, but the Vietnamese Communist Party (VCP) continues to manage the agricultural sector of the nation's economy with policies that combine central planning with elements of a free market system. For example, even though the state still owns the land, Vietnamese peasants can acquire land leases, use those leases as collateral to obtain credit, and even transfer leases to family members. With the help of these free market-style policies, Vietnam has become very active in three agricultural sectors: aquaculture, especially the cultivation of shrimp and catfish; forestry products such as oranges, coffee, and tea; and traditional crops such as rice, sugar, and peppers.

In 2003, the Vietnamese National Congress passed a new land law that addressed a number of concerns that had been voiced by peasant farmers. Like the earlier land laws of 1987, 1988, and 1993, the 2003 Land Law set the stage for the nation's ensuing agricultural policies. Scholars

such as Melanie Beresford, Adam Fford, Tarry Rambo, Dang Phong, and Stefan de Vylder have done considerable research on the Land Law of 2003 focusing particularly on statistical analysis of the legislation's impact on the Vietnamese economy as a whole. This paper will take a different approach, examining specific agricultural policies adopted since the enactment of the 2003 Land Law, looking at both the intent of those policies and their impact on peasant farmers in various localities. This article will first discuss the Land Law of 2003 itself, then will look in turn at the new aquaculture, forestry, and agriculture policies arising from that law. Finally, the analysis and conclusion will wrap up the article.

The 2003 Land Law

During the early years of the Doi Moi period, in the 1980s, the VCP was already aware that there was a need for new land laws. Two land laws were passed in 1987 and 1988. In 1993, the Vietnamese National Assembly passed a major land law which was able to be modified. In October, 1994, the Standing Committee of the National Assembly passed an ordinance on rights and obligations involving land leased by the state to organizations and foreign companies. Later, in 1998, the National Assembly passed laws on amendments and supplements to some articles of the 1993 Land Law. In 2001, the National Assembly passed another set of laws designed to stimulate and promote decentralization so that decision making took place at the local level.¹

The 2003 Land Law established a more comprehensive regulatory framework than any prior land laws, focusing on a diverse range of administrative and land usage issues.

The law set nine key goals:

“Clarifying the principal of the entire people’s ownership of land with determinative powers, specific beneficial rights, and the role of the State as representative owner;

Improving land policy for the agricultural sector corresponding with the market economy and facilitating the promotion of agricultural and rural industrialization and modernization;

Supporting land policy which will assist the service and industrial sectors and also creating responsiveness to changing land use structures to meet the requirement of service and industrial development in the process of industrialization and modernization;

Creating equality between economic entities removing the differences between Vietnamese citizens and Vietnamese residing overseas, and considerably narrowing the distinction between Vietnamese and foreign investors in access to land, implementation of

¹ State President, Luat Dat Dai (Land Law) (Hanoi: National Political Publisher, 2004) 10 & 12.

land user rights and obligations;

Removing subsidies on land by means of reorganizing land as capital, thereby reflecting a major internal input of the country. The new law therefore recognises that the land needs to be evaluated by market economic forces and the land should be treated as specialized commodity during the transaction process in the real estate market;

Encouraging civil transaction on land use rights following the principle of recognising land use rights as the property of the land user, limiting unnecessary administrative interventions during the implementation of exchanging transferring, leasing, sub-leasing, donating land use rights and real property, mortgaging, guaranteeing or making capital contributions with land use rights and real property;

Overcoming any basic inadequacies and inefficiencies in policy and legislation in respect of compensation and support when the State is obliged to recover land for purposes of national defence, security, national benefit, public benefit and economic development through established mechanisms of fair and adequate land pricing processes, sound resettlement policies and limiting project area that are needed to recover land;

Promoting administrative reform on land administration through decentralizing powers to the local level on land allocation, lease, change of land use purpose and specifying procedures and formalities for implantation of administrative procedure on land administration and land use;

Improving processes involved in the settlement of land disputes and complaints involving land. This is reflected by legislative provisions which increase the role of tribunals in resolving civil disputes and administrative complaints on land. This should eliminate or overcome the evasion of responsibilities that lead to prolonged and over-status complaints.”²

The Ministry of Natural Resources and Environment was given responsibility for enforcing the 2003 Land Law, including responsibility for educating all sectors of Vietnamese society about the provisions of the new legislation. In addition, the law was printed in both Vietnamese and English, because the government recognized that many Vietnamese were living overseas, and many of those expatriates were involved in joint ventures in Vietnam.³

Like previous land laws, the 2003 legislation provided that the state was still the owner of the land and the manager of land usage. Furthermore, land was still to be allocated according to administrative decisions made by the state. Land leases were to be assigned by way of contracts with organizations or individuals. However, the 2003 Land Law also set limits on the

² State President, Laut Dan Dai, 12, 14, 16.

³ State President, Laut Dan Dai, 16.

government's power to make certain types of land use decisions.⁴

One section of the law was particularly significant for Hmong and other minority farmers whose traditional agricultural practices differed from those of ethnic Vietnamese.

Article 71, Section Four, of the 2003 Land Law stated that Agricultural land use by the people of Vietnam was to be governed as follows:

“Land allocated by the State to population communities for maintaining national identity and customs and traditions of ethnic minority groups;

The resident community to whom agricultural land is allocated shall be responsible for protecting the allocated land, allowed to combine with agricultural production and aquatic farming, but not allowed to use such land for other purposes”⁵

Aquaculture Policies

In Article 78, the 2003 Land Law provided that use of inland waters such as ponds, lakes, and marshlands was to be allocated and leased by the State, which would collect annual rental payments made by households or economic organizations engaged in aquaculture and agriculture. Recognizing that some lakes and marshlands affected by the new legislation overlapped various administrative boundaries, the 2003 Land Law provided that the use of such aquacultural and agricultural territory would be determined in some cases by the central government and in other cases by People's Committees of the relevant rural and urban districts, provincial towns, provincial cities, provinces, and centrally managed cities.⁶

A 2007 World Bank study noted that the fisheries and aquaculture sectors were “significant contributors to the economy of Vietnam,” with aquaculture averaging 12 percent growth annually since 1990 and accounting for more than 40 percent of the country's total fish production. Fresh water fish farming dominated the aquaculture sector, the World Bank study found, although brackish water cultivation (mainly shrimp production) was also economically significant.⁷

Vietnam's agricultural policies, in aquaculture as in other sectors, are defined by laws, decrees, ordinances, circulars, and regulations. Provinces are at the lowest level of the country's policymaking hierarchy, but they can pass legislation as long they follow national policy. Since 1996, the Vietnamese Government has emphasized the continuous development of a market

⁴ State President, Laut Dat Dai, 24, 26.

⁵ Laut Dat Dai, 166.

⁶ Laut Dat Dai, 182.

⁷ Ministry of Fisheries and the World Bank, “Vietnam: Fisheries and Aquaculture Sector Study, Final Report,” World Bank, Washington DC: February 16, 2007, i-ii.

economy under the Doi Moi policy. Even though Doi Moi ceased in 2003, this approach continues today.⁸

Decision 224

Approved on December 8, 1999, Decision 224 set up the development of an aquaculture program for the 1999-2010 period. The objective of the policy was mainly to develop the aquaculture sector while at the same time ensuring food security. The policy's stated goal was to achieve total annual aquaculture output over two million tons by 2010. Achieving this goal, policymakers predicted, would create jobs and generate income for about two million people, thus contributing to the development of the national economy while enhancing coastal security.⁹

The Decision 224 policy objectives stated that aquaculture modernization was a step by step development process involving industrial rearing methods in combination with other techniques then in use in the different regions of Vietnam. Furthermore, policymakers said, the sector needed to focus on development in three areas -- brackish water, sea water, and fresh water aquaculture -- and to develop a new method of raising prawns for export while at the same time farming other aquatic products that were being used for both domestic consumption and export.¹⁰

For tiger prawn production, the policy established a 2010 goal of 260,000 hectares under cultivation, with 60,000 hectares dedicated to industrial rearing, 100,000 hectares set aside for semi-intensive rearing, and another 100,000 hectares "under the rearing model of ecological equilibrium rotary rearing and inter-rearing," for a total production target of 360,000 tons with an export value of 1.4 million U.S. dollars. For blue legged shrimp, the target was 32,000 hectares under cultivation with an output of 60,000 tons.¹¹

The Decision 224 aquaculture policies addressed a variety of aquatic resources, including 100,000 hectares of ponds and small lakes, and 220,000 hectares of low lying rice fields where certain fish species such as Asian catfish, carp (including grass carp), tilapia, and snakehead could be raised as the rice matured, with an estimated output of 170,000 tons. At the same time, the policy called for devoting 20,000 hectares to the cultivation of seaweed and another 20,000 hectares to the rearing of mollusks. Production targets were set at 38,000 tons of mollusks and

⁸ Ministry of Fisheries and the World Bank, 16.

⁹ "Decision No. 224/1999/QĐ-TTg of December 8, 1999, Approving the Aquaculture Development Program for 1999-2010 Period," Cong Bao (Official Gazette), No. 2, January 15, 2000, 25.

¹⁰ Cong Bao (Official Gazette), No. 2, January 15, 2000, 25.

¹¹ Cong Bao (Official Gazette), No. 2, January 15, 2000, 25.

50,000 tons of dry seaweed (550,000 tons of fresh seaweed).¹²

Section four of Decision 224 assigned the Ministry of Agriculture and Rural Development the primary responsibility to coordinate with Ministry of Aquatic Resources in devising a plan on dike construction and investment projects related to aquaculture. Furthermore, the Ministry of Aquatic Resources was given responsibility for determining the number of regional and local aquaculture breeding stations. These stations focused on large scale production needs related to both domestic and global markets.¹³

Decision 112

On June 23, 2004, Prime Minister Phan Van Khai signed Decision 112/2004/QD-Ttg, which approved a program to develop “aquatic seeds” for fresh water, brackish water, and salt water farming of various species, including prawns, crustaceans, mollusks, fries (juvenile fish), and seaweed. Furthermore, the policy called for a step by step program to modernize the commercial system. The policy encouraged diversification of aquaculture rearing at different times of the seasons.¹⁴

One goal of Decision 112 was to “improve the infrastructure and facilities of aquatic seed centers,” including the northern fresh water centre in Phu Tao located in the province of Hai Duong, the central Vietnam fresh water centre at Dak Nong, and the southern fresh water centre at Cai Be located in the province of Tien Giang.¹⁵

Decision 102

On October 17, 2008, Decision No. 102/2008/QD-BNN was signed by Vice Minister Nguyen Viet Thang. This policy, which focused on the development of Tra catfish in the Mekong River Delta region, described that fish as a key species for rearing and production for both domestic consumption and global exporting. Decision 102 committed the state to “provide support for investment in the development of infrastructure of Tra catfish rearing zones.”¹⁶

Overall objectives of Decision 102 included the development of rearing and marketing techniques for Tra catfish, the creation of jobs, and an increase in Vietnam’s foreign currency

¹² Cong Bao (Official Gazette), No. 2, January 15, 2000, 25.

¹³ Cong Bao (Official Gazette), No. 2, January 15, 2000, 25-26.

¹⁴ “Decision No. 112/2004/QD-TTg of June 23, 2004, Approving the Program on Development of Aquatic Seeds Till 2010,” Cong Bao (Official Gazette), No. 8, July 5, 2004, 1.

¹⁵ Cong Bao (Official Gazette), No. 8, July 5, 2004, 1.

¹⁶ “Decision No. 102/2008/QD-BNN of October 17, 2008, Approving the Planning on Development of the Production of and Sale of Tra Catfish in the Mekong River Delta Region up to 2010 and Orientations Towards 2020,” Cong Bao (Official Gazette), No. 8-9, October 2008, 38.

earnings. Specific objectives to be achieved by 2010 included the creation of 200,000 jobs, and the development of 8,600 hectares devoted to Tra catfish rearing, with an output of 1,250,000 tons, yielding 500,000 tons of finished products with an export value of 1.3-1.5 billion US dollars.¹⁷

For the years 2010-2020, Decision 102 called for the area devoted to Tra catfish rearing to increase to 13,000 hectares, for the creation of 50,000 more jobs in this sector of the aquaculture economy, and for output to increase to 1,850,000 tons with an export value of 2.1-2.3 billion US dollars.¹⁸

Forestry Policies

Article 75 of the 2003 Land Law provided for forest land to be “leased with an annual land rental payment to economic organisations, households, individuals for forestry production,” and specified that forest land lease holders “shall be entitled to use un-forested areas for afforestation or planting perennial trees.”¹⁹

Do Dinh Sam and Le Quang Trung, Vietnamese researchers at the Forest Science Institute of Vietnam, argued in 2001 that “Forest policy in Vietnam has focused on three main trends: development in the direction of social forestry, sustainable management and utilization of forest resources, and increasing the contribution of the forestry sector to the country’s economy and society,” that these trends were reflected in the nation’s laws and policies, particularly policies stressing “local participation in the development and protection of forests,” and that Vietnam’s forestry policies had begun “paying more attention to the development of traditional forest management activities.”²⁰

Decree 135

On November 8, 2005, Phan Van Khai, the Prime Minister of Vietnam, issued Decree 135, providing for “contractual assignment of agricultural lands, production forest lands, and land with water surface for aquaculture in State-run agricultural or forestry farms, companies and factories.” Decree 135 specified that it did not apply to “Protective and special-use forest land.”²¹

Chapter three of the decree discussed the contractual assignment of production forest land,

¹⁷ Cong Bao (Official Gazette), No. 8-9, October 2008, 39.

¹⁸ Cong Bao (Official Gazette), No. 8-9, October 2008, 39.

¹⁹ Laut Dat Dai, 174.

²⁰ Do Dinh Sam and Le Quang Trung, “Forest Policy Trends in Vietnam,” Policy Trend Report, 2001, 69.

²¹ “Decree No. 135/2005/ND-CP of November 8, 2008 on Contractual Assignment of Agricultural Land, Production Forest Land and Land with Water Surface for Aquaculture in State-run Agricultural Farms and Forestry Farms,” Cong Bao (Official Gazette), No. 19-20, November 18, 2005, 25-26.

both natural forests and planted forests, with special provisions relating to the harvesting of timber. This section of the decree discussed the obligations of the contracting and contracted parties with reference to such issues as “management, protection, tending and exploitation of forests on the principle of sustainability” as well as “organizing production (managing, protecting, zoning of forests for natural regeneration).”²²

Decree 135 provided that a forest land assignment contract “must clearly state the forest area and age, the reserves and quality of forests, contents of forest tending, nurture, protection and exploitation, responsibilities of the contracting and contracted parties, the share of products in value to each party corresponding to their respective capital and labor investments, and the term of the assignment contract,” and that a contracting party who fulfilled certain forest management requirements would be “entitled to fully exploit forest products.” The term of a forest assignment contract was limited to fifty years, or to “the business cycle of each type of forest,” whichever was shorter.²³

Timber harvested from forest lands covered by Decree 135 was to share between the contracting and contracted parties in proportion to their investments of capital and labor.²⁴

Decision 2194

On December 25, 2009, Decision No. 2194/QD-TTg became effective after being signed by Deputy Prime Minister Nguyen Sinh Hung. The general objective of this policy was “to raise the capacity of the system of research, selection, creation, transfer, production and supply of cultivation plant varieties, livestock breeds, forest tree varieties and aquatic strains in the direction of industrialization and modernization in order to rapidly and sustainably raise the yield, quality, competitiveness and effectiveness of agricultural production, forestry and fisheries, and incomes of farmers.” The specific objective for the forestry sector was “To ensure the supply of 80% of accredited varieties, of which 50% will come from vegetative propagation, for forestation. The growing biomass will reach 20-25 m³/ha/year.”²⁵

Article One, Section Six of the policy stated that MARD would assume prime responsibility for coordinating with other ministries, branches, and localities involved with

²² Cong Bao (Official Gazette), No. 19-20, November 18, 2005, 31.

²³ Cong Bao (Official Gazette), No. 19-20, November 18, 2005, 31-32.

²⁴ Cong Bao (Official Gazette), No. 19-20, November 18, 2005, 32-33.

²⁵ “Decision No. 2194/QD-TTg of December 25, 2009, Approving the Scheme on Development of Agriculture Plant and Forest Tree Varieties, Livestock Breeds, and Aquatic Strains up to 2010,” Cong Bao, No. 3, January 7, 2010, 31.

“finalizing the planning on research, transfer, production and supply of varieties and breeds, ensuring sufficient quality varieties and breeds for agriculture production, forestry and fisheries.” As for forestry, the policy stated that there was a need to “strengthen organizations managing the national system of breeding nurseries . . . invest in raising the capacity of national silvicultural centers in regions, building 3 modern breeding nurseries in 3 regions; to build a breeding nursery of appropriate size in each locality that has an area of 10,000 ha or more for forestation every year; to assist organizations and individuals in all economic sectors in building nurseries.”²⁶

Decision 2194 also provided that investors in certain types of forestry production would be able to borrow state development investment credit loans under the current laws.²⁷

Agricultural Policies

Chapter Three, Section Two, Article 70 of the 2003 Land Law provided that individuals and households engaged in annual crop farming, aquaculture, and salt production could be allocated no more than three hectares in any one land category, and no more than five hectares in all. For perennial crop farming, the land allocation limit was ten hectares in the deltas, thirty in the uplands, or five hectares of perennial crop land in the deltas and twenty-five in the uplands for those whose allocations included both perennials crop land and annual, aquaculture, or salt production land.²⁸

The 2003 Land Law led to the enactment of two important policies in 2004, Prime Minister’s Directive 33/2004/CT-TTg and the resulting MARD Directive 2/2004/CT-BNN. In addition to setting up a variety of agriculture, forestry, and aquaculture policies, these directives instructed provincial and city officials throughout Vietnam to prepare a five-year plan for agricultural development in the years 2006-2010. MARD’s Directive 52 specified a variety of reform goals that the five-year plan had to address, such as increased access to credit in certain parts of the country, and improvements to transportation and irrigation infrastructure in key rural areas.

Decree No. 86

On July 18, 2003, Decree No. 86/2003/ND-CP became law and was signed by Prime Minister Phan Van Khai. Article One of the decree defined MARD as “a governmental agency that provides the state management over agriculture, forestry, salt production,

²⁶ *Cong Bao*, No. 3, January 7, 2010, 33.

²⁷ *Cong Bao*, No. 3, January 7, 2010, 33-34.

²⁸ *Laut Dat Dai*, 162.

irrigation/water service, and rural development nationwide; state management over public services and as representative of state ownership in enterprises under the management of the ministry that have state share of capital.”²⁹

Article Two, Section Five discussed MARD’s management responsibilities for a wide variety of plant and animal cultivation issues, including agricultural export and import issues affected by Vietnamese laws and treaties, and by the nation’s membership in such organizations as the WTO or ASEAN.³⁰

Decree No. 33

On September 23, 2004, the Prime Minister of Vietnam, Phan Van Khai, was given the authority to have all ministries develop a five-year Socio-Economic Development Plan (SEDP) for the period of 2006 to 2010. Decree 33/2004/CT-Ttg, which established this policy, declared that this new five-year plan was important for the success of the ten-year plan (for the years 2001-2010) that had been initiated by the Ninth Party Congress. The objective of the five-year SEDP, according to Decree 33, was to promote the growth of Vietnam’s market economy by creating a “framework for a comprehensive and deeper development of all socio-economic activities in close linkage with the process of international economic integration.”³¹

This policy was in the spirit of the 2003 Land Law because it called for macroeconomic stability, reduction of poverty, sustainable development, and improving the people’s quality of life, all goals which had been featured in every policy that focused on the rural sector. In addition, Decree 33 called for furthering the decentralization process by allowing provincial officials and others below the national government level to exercise greater socio-economic planning authority.³²

Because its call for a new five-year plan grew out of the earlier plan ten-year plan from the later years of the Doi Moi period, Decree 33 called for identifying the achievements of the earlier plan and also learning from its failures. In light of the changing domestic and international situation since the start of the earlier ten-year plan, officials in all sectors of the economy and at all

²⁹ Ministry of Agricultural and Rural Development, “Government Decree on the Functions, Tasks, and Organizational Structure of the Ministry of Agriculture and Rural Development” Decree 86/2003/ND-CP, Hanoi: July 18, 2003, 1.

³⁰ Ministry of Agriculture and Rural Development, 2.

³¹ Ministry of Agriculture and Rural Development, “The Prime Minister’s Instructions on the Preparation of the 5 Socio-Economic Development Plan (2006-2010), Government Ref. No. 33.2004/CT-TTg, Hanoi, September 23, 2004, 1.

³² Ministry of Agriculture and Rural Development, 2-3.

levels of Vietnam's government were instructed to recommend the best options for success, and also to foresee problems in order to plan for negative effects on economic development. Decree 33 also noted that

Vietnam's socio-political stability had been the basis of the country's recent economic development.³³

Decree 33 identified several major objectives for the new five-year SEDP, including a sustainable economic growth, scientific and technological development, improved education and training, and faster development of an economy that would be both market-based and socialist-oriented.³⁴

Decision No. 45

Decision 45/QD-BNN (Regulation on Management and Utilization of External Assistance in the Sector of Agriculture and Rural Development), issued on September 30, 2004, and signed by the Acting MARD Minister, Cao Duc Phat, replaced the Doi Moi era Decision 132/QD-BNN-HTQT, which had been issued in 1999. Article One of Decision 45 dealt with MARD authority over Official Development Assistance (ODA), Non-governmental Organization (NGO) assistance, and "other forms of non-project assistance (not commercial) from external resources." Foreign direct investments (FDI) projects were explicitly excluded from the provisions of the new regulation.³⁵

Article Two identified the units -- such as departments, directorates, institutes, national parks, and local authorities -- subject to MARD management.³⁶ Decree 45 went on to define the responsibilities of the various units involved in implementing the programs and projects overseen by MARD.³⁷

Resolution 26

MARD regarded Resolution 26-NQ/TW, which was signed by Prime Minister Ngyuen Tan Dung on August 5, 2008, as the most recent important piece of public policy since Resolution 10 of the Doi Moi period. In a 2009 Voice of Vietnam radio interview, Deputy Minister of Agriculture and Rural development Ho Xuan Hung said that

³³ Ministry of Agriculture and Rural Development, 4.

³⁴ Ministry of Agriculture and Rural Development, 5.

³⁵ Ministry of Agriculture and Rural Development "For Management and Utilization of External Assistance in the Sector of Agriculture and Rural Development" General Provisions Article 1, Decision No. 45/2004/QD-BNN, September 30, 2004, 2.

³⁶ Ministry of Agriculture and Rural Development, 2.

³⁷ Ministry of Agriculture and Rural Development, 14.

Resolution 26 dealt with “many issues related to agriculture, farmers, and rural areas in Vietnam in the international integration process,” and added that “when the resolution is put into practice, it will have a positive impact on people’s lives.” In implementing Resolution 26, the Deputy Minister said, the first priority should be to focus on the needs of the nation’s 61 poorest districts, where half of Vietnam’s poor households were located.³⁸

That radio interview reiterated some of the points Hung had made in an earlier speech in which he discussed agricultural achievements during and after the Doi Moi years, as well as MARD’s future challenges.³⁹

Resolution 26, he said, recognized that the role of the farmer would be central to the success of the policy, since farmers “are playing a strategic role in the industrialization, modernization, construction, and the protection of the nation” and “are important for socio-economic with sustainability.” The speech identified industrialization and modernization in rural areas as top national priorities, economically linked with the nation’s industrial construction and urban development plans.⁴⁰ Objectives identified in the speech included “improving material and spiritual life for farmers, building up harmony between regions and evolving faster changes in difficult areas.” Hung spoke of the need to train farmers to increase their production capacity, to move Vietnam’s agricultural economy “in the direction of modernism and sustainability . . . to ensure national food security at present and in the long run,” to modernize the “socio-economic infrastructure” of rural areas, and to provide those areas with a “strengthened political system . . . under the leadership of the Party.”⁴¹

Analysis and Conclusion

Overall, the policies adopted in support of the 2003 Land Law promoted a longer term of land usage in all sectors of the rural economy. Some policies provided that land usage rights were assets that could be used to obtain credit. All the policies in each sector -- agriculture, forestry, and aquaculture -- stressed the need for furthering the market economy in Vietnam.

³⁸ “New Changes needed in the Agricultural Sector” Voice of Vietnam: Hanoi, November 1, 2009 in <http://english.vietnamnet.vn/biz/2009/01/823310>, January 26, 2011.

³⁹ “Some Fundamental Issues of Resolution No. 26-NQ/TW and the Government’s Action Program on Agricultural, Farmer, and Rural Development” Speech made by Ho Xuan Hung Deputy Minister Hanoi: ISG Meeting, November 18, 2008, 1.

⁴⁰ “Some Fundamental Issues of Resolution No. 26-NQ/TW and the Government’s Action Program on Agricultural, Farmer, and Rural Development,” 2.

⁴¹ “Some Fundamental Issues of Resolution No. 26-NQ/TW and the Government’s Action Program on Agricultural, Farmer, and Rural Development,” 3-4.

Policymakers noted that individual farmers were central to each policy. Although the Land Law of 2003 acknowledged the customs and traditions of ethnic minorities, it is not clear to what extent concern for those traditional practices was taken into account when formulating policies after 2003.

In the aquaculture sector, policies aimed at increasing production and called for more modernization and support for localities. Although it's not clear that the government actually provided such support for localities, some policies -- for example, Decision 224 -- called for more modernization of infrastructure such as dikes, and for the construction of breeding stations throughout each region of Vietnam to produce aquaculture products for domestic and export consumption. Decision 112 expanded on the infrastructure improvement goals of Decision 224 by calling for a national system of regional breeding centers that would be needed as the aquaculture sector continued to grow.

Some policies focused on specific breeds rather than on the aquaculture sector as a whole, but were still consistent with the theme of infrastructure improvement and investment. For example, Decision 102 called for strengthening the Tra catfish industry, and set production goals and job creation targets for 2010, and beyond that for 2020.

Forestry policies after 2003 furthered the goals set by the 2003 Land Law. Decree 135 focused on contractual agreements in the forestry sector, and went beyond the 2003 Land Law in defining the specific rights and responsibilities of contracted and contracting parties with regard to such issues as forest management, protection, tending, sustainability, and shares of timber.

Like aquaculture and forestry policies, the policies for agriculture continued to call for modernization of Vietnam's rural infrastructure. The Land Law of 2003 specified how much land could be allocated for various agricultural uses, and policies after 2003 called for production goals and continuing development of a market sector throughout Vietnam. Decree 86 focused on MARD management authority in the sectors of agriculture, aquaculture, and forestry, including government oversight of irrigation and water services, salt production, and rural development.

Decree 135 strengthened earlier laws that had defined how long the land could be used by farmers and under what conditions land would return to the state. The decree limited the length of land use contracts to fifty years or until the end of the business cycle, meaning after trees had

matured. While the decree addressed land usage issues, Decision 2194 called for modernizing tree nurseries and forestry infrastructure while assisting organizations and individuals involved in the upland economy.

The Land Law of 2003 called for further development of all agriculture sectors. Directives 33 and 52, both signed by the Prime Minister, instructed the Department of Agriculture and Rural Development at the provincial and municipal levels to prepare a five-year plan covering agriculture, aquaculture, and forestry so that targeted studies could inform specific policies for those sectors of the Vietnamese economy.

Resolutions 33 and 52 represented a continuation of Doi Moi policy goals, and both resolutions called for further decentralization affecting the rural sector. This was within the spirit of the Land Law of 2003. Following up on objectives set forth in that land law, those two resolutions aimed at sustainable economic growth and investments in education and training.

Decision 45 (replacing Decision 132, which had become law circa 1999) went beyond the provisions of the 2003 Land Law by giving MARD more authority over Official Development Assistance and non-governmental organizations. In addition, Decree 86 expanded MARD's role beyond anything mentioned in the 2003 Land Law by giving MARD sole state management authority over agriculture, aquaculture, forestry, and salt production -- a range of responsibilities that encompassed irrigation, water services, and state management over public services.

According to news releases by MARD and *Vietnam Investment Review*, Resolution 26 was a landmark piece of legislation, the most important agricultural public policy since the introduction of Resolution 10 circa 1988. Like other agricultural policies dating back to the early period of Doi Moi, the resolution stressed the central role of farmers in modernization, industrialization, construction, and protection of Vietnam. Resolution 26 also reiterated the theme of poverty reduction, which was particularly important in 61 districts identified by government officials as the nation's poorest.

The objectives of Resolution 26 were in keeping with the spirit of the 2003 Land Law. For example, the land law called for improving the lives of peasants by building relations between the provinces while trying reduce poverty in difficult districts. The resolution expressed the state's continuing concern about the output of agricultural products and competing in the world market while ensuring national food security, and the familiar call for modernizing the infrastructure in rural areas indicated what a constant worry that issue remained for the

Vietnamese government.

Conclusion

The Land Law of 2003 and the ensuing agricultural policies fit a recurring pattern for Vietnamese legislation. First a land law is enacted, then resolutions that address problems facing the rural economy as a whole, and finally policies that focus on specific sectors or sub-sectors of the economy such as agriculture, aquaculture, and forestry. Since 1992, Vietnam has been a major player in the global market for certain agricultural products. All sectors of the country's agricultural economy have continued to expand while government policies have sought to improve the lives of the farmers and reduce rural poverty. In the future, these trends can be expected to continue as Vietnam explores new markets in Africa and the Middle East. There is plentiful evidence that the Vietnamese government is sensitive to regulations in Europe and the United States. For example, on a recent visit to the Gulf of Mexico area in Texas, I interviewed a catfish farmer who mentioned that producing his product cost more per pound in the US than in Vietnam.

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Legends of San Kuan Miao: How the U.S. Department of State's Chinese Language Training Program Began

William J. Cunningham, FSO (Ret.)

Center for International Studies, University of St. Thomas (Houston, Texas)

Abstract

Early in the twentieth century the United States began training American diplomatic officers in the Chinese, Japanese, and Turkish languages. The 1900 Boxer Rebellion in China, which resulted in great loss of life and property, perhaps added needed momentum to move Congress to act favorably on recommendations it had been receiving for twenty years. Even then, legislative authority was slow in coming, but, finally, in March 1902 Congress authorized the first program of Chinese language and area study training for career, professional American diplomatic and consular officers. The American diplomatic officers trained in Chinese language and area studies in the Chinese Language Training Program were prepared for the task of managing America's relations with China and the development of American policy toward East Asia. The goal of this study is to compile a factual account of the development of the Department of State's Chinese studies program and to attempt to document some of the consequences of it for the development of U.S. relations with China specifically and Asia in general.

Background

Some time around 1960 an unusual class photograph appeared among those displayed in the corridor of the Department of State's Chinese Language Field School in Taichung, Taiwan. Seated in the front row of this photograph were about half a dozen young American men, all in morning coats and high-necked celluloid collars. Behind them stood about an equal number of Chinese men in elegant, silk traditional dress, each wearing a queue. No caption accompanied this photograph to identify those who appeared in it or the date on which it was taken, nor was the photograph's provenance specified. Those who inquired about it were told - - presumably accurately - - that this was a photograph taken in Peking of one of the early classes of American diplomatic officers studying Chinese with their teachers.

Sadly, when the Chinese Language School moved in 1980 from Taichung to its present location on Yang Ming Shan in Taipei, this photograph was mislaid. It did, however, arouse and sustain the curiosity of the author for forty years and motivate him to seek out and record the

early history of the training of professional American diplomatic officers in Chinese.

Assuming that the photograph was correctly identified, it made a few things clear. First, an organized effort to train several officers in what the Department of State currently calls a "hard" language was already underway some two decades before the Rogers Act of 1924 which established the modern U.S. Foreign Service as a professional service of commissioned officers selected by merit to represent the United States overseas and to carry out its foreign policy. Second, the attire of those appearing in the photograph was pretty good evidence that this effort had begun in the last years of the Manchu Dynasty and, therefore, was not a consequence of the Hsin Hai Rebellion which led in 1911 to establishment of the Republic of China.

Interviews were conducted in August 1993 with the Hon. James K. Penfield, Dr. Alfred LeSesne Jenkins, John Stewart Service, and Marianne Clubb, widow of O. Edmund Clubb, all now deceased. In addition, the Hon. Charles T. Cross, and Edward E. Rice, yielded valuable insights and information contained in this paper, the former adding further particulars as this paper was in final stages of proofing and editing. Earlier drafts were submitted to all of the foregoing for review and critique, and it has been modified to reflect the comments received.

The results of that research have been augmented by work done at the National Archives and Records Administration in 1999 and 2002, with the able guidance and advice of Dr. Milton Gustafson, seasoned and knowledgeable Senior Specialist on East Asia there. Diana Garcia, Office Manager of the Center for International Studies at the University of St. Thomas lent her skills at document management to the transfer of an earlier version of this study to electronic format, thus sparing me the tedium and labor of retyping long sections of earlier drafts to incorporate them into this one. Ms. Jennifer Walele of the Historical Office in the Department of State speedily and accurately provided confirming information on nomenclature of East Asian posts and the record of assignments of American diplomats more than a century ago. Throughout all of this research my dear life companion and wife Patricia has been a constant source of support and superb editorial assistance. Final responsibility for the accuracy of information contained in this paper and for the interpretation of it rests with me, but I could not have come this far without the help of all of these good people.

Beginnings: Passage from Chinese Secretaries to Student Interpreters

On September 1, 1902 two young Americans, chosen by the Department of State, sailed

from San Francisco aboard an army transport bound for the American Legation in Peking.¹ Julean H. Arnold of California² and Thomas W. Haskins of Connecticut, both appointed July 19, 1902, were the vanguard of a new cadre of American diplomatic and consular representatives, called the Chinese Student Interpreters.

The arrival of Messrs. Arnold and Haskins marked the success of a campaign begun three years previously by the American Minister to China, Edwin H. Conger of Des Moines, Iowa.³ Conger, who arrived in Peking in 1898, suggested " . . .the appointment of a small number of student interpreters . . . whose duty it shall be to study the Chinese language with a view of intelligently taking the place of interpreters at the Legation and Consulates in China, and of being promoted to the Consular Service if it shall become a permanent service." Conger argued that "it is very important to have competent and reliable interpreters, and it is most difficult to secure them." Chinese interpreters, Conger said, were "unsatisfactory and unreliable", yet, with two exceptions, they filled all interpreter positions at U.S. posts in China.

From the establishment of bilateral relations in 1843, the United States Legation in China regularly had an American staff member conversant with the language. According to the late John Stewart Service⁴, the U.S. practice had been to engage men who usually had gone to China as missionaries and had gained their knowledge of the country and language through that experience. Later, for various reasons, they left missionary work and entered the employ of the

1 "Peking" will be used throughout this paper in grateful respect for the late Honorable James Kedzie Penfield, assigned to San Guan Miao in July 1934. In my interview with him in Seattle on August 5, 1993, Ambassador Penfield, who was DCM at my first Foreign Service post (Prague), warned me that he would not cooperate with this project unless I agreed to call the city "by its rightful name - - not Peiping, Beijing, or anything like that! It was another time and another place." Others interviewed for this paper agreed that the city in which they had lived and studied was unique--different enough in their memories and life experiences to deserve a name that would distinguish it from the one now occupying the same location. Also, because the Wade Giles system was the convention in use for Romanization of Chinese during the period covered by this study, that convention will be used throughout this paper

² Arnold was a graduate of the University of California and a classmate of Robert and Grace Service, parents of FSOs John Stewart Service and Richard Service. He was appointed U.S. Consul at Tamsui, (then known as Formosa) June 22, 1906 and assigned to Amoy, Fukien as U.S. Consul May 1, 1908 according to the Office of the Historian, U.S. Department of State. The Consulate was established in 1868 and operated until 1941 successively under the names of Tamsui, Tansui, and Taihoku. It reopened in 1946 as Consulate, Taipei. E-mail of April 27, 2005 10:25:18 A.M. from Jenifer Walele, Office of the Historian.

³ Despatch 180, Legation of the United States of America, Peking, China, 24th March 1899. Conger, a native of Illinois, had been Iowa State Treasurer for four years, served three terms in Congress as Representative of Iowa's 7th District, and had been Minister to Brazil immediately before being named Minister to China. He was named first U.S. Ambassador to Mexico in 1905 and died at Pasadena, California in 1907. He is buried in Altadena, California.

⁴ Interview, home of John Stewart Service, Oakland, California, August 1, 1993.

U.S. Legation where they were given the title of "Chinese Secretary"⁵. According to Service, this practice had been common among the various legations and embassies in Peking and, presumably, at consulates in various locations in the country. By the late nineteenth century, however, several other countries were training professional staff for these positions.

The two "exceptions" to whom Conger referred were Fleming D. Cheshire of New York and Edward T. Williams of Ohio. Cheshire had been appointed Interpreter to the Legation on September 2, 1884.⁶ "Mr. Cheshire", Conger wrote, "has now been at the Legation fifteen years, is more than fifty years old, and if he should resign, it would be almost impossible to fill his place". Conger acknowledged that, by law, Second Secretaries of Legation were required to study Chinese, "but they will never become interpreters," he declared. He recommended that instead, Washington select men between the ages of 18 and 24 to study Chinese and, following a competitive examination process, "[promote] them to desirable places as interpreters . . ."

"Most of the Legations here have more than one interpreter and several students," Conger continued, adding that "the English Legation has eighteen students . . ." who could expect appointment as "Consuls or Chinese Secretaries (interpreters)".

Conger urged the Department to seek legislation for such a program for the U.S. "The advantage of a service in charge of men who understand the Chinese language and the consequent knowledge of Chinese character and methods that must come with long study, cannot be overestimated. In view of our rapidly increasing trade, enlarged interests and responsibilities in this vast Empire, American interpreters are almost indispensable . . ."

Conger had been in Peking less than a year at the time he wrote his despatch, and events had moved swiftly in the Pacific during that time and continued to do so. The Spanish American War had begun eleven months previously, the Spanish fleet had been destroyed in Manila Bay a month later, and within the following six months the U.S. took Guam, annexed Hawaii, and accepted Spain's cession of the Philippines. John Hay would circulate the Open Door notes

⁵ The first incumbent of this position in the U.S. Legation was Dr. Peter Parker of Massachusetts, who had gone to China as a medical missionary in the 1830s and had established an eye hospital in Canton. He was given the additional title of Secretary of Legation. Parker was appointed Commissioner in August 1855, a post he held for two years, and was succeeded as Chinese Secretary/Secretary of Legation, by S. Wells Williams of New York, an editor of the Chinese Repository (published in China 1832-1851), compiler of a dictionary, and author of The Middle Kingdom, an influential work published in 1848. Fairbank, John K., Edwin O. Reischauer, and Albert M. Craig, East Asia: The Grand Transformation, Houghton Mifflin, Boston, 1965., pg. 152

⁶ Cheshire had not been given the rank of Secretary of Legation, as had Parker, Williams, and Cheshire's immediate predecessor as Interpreter, Chester Holcombe, appointed 1876.

within six months after Conger's despatch was sent. In July of the following year Conger and his staff would be under siege in the Legation Quarter.

Secretary Hay replied very quickly that he had "read your despatch with more than ordinary interest and gratification."² Hay said the Department had "long ago" realized the need of which Conger wrote, "but has so far failed in its effort to obtain the consent of Congress."⁸ U.S. Consul General Goodnow in Shanghai had "several times" raised the same matter, and language capability at the "Legation in Constantinople and throughout the [Turkish] Empire . . . is a pressing necessity." Hay promised Conger that a "renewed effort" would be made to obtain approval of the Congress "when that body reassembles in December."

Although research has not so far produced records showing how Congress reacted to Secretary Hay's promised request, events in Peking soon added urgency to the matter. In July 1899 Conger appealed to the Department that Cheshire be raised in rank from "Interpreter" to "Chinese Secretary". Conger pointed out that Chinese officials were highly rank conscious and that "other great Treaty Powers here give their interpreters rank of Secretary or Attaché . . ." Accordingly, the interpreters of other legations were "always given official place and influence at public functions, while ours (read Cheshire) is barred outside of any diplomatic place." Conger pointed out that Ministers John Young, during whose tenure Cheshire had been engaged by the Legation, and Young's successor Charles Denby had both sent the Department "intelligent despatches on the same subject." Conger concluded by saying that he trusted Hay "will so forcibly urge [this action] upon Congress as to secure the requisite legislation."³ To this, Acting Secretary Alvey A. Adee replied "that the Department will recommend to Congress, in submitting the estimates for the next fiscal year, the change suggested by you."¹⁰ Even at that, it took nine months to issue Cheshire the commission first recommended for him at least thirteen years previously. By the time his papers of appointment arrived in Peking, Cheshire, like every other U.S. official there, was locked down in the Legation, then under siege by the Boxers.

7 Secretary of State John Hay's Instruction 180 to Edwin H. Conger, Minister Plenipotentiary to China, May 18, 1899, U.S. National Archives, Diplomatic Instructions: China, 6, Page 674.

⁸ How "long ago" is indicated by an instruction of February 28, 1895 from Edwin F. Uhl, Assistant Secretary of State to Charles Denby, Jr., Secretary of Legation at Peking, then in Evansville, Indiana, transmitting "a number of letters written in Chinese characters which have been sent to this Department by the Postmaster General with request that they be translated and returned to this Department at *your early convenience* (italics supplied). U. S. National Archives.

⁹ Despatch No. 239, Legation of the United States of America at Peking, China, July 27, 1899, U.S. National Archives.

¹⁰ Department Instruction no. 212 of September 20, 1899, U.S. National Archives.

The Boxer uprising, the ensuing disorder, particularly in Peking, and the aftermath - - including the workload involved in settlement of claims levied upon China by the Treaty Powers, intensified Conger's need for language support. So, apparently, did decisions in Washington and long-standing personal relationships in the Legation. Research has not so far disclosed that Conger requested diplomatic backup for his besieged mission. Nonetheless, on July 9, 1900 Secretary Hay notified Conger that President McKinley had appointed " W. W. Rockhill Commissioner of the U.S. to China . . . (He is] Instructed to proceed to China in accordance with instructions given him orally".¹¹ Rockhill arrived in late summer, and it appears that he and Conger divided tasks between them. Conger, as Minister, continued as a member of the Diplomatic Council, the *de facto* civil authority in Peking in the absence of the Chinese court and other local authorities, and conducted U.S. relations with Chinese officials. Rockhill negotiated an indemnity agreement between the Chinese and all the foreign powers that claimed losses from the uprising, then administered the settlement of claims submitted by American citizens.

Rockhill's earlier tour of duty in Peking had overlapped the transition in interpreter services from Chester Holcombe, Interpreter and Secretary of Legation at the time, to Fleming Cheshire, erstwhile Legation Interpreter and in 1900 newly commissioned Chinese Secretary of Legation. On February 20, 1901, Conger telegraphed the Department that Cheshire had resigned as Chinese Secretary of Legation. E. T. Williams, then at the Consulate in Shanghai, and previously identified as the sole American back-up in China to Cheshire, would take his place. On March 9 Rockhill telegraphed the Department that "Cheshire's services are indispensable in negotiations", so he had "kindly consented to delay leaving China until negotiations now pending are brought to an end." Cheshire would become Rockhill's Chinese Secretary after Williams's arrival in Peking. Rockhill felt "sure the Department will be as pleased to know as I am."¹²

¹¹ Instruction to Peking of July 9, 1900: Rockhill appointed Commissioner of the U.S. to China by President McKinley. Instructed to proceed to China in accordance with instructions given him orally. /S/ John Hay. At the time, Rockhill was serving as principal advisor to Secretary Hay and was involved in the development of the "Open Door" policy. Op. Cit. Fairbank, Reischauer, and Craig, pg. 476. He was deeply familiar with Central Asia, having been on two expeditions in 1889 and 1892 to Mongolia, Sinkiang, and Tibet. The expedition, sponsored by the Smithsonian Institution, covered 8,000 miles. Wimmel, Kenneth, The Alluring Target, Trackless Sands Press, Washington and Palo Alto, 1996, pg. 220, Fairbank, Reischauer, and Craig. Op Cit., pgs. 476 and 799. Rockhill had served as Minister to Greece, Romania and Serbia during the 1890s, and in 1896 his name appeared as Acting Secretary of State on at least one instruction to the field. An extensive account of Rockhill's role in American diplomacy in Asia can be found in Meyer, Karl E. and Shareen Blair Brysac Tournament of Shadows: The Great Game and the Race for Empire in Central Asia, Washington, Counterpoint, 1999 - pgs. 400-424.

¹² Despatch 38, Legation of the United States of America, Peking, China, March 9, 1901, confirming Legation Telegram of the same date. U.S. National Archives.

Cheshire's resignation (and transfer to Rockhill's staff) gave Conger needed ammunition to renew his campaign for establishment of a professional interpreter training program. Nothing had resulted from whatever "renewed effort" Secretary Hay took in December 1899 to get the Congress to act on the matter. In September 1901, Conger reminded the Department that Cheshire had resigned six months previously and, by "happy chance" it had been possible to arrange the transfer of E. T. Williams from Shanghai to Peking as replacement. But were Williams to "leave or even fall temporarily ill, I do not know a single other American in China equipped and available for the position."¹³ Conger reiterated that Chinese interpreters were unsatisfactory and unreliable. "Every important legation here has two or more regular interpreters all the time, a number of paid young men in training, and during the late busy negotiations additional experts were called from several southern Consulates." The Legation was thus "at a constant disadvantage." Conger railed that "if the business of the Legation were only the modicum of an ordinary commercial firm instead of the enormous interests of a great government, the risks mentioned would not be taken for a single instant."

One of the objections to a training program of the type Conger was urging evidently was that interpreters freshly minted at U. S. Government expense might be lured away by businesses in China willing to offer better pay. Conger had alluded to this possibility in his 1899 appeal, and he now suggested that putting the interpreters on a contract that provided for "a gradual increase of salary or for final entry into the Consulate (*sic*) service in China . . . would avoid this danger." He reiterated that the matter deserved high priority. "Formerly the business of this Legation was so small in volume and the necessity for rapid work and immediate attention so unimportant that this danger was not then so apparent, but during the last few years the business has increased so rapidly both in volume and in importance that preparation for a future capable interpreting service cannot be safely neglected." Conger asked that the Department seek "the necessary appropriation for this purpose."

A handwritten notation on the copy dated and stamped "Diplomatic Bureau - November 5, 1901" indicates that copies of Conger's despatch were sent to the House and Senate Committees on Appropriations. Research so far has not disclosed record of the communication that covered transmittal of the despatch to those Committees. The request evidently was not at first regarded with favor.

¹³ Despatch no. 744, Legation of the United States of America, Peking, China, September 23, 1901.

On March 29th, 1902 Conger fired off the longest and strongest of his messages in his three year campaign for an interpreter training program. He had just received the February 14th issue of the Washington Post from which he learned "that Congress refuses to provide for any student interpreters for China. This is greatly to be regretted. The Chinese Secretary or Interpreter at this Legation is an absolute necessity, and without whom the business of the Legation must stop. The same is true of the more important Consulates."⁴ To objections that students might leave after their studies, Conger said they could be required to give bond "as the English do" that they would remain in government service for a stated time.

Conger dismissed as impractical the statutory requirement that the Second Secretary of Legation learn Chinese and then fill the interpreter slot. Not only was there little time, given current workload, for study, there was no reason to believe that officer would, after gaining the necessary facility, "resign his office, and, at the same post, accept an inferior one." A vacancy "in the most important place in the Legation staff" would be "disastrous". Conger closed with a proposal, framed as a rhetorical question: "Could not a position of 'Assistant Interpreter' be created at an annual salary of \$1,000.00, with an annual increase of \$250.00, until it reaches \$2500.00 per year? This, I think, would induce some bright young men to enter the service as a career." After stressing that "No one can become an efficient Interpreter of both the written and spoken language in less than five to ten years, and no one who does not make a specialty of the Mandarin language, and of official Chinese life can ever fit himself for the work", Conger again expressed the hope that Congress "may be induced to make some such provision."

On the same day, the Department sent Conger an instruction informing him that Congress had included in the Diplomatic and Consular Act of March 22, 1902, authority for the appointment of ten student interpreters who were to "devote themselves, under the direction and supervision of the United States Minister at Peking, to the study of the language of China with a view to supplying interpreters to the legation and consulates in China . . ."

Conger received this news with predictable pleasure, though he demurred that "A much stronger inducement for capable men would have been furnished if this could have been an assured route to entry into the consular service in China."¹⁵ With his despatch, Conger included a copy of the regulations for training interpreters used by the British, pointing out that their

14 Despatch no. 959, Legation of the United States of America, Peking, China, March 29, 1902

15 Despatch no. 952, Legation of the United States of America, Peking, China, May 10, 1902

passage to Peking was paid, that they were furnished housing "and a Chinese teacher for each is paid by the Government at a cost of about six to nine dollars gold per month." He thought the U.S. should "do no less" and said a house would have to be built for the students. He recommended pay increases, upon completion of studies, and a career track as interpreters or clerks in the diplomatic or consular service. He recommended those selected "be of sound health and constitution, of sturdy moral character and good habits, and at least with such educational equipment as is furnished by our ordinary high schools. They ought, during the first two years, to be put under the care and authority of the head of mission, much as boys in our schools and colleges at home are under the control of Superintendents and Presidents." ¹⁶

It was at some point noted that while Congress had authorized the appointment of student interpreters and provided for a salary of \$1,000 for each, it had not provided funds for travel to post, housing there, or tuition and other expenses of their instruction. ¹⁷ Nor did regulations issued by the Department July 15, 1902 make any reference to defrayal of these expenses. Those regulations did specify that they were to be appointed - - by the President - - only after passing examination by a board of "three persons designated by the Secretary of State; be between the ages of 18 and 30; study Chinese for two years under the direction of the Minister at Peking; that "their retention would "depend on ability and progress" shown in language acquisition, "general steadiness and good conduct." They were to study for two years, be examined by a qualified panel of three annually, paid \$1,000 annually, bear the cost of tuition, and agree to remain in government service for up to ten years. ¹⁸

When these regulations arrived at the Legation, Conger promptly lamented that "Congress did not make more liberal provisions for this service." Without arrangement for housing and payment of teachers "it will be impossible for them to live here." He contrasted

¹⁶ Ibid.

¹⁷ Secretary of State John Hay's Instruction 556 to Edwin H. Conger, Minister Plenipotentiary to China, August 27, 1902, U.S. National Archives, Diplomatic Instructions: China, 6, Pages 423 and 424. See also typewritten, undated, unsigned, unattributed memorandum in RG 59 General Records of the Department of State, Records of the Office of Coordination and Review, Miscellaneous Records of the Office of Coordination and Review - 1892-1942 Box #1 NARS A-1 Entry 391, U.S. National Archives: This memorandum states that examiners appointed by the Secretary of State has examined candidates and that six have been appointed. It then adds: "It is suggested that to secure the services of the best class of students it will be necessary for Congress in its next session to so change the provisions of the appropriation act relating to these student interpreters, that their necessary travelling expenses to Peking and the cost of their tuition while there may be also allowed them."

¹⁸ Department of State Regulations, 1902 National Archives.

their situation with "that of the European students, whose passage out and all expenses of instruction are paid by their governments, as well as comfortable residences provided for them."¹⁹

By this time location and design of the revamped Legation Quarter in Beijing was complete. The Treaty Powers were receiving the first of the indemnity payments agreed to by the Chinese authorities. Conger was negotiating contracts for the construction of a new Chancery and various residences within the U. S. compound. So he noted in his August 29th despatch that "As I have heretofore written, there are some old Chinese houses within our Legation tract which can be temporarily made fairly comfortable for [the student interpreters], but some extensive repairs will have to be made." Conger estimated that it would take \$2,000 to put houses likely to be available in suitable condition for five students, and \$4,000 should there be ten. He "trusted" that the Department "can find some way to have repaired and set apart these houses for [the student interpreters'] use."²⁰ He also added that "each student must have his separate teacher, who will cost him from twelve to twenty dollars Mexican per month.

As previously noted in this paper, the student interpreters began arriving in October, and by January 1903 the first five had arrived:

1. Julean H. Arnold of California, appointed July 18, 1902
2. Thomas W. Haskins of Connecticut, appointed July 18, 1902
3. Frederick D. Cloud of Indiana, appointed August 7, 1902
4. Clarence Clowe of Washington, appointed October 2, 1902
5. Percival S. Heintzleman of Pennsylvania, Appointed October 25, 1902.²¹

San Kuan Miao:²² Temple of the Student Interpreters

¹⁹ Despatch 1077, Legation of the United States of America, Peking, China, August 29, 1902.

²⁰ Ibid.

²¹ Arnold was both native and resident of California. Haskins was residing in California at time of appointment. Cloud was residing in Iowa. Clowe was born in Canada, but was residing in Washington. Only Heintzleman was residing at time of appointment in the state in which he had been born. A sixth candidate Harry M. Robins, also born in Canada, but residing in Michigan, resigned three months after his appointment in August.

²² The retired FSOs interviewed in research for this paper translate this title as "Temple of the Three Officials". Dr. Richard J. Smith, Professor of Chinese History at Rice University and an expert on Chinese divination, speculates that San Guan Miao was a Taoist temple and that a more accurate English rendering of the name would be "Temple of the Three Worthies". OuYang Chuan, former Dean of Faculty at the FSI Field School in Taichung and a native of Peking believes that the title should be translated as "Memorial Hall" rather than "Temple". She states that there were many such memorials throughout the city.

When the first group arrived in October and November 1902, Conger assigned them Legation housing. Meantime he requested and obtained fiscal authority to repair some houses in the compound.

After Clowe and Heintzleman arrived in January 1903 Conger notified the Department that "I shall proceed at once to repair Chinese houses for them on the same conditions that I did for the other students." The total space that then would be available could accommodate a maximum of seven students, and "no more should be sent until some permanent provision is made for housing them²³." Conger had outlined these "permanent provisions" the preceding December. A full complement of ten students would require a single bedroom and a separate study room in which to meet with his individual teacher for each student interpreter. In addition to these twenty rooms "there must then be . . . a reception room, dining room, library, bathrooms, closets, etc., besides servants' quarters and stables, which will necessarily make a very large house, and even though built in the plainest possible manner will cost more than \$8,000" - the amount requested for a permanent structure for the students in a previous despatch setting out the Legation budget for the next year. That figure had been predicated on a less elaborate design. "At least \$15,000 should be appropriated. Other legations are spending very much more than this," Conger said.²³

Added to these costs, Conger requested at least \$2520 to defray salaries of teachers for ten students "and the extras for summer movements, as mentioned in my 1107 of October 7th last." Conger had explained that in the "heating season", as he called it, the students would have to relocate to the cooler Western Hills, take their teachers with them, and provide them rice.

The Legation at this time was renting office and living space from the Korean Minister, pending arrival of furniture for his chancery and housing. Construction of a new chancery and housing for the U.S. diplomatic contingent in Peking was running behind (and, as correspondence in the succeeding three years made clear, greatly ran over budget also.) Arrival of the Korean Minister's furniture in February 1902 obliged the U.S. Legation to find other space, and Conger at this point notified the Department that he would reallocate the Legation's rent money "to repair the old temple and adjacent buildings and grounds for occupancy by the Legation." Upon completion of construction of the new Legation - - estimated to take more than a year - - "these repaired quarters might be occupied by Student Interpreters." Conger warned,

²³ Despatch 1172, Legation of the United States of America, Peking, China, December 12, 1902.

however, that the "four to five thousand dollars gold" repairs he envisioned "cannot be . . . of a very permanent nature", given the great age and current disrepair of the buildings. These buildings, Conger wrote, "are a part of the property allocated to the United States in the Legation Quarter, and are located in the south and east part of the tract."²⁴

The temple and adjacent buildings Conger envisioned for future occupation and use by the Student Interpreters had been the subject of a long dispute between a claimed owner and the Department. More than two years previously, on January 29, 1901, the Department notified Conger that it had received "a letter from Mr. Robert Coltman dated New York the 23rd, enclosing a copy of one to him from Mr. W. N. Pethick, dated Peking, December 8, 1900. (Department of State records indicate that one William N. Pethick had been Secretary to Commissioners John F. Swift and William H. Trescott, commissioned in 1880 to negotiate a treaty with China.) Pethick informed Coltman that his home in Peking had been appropriated by the Germans and Belgians, while an adjacent temple that Coltman had purchased from the resident priest, since the siege (underscoring supplied), "is about to be absorbed by the American Legation." Coltman wrote that he, his wife, and six children thus "are rendered homeless", his property in China destroyed, and "the temple in which a few household goods are stored, bought since the siege, is in danger. Mr. Coltman protests against such seizure and conversion of his property." Conger is instructed to send a report on the matter.²⁵

In the interim between the lifting of the siege in Peking and the return of the Imperial Court, the city was in effect under foreign occupation. The Ambassadors and Ministers accredited to the Court, Conger prominently among them, constituted themselves "The Diplomatic Council" and assumed government of the city in the absence of regular civil authority. In this circumstance, Peking, though capital of the Empire and normally seat of the Imperial Court, *defacto* took on the appearance of some 50 other cities in China designated Treaty Ports by a whole system of agreements imposed on China by foreign powers. Under the legal system that developed in those places, foreigners had a right to acquire and hold title to property. Peking, seat of the Imperial Court and the capital of the Empire, was not, however, subject to the legal regimes operative in the Treaty Ports.

²⁴ Despatch 1208, Legation of the United States of America, Peking, China.

²⁵ Instruction no. 318, January 29, 1901, Department of State to Conger, Peking, China.

While further research would be required to clarify the situation, correspondence of that time indicates that some foreigners - - apparently including officers of the American Legation - - had in the latter nineteenth century acquired title to property in the vicinity of the area in which most foreign diplomatic offices were located. That area, which had been heavily damaged in the uprising and siege, now by decision of the "Diplomatic Body" was to be enlarged and reconstructed as a "defensible" district for foreign representative offices and housing, and would become known as the Legation Quarter. Tracts privately owned by both Chinese and foreigners, including the one to which Coltman claimed title, fell entirely within the boundaries of the new, expanded Legation Quarter. The temple, but not the dwellings, described in Coltman's letter of protest, was situated in the Southeast corner of the tract allocated by the "Diplomatic Council" for use of the United States.²⁶

By the time the Department's instruction to report on the Coltman protest arrived in Peking, Conger was headed home for leave in Des Moines. Before departing he had submitted two reports on the matter which crossed the Department's instruction. In the second of these Conger related the dispute to a resolution adopted by the Diplomatic Council the preceding November, stating that "no purchase of ground from the Chinese since the commencement of the siege, in the quarter occupied by the legations, will be of any value without the consent of the foreign representatives."

Meantime, Coltman offered to cede the temple to the U.S. Legation if it would, in return, "secure for him in the Legation quarters an equally good site for his future residence."²⁸ To this offer Conger responded that "when I left Peking, it was understood that Doctor Coltman had paid to the priest only a very small amount of money, but had not, in fact, purchased the temple." Conger recommended that if the Legation needed the temple property Coltman be paid "the amount of money he had actually expended" before adoption of the November resolution.²⁷

This resolution, of which Washington apparently was unaware until Conger was on his way home for leave, was part of a very much larger dispute over compensation for private property - - Chinese or foreign-owned - - expropriated for enlargement of the Legation Quarter. Rockhill was negotiating that dispute, and that process might either have still been going on, or the Department might not yet have digested all of the particulars.

²⁶ Despatch no. 577, Legation of the United States of America, Peking, China March 16, 1901.

²⁷ Ibid.

The settlement reached after some months of negotiation required the Chinese Government to indemnify its subjects for property taken to enlarge and fortify the Legation Quarter. After that settlement, the Department in June of 1902 authorized payment to Coltman of the amount Conger had recommend in May of the previous year, i.e. expenses for "cleaning, repairing, etc." that the Legation would otherwise have had to defray. In reaching its decision, the Department referred to the November 1900 resolution of the Diplomatic Council. It also reviewed at length statements of Coltman and the priest. Coltman, it said, claimed that "he bought the place from the Chinese priest for one thousand taels, and took his receipt therfor, and 'took a deed made out in my name' [but] he does not state that in point of fact he paid the Chinese priest therefor." The priest stated "that Coltman never paid him anything and that Coltman had persuaded the priest to turn over the temple to protect the priest against loss." The Department decided that Coltman was "at best" no more than a trustee, title had not been transferred, and "inasmuch as Peking is not a Treaty Port where aliens are enabled to purchase and hold title to real estate, not even the legal title was vested in Doctor Coltman."²⁸

As noted earlier, Conger in December 1902, with four student interpreters already at post, another due to arrive in January and five more expected in the coming months, estimated it would cost \$15,000 to provide them suitable quarters for study and housing. More student interpreters did arrive during the remaining two years and three months of Conger's tour in Peking, and he regularly reported their progress to Washington. In none of this correspondence, nor in extensive and detailed reports on the badly lagging construction of the Legation and associated buildings, is there any further reference to the temple complex or to provision of quarters for the student interpreters. Nor does any of the correspondence relating to the temple identify it by name or time of its construction.

It is very clear, however, from the accounts of those interviewed for this study and from some photographs in a historically important collection of photographs taken by Edward E. Rice, assigned to Peking for language study in 1935, that Conger's grand plan was carried out elegantly. The premises (remodeled and restored) retained their Chinese flavor, and the compound included both residences and a school. The original temple tablet and temple bell are

²⁸ Department of State Instruction to Peking, no. 531, June 23, 1902, signed by David J. Hill, Acting Secretary.

²⁹ John Stuart Service described the pool as rather small "a nice backyard pool". LaRue R. Lutkins, FSO language officer at San Kuan Miao from 1946 to 1947, in an interview in May, 2006, described it as "a godsend in the summer" and said the water entered at a temperature of 58 degrees and rose to 72 degrees; Ralph Clough, another language officer at San Kuan Miao in 1946, in an interview also in May 2006 said the pool was spring fed.

visible in some of Edward Rice's photographs. Each student interpreter had a separate apartment with a small, walled garden, and all of these independent units were contained within the temple compound. The apartment units were designed for both single and married students. There was a central commons where the students dined together. Photographs of this area in Rice's album show a formal dining room with comfortable Chinese furniture, tablecloths and a full dinner setting on each table. There is an atmosphere of restrained elegance about this room. Sometime during the 1930s, an independently wealthy student interpreter added a swimming pool to the premises, and it is also pictured in Rice's collection.²⁹ Almost everyone interviewed mentioned the swimming pool, suggesting that it must have been a very welcome addition to the complex.

John Stewart Service and all others interviewed for this study referred to the temple complex as San Kuan Miao, believed to have been built in the Ming Dynasty.³⁰ According to Service, Willard Straight financed the reconstruction and remodeling of the facility. Service described Straight as an "active, ambitious, persuasive, influential and independently wealthy American" who had taken a keen interest in China. According to Service, Straight, an associate or protégé of E. H. Harriman, envisioned the United States taking over the railways in Manchuria as one step toward ending colonialism in Asia.³¹

Willard Straight, an orphan from Oswego, New York, and alumnus of Cornell University - class of 1901, where he majored in architecture, was appointed to the Imperial Maritime Customs Service upon graduation. From 1902 to 1904 he was personal secretary to Sir Robert Hart, Commissioner of the Customs Service. In 1903 either Reuters or the Associated Press hired him as a correspondent to cover the Russo-Japanese War. He arrived in Korea in March of the following year and remained there, mostly in North Korea, until June 1905 when Edwin V. Morgan, U.S. Ambassador to Korea hired Straight as his personal secretary and obtained a commission as Vice-Consul for him. Straight left Korea in December 1905, went to Cuba for a brief period, then returned to China in June 1906 where to serve as Consul General in Mukden for three years. He then became the representative of J.P. Morgan and Company and other banks and investors, the so-called American Group. In 1911 Straight married Dorothy Payne Whitney, and they took up residence in Peking. In the unsettled conditions following overthrow of the Manchu Dynasty, they returned to the U.S. in 1912, where Straight continued to encourage

³⁰ Interview, op cit.

³¹ Interview, op cit. Service injected this remark somewhat dismissively into our interview, in a manner suggesting that he - - and perhaps others - - regarded it as unrealistic.

investment in China through the American Asiatic Association of which he became president in 1913. In 1914, the Straights founded "The New Republic". In 1915 Straight resigned from J.P. Morgan and became a vice president of the American International Corporation. He founded "Asia Magazine" in 1917, then enlisted in the U.S. Army which gave him the rank of Major. In 1918, while arranging for the arrival of the American Peace Mission in Paris, Straight contracted pneumonia and died on December 1, 1918.³²

Straight, Service said, also thought it necessary that American diplomatic representatives in China be familiar with the conditions in China and be trained in the language. He believed this was a responsibility of the Department of State and that it should operate a school for this purpose in Peking. Strait, according to Service, decided to use his personal funds to have an old, abandoned Ming Dynasty repaired and remodeled for that purpose.³³ When finished it became known as "The Student Interpreters' Mess" or, more colorfully to some, as "The Stupid Interrupters' Mess". Maps in English and Chinese provided by Gerald Stryker, retired FSIO and a student at San Kuan Miao in the late 1940s, and appended to this paper show the location of the U.S. Legation within the Legation Quarter in Peking. The Chinese map identifies a building at the Southeast corner of the Legation tract as San Kuan Miao, the name by which nearly all of the informants referred to it also.

Instruction of the Student Interpreters

When the first Student Interpreters arrived in Peking in 1902, Conger put them under the direct supervision of the Legation's Chinese Secretary, E. T. Williams. Except for Cheshire, then on Rockhill's staff, Williams was the only resident American official qualified to set up a program of instruction. He also issued the student interpreters a set of local regulations which required them to reside in housing assigned them; specified texts they were to purchase; directed them to engage teachers (with assistance of the Chinese Secretary of Legation); set class hours from 8:30 A.M. to 2:00 P.M. six days a week "following the course prescribed by the Chinese Secretary"; recommended they "frequently employ the afternoon hours in excursions through the city in company with his Chinese teacher" for conversation practice; be examined quarterly (scores below 70% twice in succession would be reported to the Department); refrain from

³² <http://rnc.library.cornell.edu/Straight/bio.html>

³³ Interview with John Stuart Service, Oakland California, August 1993.

visiting the Legation offices during working hours; and "not to neglect outdoor exercise, which is absolutely essential to good health."³⁴

Of the first six³⁵ at post by the April 1903 quarterly examination, Arnold, Haskins, and perhaps Clarence Clowe had some prior knowledge of Chinese. Arnold's ability, it later turned out, was in Cantonese. After an initially impressive start, he was usually rated as lagging behind. Clowe had previously lived in China, and Williams's report states that that residence might account for his having "done remarkably well, . . . but his rapid progress is also due in a large measure no doubt to his almost complete separation from Europeans during the greater part of his stay in Peking."³⁶

By July 1903 two more Student Interpreters - - Albert W. Pontius of Minnesota and Charles L. L. Williams of Ohio - - had joined the group. Conger's report of Williams's arrival stated that "he will live with his father", perhaps the Legation's Chinese Secretary. Williams's report of the results of the July 1903 examination states, in part, "Mr. Williams has the advantage of having grown up in China, and finds the language returning to his lips very naturally."

Chinese Secretary and, informally, Headmaster of Instruction, Williams now was faced with examining students who had been studying Chinese for lengths of time varying from nine months to one. He devised examinations which followed a common design, but differed in difficulty according to the length of study. The most difficult, administered to front runners Arnold and Haskins, consisted of "ten questions [which] covered translation of colloquial Chinese into English, English into Chinese, the translation of a Chinese despatch and a Chinese letter into English, the writing from memory of 100 Chinese characters, certain tests in the use of idiomatic expressions, acquaintance with Chinese classifiers, and familiarity with other peculiar grammatical constructions." Arnold scored 82.3 and Haskins 89. Cloud, given a somewhat simpler translation exam and not required to write Chinese characters, scored 91, and his translations were rated "excellent". On "substantially the same examination" Clowe, who "showed great familiarity with the written character and with the tense" scored 95.6 and Heintzleman 96.6. Hull, who took a still "more elementary" examination, scored 89, and

³⁴ Enclosure No., 1 in Despatch 1159, Legation of the United States of America, Peking, China November 24, 1902.

³⁵ Willard B. Hull of Iowa, appointed November 26, 1902, arrived in March 1903. Student Interpreters in China, U.S. Department of State, US National Archives RG 59 M586/3 - Pages 162-165.

³⁶ Despatch 1276, Legation of the United States of America, Peking, China -April 22, 1903, U.S. National Archives M92/pg. 123.

Pontius, in Peking only a month, scored 70 on an examination over "the first twenty chapters of the [Mandarin] primer."³⁷

For the first annual examination of Student Interpreters in November 1903, Williams sought the help of two resident American missionaries. Several were for various reasons unable to participate, so Williams and a Dr. Headland of the Methodist Mission in Peking conducted the examination. It consisted of an oral test in which the students were "compelled to translate at sight from Chinese into English and vice versa, and were marked on their pronunciation, fluency, and correctness in idiomatic construction. In the written examination they were required among other things to write 500 Chinese characters." Haskins, the only one able to write 500 characters, starred on this examination. Williams commented that "Cloud's age is somewhat of a disadvantage; his Chinese is not very fluent and frequently not idiomatic, and his ear fails to distinguish carefully between aspirated and unaspirated words. He is however making good progress and these short-comings will no doubt be corrected in time." Arnold's pronunciation was rated "good" and "his idiom nearly always correct."

The same examination was administered to three more recent arrivals. Clowe, who had lived in China previously and presumably had continued avoiding contact with Europeans, showed "splendid knowledge of the character for the time which he has had to devote to it, and his colloquial Chinese is fluent and generally correct." Hull scored highest and was "doing very well in every way", but needed to "exercise more care in distinguishing between aspirated and unaspirated words." Heintzleman, Williams reported, "did not do himself justice, probably owing to too close application, as he has confined himself too much to his room and studied early and late in the hope of overtaking the more advanced students. He applied to take their examination, but was finally dissuaded."³⁸

By January 1904 Arnold, Cloud, and Haskins were considered ready for assignment as Vice Consuls and Interpreters at Mukden, Antung, and Dalny. By March 1904 Clowe was also considered ready for assignment, Fleming Cheshire had become Consul General in Mukden, and Williams was swamped with work at the Legation. Conger asked that Clowe be sent to Mukden as deputy to Cheshire and that Haskins be assigned to the Legation as Assistant Interpreter to

³⁷ Despatch 1349, Legation of the United States of America, Peking, China, July 13, 1903.

³⁸ Despatch no. 1431, Legation of the United States of America, Peking, China - November 8, 1903.

Williams, the Chinese Secretary, who, Conger feared, would "break down . . . unless help can be given him."³⁹ Cloud would go to Dalny and Arnold to Antung.

While the Student Interpreters were applying themselves to their lessons in the summer of 1903, Conger used a report from Consul James Ragsdale in Tientsin to reiterate the vital need for trained American translators in China. The report concerned a translation prepared by a locally-hired Chinese national of a letter from the Consulate to the Viceroy which "contained an entirely different statement of facts from that set forth in [the] letter." Conger called the incident yet another example of "the necessity of employment, whenever it is possible, of American interpreters." It was also an example of the difference in views between Washington and China of the going rate for this service. The predicament, Consul General Ragsdale reported, had in part been precipitated by a cut Washington had made in the salary of the former American interpreter - - from \$1500/annum to \$1,000, i.e. the same salary as the students at the Legation were receiving. Conger asked that the cut be restored so that the interpreter would accept re-employment until a graduate of the program then underway could be sent to the Consulate General some eighteen months later.³⁹

Nearly a year after the Student Interpreters first arrived in Peking, Department regulations still required them to pay from their own \$1,000 salaries the wages of their teachers. Conger recalled that a year previously he had deplored this requirement both as burdensome and inconsistent with the practice followed by the other governments with students in language training in Peking. He asked "if it is now possible in any way to lighten the burden of these students by the payment, by the Government, of the small salaries of their teachers."⁴⁰ This appeal was successful. The Diplomatic and Consular Appropriation Act of March 12, 1904 allocated \$125.00 per year to each of the student interpreters for payment of the salaries, and the allocation was immediate.⁴¹

By the time Conger left China in the Spring of 1905 five of the eight students sent to Peking for training up to that time had completed their studies and been assigned, and the three remaining would finish in July and also would be assigned. Cloud apparently was in Mukden, Arnold in Antung and then several months later in Shanghai, Haskins was Assistant Interpreter

³⁹ Despatch 1366, Legation of the United States of America, Peking, China August 12, 1903.

⁴⁰ Despatch no. 1375, Legation of the United States of America, Peking, China August 22, 1903.

⁴¹ Department Instruction 775 March 1904 and Despatch 1587, Legation of the United States of America, Peking, China, April 25, 1904, U.S. National Archives M92/126.

in Peking, and Clowe was in Tientsin where he would quickly be promoted to Clerk. It is not known where Heintzleman was sent; the Foreign Service List for May 1907 shows him as in the Department. Conger's leadership and untiring perseverance, supported by Hay, had not only brought into being a professional training program for U.S. diplomatic and consular officers, but also produced the first group of them during his long, pressure-beset tour in Peking.

W. W. Rockhill, already in Peking, succeeded Conger as Minister to China. Rockhill, who had served two tours as Secretary of Legation in Peking, was fluent in French, self-taught in Chinese, Sanskrit and Tibetan, and had translated *the Pratimoksha Sutra* and the *Life of Buddha* in 1884, utilized transmittal of the first quarterly (i.e. July 1905) examination of Student Interpreters under his supervision to evaluate the program's results to that time. He endorsed Conger's view of the program's importance to "our service in China", but said that "unless defects of the present system" were corrected, "I am firmly of the opinion that this praiseworthy effort to build up an efficient Consular Service in China will completely fail."⁴²

"A smattering of Chinese, a superficial knowledge of the country and people are more dangerous than useful", Rockhill stated. "Early and careful training will perhaps teach the so-called 'Interpreter' (but in reality he is much more than that) a little of his work, but years of constant work and interest in his work are also absolutely necessary to make him the useful man he can be and should be," he continued." First, he said, "No special attention would seem to have been paid to [the selectees'] early education and fitness for the service. Three were graduates of universities or colleges, one had nearly completed his university training, one was a graduate of a military school, one had taken a course in pharmacy, two had just completed high school and one who had served in various consular assignments in Japan and China resigned before leaving the United States. One appointee was a widower with children." Except for one who knew some Spanish and another some German, none had any foreign language capability. While all had shown "commendable deportment, . . .the lack of careful early training is painfully manifest in some . . . and the boyishness of others and lack of keen interest or scholarly instinct makes me fear that they will not seek by continued study. to raise their present standard of efficiency, unless rewards are held out for the studious and ambitious and punishment for the lazy."⁴³

⁴² Despatch 30, American Legation, Peking, China, July 14, 1905. U.S. National Archives M92/128

⁴³ Ibid.

Rockhill recommended several changes. Appointees should

1. Be college graduates;
2. Be twenty to twenty-four years old;
3. Be single, have strong constitutions, good deportment, and "some knowledge of the world";
4. Have "rudimentary knowledge of law, a thorough knowledge of English, and a fair knowledge of French";
5. Not be assigned to interpreter duty "until they have gone through at least two years of hard study in Peking";
6. Upon passing (at least ninety points out of one hundred) a second year final examination, should be assigned as "Third Class Interpreter" with an increase in salary of \$250.00;
7. Be examined again after two years in service, "and if decided improvement is noted," given an additional \$250.00 salary increase and promotion to the rank of "Junior Second Class Interpreter";
8. Be "dropped at once from the service" if the two year post-graduation examination is not passed and a second one two years later also is not passed.
9. Be examined after leaving Peking on a progressively broader range of subject matter, and as successfully passed should be moved toward appointment as "First Class Interpreters" with an annual salary of \$2500 after six years service as a "Senior Second Class Interpreter." There should never be more than three First Class Interpreters in China, and examinations should be conducted at the Legation with the Minister serving as "one of the examiners."⁴⁴

Rockhill complained also that the Congress had for some years allocated a fixed, lump sum appropriation of \$20,000 annually to be apportioned among interpreters at Consulates in China, Japan, and Korea. The only way that the Student Interpreters could increase their salaries would be (a) to continue in the program and draw the \$1,000 authorized salary and (b) add to that the pro-rata share of the \$20,000 appropriation allocated to the consulate to which assigned. If that practice were followed, then, Rockhill maintained, the interpreters currently at posts in China, Japan, and Korea should be obliged to undergo the same regimen of examinations as he was proposing for the China program.

Were the plan Rockhill proposed not followed something else would have to be done to retain the services of the cadre the Department was developing. ". . . it is absolutely impossible for them to live in the most modest way in any but the remotest parts of China on the salary now

⁴⁴ Comments attributed to Nelson Truslow Johnson, appointed Student Interpreter in 1907, give the flavor of Rockhill's expectations of those whose language capability he evaluated. "We stood in holy terror of Rockhill. He was always very pleasant and affable, but he never recognized us on the street as being part of his entourage . . . He went along in a thought world of his own." Johnson went on to become Minister of Legation in Peking and later Ambassador to China and to Australia. Meyer and Brysac, op. Cit. Pg. 400.

allowed them. To get from Peking to the posts assigned them, has taken in two recent cases, two months of their salary to defray traveling expenses. There are no boarding houses or cheap restaurants in the town in which they will have to live, they must live in messes; everyone in the various little foreign communities at the ports lives in practically the same style, nowhere an extravagant one, but it is not such as the most thrifty young man can dream of keeping up on \$85.00 a month."⁴⁵

Alvey. A. Adey, Second Assistant Secretary of the Department, reviewed Rockhill's recommendations with approval and referred them to Wilbur Carr, head of the Consular Bureau. Adey believed that the Department should recommend Congress amend legislation authorizing the Student Interpreter program to give effect to Rockhill's recommendations. Carr did not concur. He passed Adey's memo and Rockhill's despatch to a Mr. Smith under a note asking, "Does not this matter belong to your bureau?", presumably the Diplomatic Bureau. Smith replied in a note dated September 1, 1905 that he did not agree. Rockhill's recommendations, Smith said, "are pertinent only after the Interpreter has passed his period of tuition at the legation and has been assigned to a consulate. All else is merely matters which could be accomplished by regulations, and much of Mr. Rockhill's criticism is due to the fact that the Department has not, in the appointment of the students, observed the rule which it itself made."

There the matter seems to have rested for many months. The next correspondence so far located is an internal memorandum of July 25, 1906 from Carr to a Mr. Wilson enclosing Rockhill's despatch. Carr "agree(s) generally in all Mr. Rockhill's recommendations", but believed that requiring all student interpreter candidates to have college or university training "should be avoided . . . and that fitness of the candidate be tested by examination." Unless Congress provided funding, Rockhill's promotion system could not be put into effect, but his proposals might be used as a tentative outline for a system to be recommended to Congress in September. Carr agreed with Wilson that the Japanese and Chinese student interpreter corps should be "consolidated" and uniform regulations applied to both.

Further research will be required to determine the outcome of Rockhill's recommendations. The program, however, continued, and groups of three or four new students

⁴⁵ Rockhill, op cit.

entered it each year. By the time the 1924 Rogers Act supplanted the 1902 Congressional authority, sixty-one officers had been assigned.⁴⁶

The Training Program in the 1920s and 1930s

With the adoption of the Rogers Act establishing a professional, commissioned Foreign Service for the United States, the designation "Student Interpreter" was changed to "Language Officer". That term (or simply "officer") will be used from this point on in this paper.

According to those interviewed for this paper there was no central classroom at San Kuan Miao during the pre-war years. Language Officers assigned to Chinese training by the Department were sent to Peking. On arrival they first attended the Hua Yu Hsueh Hsiao, known also as the California College of Chinese Studies. This facility was the main institution for training missionaries in Chinese. It was situated in a complex of foreign-style buildings located in Jih T'iao Hu Tung. Some foreign business houses, including the Asiatic Petroleum Company (British owned) also sent their employees to this school.

All instruction at the Hua Yu Hsueh Hsiao was in Chinese. It made no difference that a student might not know a single word of Chinese - - no English was allowed in the classroom, described by some as a large auditorium. Generally, a large class - -usually numbering dozens of students - - would be assembled in the classroom. The instructor - - a Chinese - - would stand before the class on a high platform and utter single "words". He would demonstrate the meaning of these words with a sort of pantomime. Students got the drift, or did not, and instruction carried on from there.

American Language Officers in Chinese training spent their first quarter - - three months - - at Hua Yu Hsueh Hsiao, then initiated their studies at San Kuan Miao. Each officer selected his own tutor from among a panel developed and maintained over the years by the Chinese Secretary of the Legation and on its payroll. None of the Chinese tutors spoke English. Accounts differ somewhat as to whether or not there was a practice of regular rotation of tutors among the officers or a practice of having different tutors at different times of instruction each day or for different purposes, e.g. vocabulary building, reading, pronunciation, drills, conversation, etc. Some informants indicated a periodic switching of tutors; the description of others suggests that a long-term, ongoing relationship developed between tutor and Language

⁴⁶ The last appointed was Paul W. Meyer, in April 1924. Mr. Meyer was Political Counselor at the American Embassy in Taipei in 1957, whom I met enroute to Taichung to continue the study of Chinese.

Officer. Mornings were devoted to instruction - - one on one between tutor and student. Afternoons were free for study, although some of the students used the time to pursue special interests. Penfield, for example, during his second year engaged a well-known, English-speaking Chinese scholar in residence at Yenching University to study the Tao Te Ching.

There were no breaks from study during the year, except for established holidays. There usually were two field trips per year, taken in company of a tutor. Penfield recounted one such expedition to Mongolia by car in company with two U.S. Army officers in language training in the early thirties.

The curriculum also included area study. Each officer was given a list of texts from which to select various titles. These included, for example, Latourette's The Chinese People: Their History and Culture and Fitzgerald's China: A Short Cultural History.

As early as the beginning of the program in 1902, E. T. Williams specified certain texts to be used by the Student Interpreters. As referred to in various Legation despatches these texts and materials included Mayers' Chinese Government, Mayers' Lessons in Mandarin, Mateer's Mandarin Lessons, the Guide to Kuan Hua, Chinese Readers' Manual, Playfair's Cities and Towns of China, Giles, Chinese Literature, lists of officials in Chinese and English, the Chinese text of Treaties with Foreign Powers, and a book identified only as Mandarin Primer. Examinations that Williams devised, particularly the last one given members of the initial 1904 - 1905 class, set goals for the program of instruction. They covered oral interpretation, written translations of despatches and edicts (25 percent for oral interpretation, 45 percent for written translation, and Mayers's Chinese Government which counted for 30 percent of the overall examination scores.

Over the years the course of study took on some general, established guidelines and objectives and a format to match. Some informants from the 1930s stated categorically that there was by then a definite curriculum and a specified set of textbooks. Others stated that Language Officer and tutor between them settled on the course of instruction. Most agreed that the general goal was to master 1000 characters by the end of the first year. "Mastery" presumably included at least being able to give the meaning of the character, pronounce its reading correctly, and also write it. By the end of the second year, the number mastered was to rise to 2000. The objective of the program was to acquire sufficient command of the characters to be able to read the daily newspaper, and after a certain point in the course of study the daily papers were used as one

basis for instruction.

After finishing their programs at San Guan Miao Language officers could study beyond the second year level, but had to do so on their own time and at the post to which assigned. The incentive to progress in language ability was financial and quite strong for the times - - a \$250 salary supplement, the increment recommended twenty years previously by Rockhill.

Some Language Officers found it difficult - - not because of workload - - to progress to the third level of Chinese language study. They sensed that their facility in the language was “feared” by more senior officers, especially their superiors, who did not always have command of Chinese, at various posts in China. Others found that access to documents needed for third level study- -usually official communications from the Chinese government - - was denied them. This led to tensions in professional relationships, including with some of the most high-ranking, key American diplomatic officers in China in the 1930s and 1940s.

Willys Peck, who was China-born and ultimately became Counselor of Embassy in Nanking, exercised considerable influence over development of the program in its early days. Peck was appointed a Student Interpreter in 1908, was named Chinese Secretary of the Legation in 1913, and appointed Consul in Tsingtao in 1914. In 1921 he was again Chinese Secretary of the Embassy and retained that position while being appointed a Foreign Service Officer in 1924 and Secretary of the Diplomatic Service two years later. He was assigned to the Department in 1926, was sent to Nanking in 1931, detailed temporarily to the Department in 1935, and then returned to Nanking as Deputy Chief of Mission in May of 1938. While at the Legation in Peking, Peck supervised the language program and perhaps continued to oversee it while stationed elsewhere in China. He is credited with the development of a well-known two-box collection of phrase cards. These became a standard instructional tool at San Guan Miao, and Language Officers were tested on them - - usually by Peck - - in periodic oral assessments administered by the U.S. Legation. Some of those who had taken Peck's final examinations in the 1920s and 1930s still were able in 1993 to recite Peck's phrase cards from memory.

Minister and later Ambassador to China, Nelson Truslow Johnson, a graduate of San Kuan Miao, took special interest in the training program there during his tenure as Minister and later Ambassador in Peking during the 1930s. Once each year Johnson came to San Kuan Miao to take lunch with the Language Officers and find out how the program was doing. To judge from accounts of these visits, the officers apparently regarded them as in the same nature as an

inspection of their progress in the study of Chinese.

Some of the informants recall that American military officers were also studying Chinese in Peking during this period. They went through the same initial course at the Hua Yu Hsueh Hsiao as the Language Officers, but afterwards studied a separate curriculum at a separate location in Peking. Such was the case with one of the earliest to study Chinese - - Joseph W. Stillwell, according to Barbara Tuchman.⁴⁷

At the end of the program - - i.e. at the end of two years - - officers were expected to compose a note to the Foreign Ministry - - in Chinese. To prepare for this test they used a collection of diplomatic notes assembled by Robert Spencer Ward and grouped according to the degree of formality and/or informality warranted by the subject matter and intended recipient of the communication.

After 1946, the faculty of San Kuan Miao became regularly established and increased to between six and eight tutors. D. Thurston Griggs, first Director for a brief period, was succeeded by Howard Sollenberger, later Director of the Foreign Service Institute.⁴⁸ Their designation as full-time Headmasters with no collateral duties in the now Consulate General marked a departure from the pre-World War II practice of tasking the Legation's Chinese Secretary with the additional duty of supervising language instruction and grading officers. The curriculum also became more systematic and rigorous. At first there were three instructors, all of whom had been on the pre-war faculty. Later three younger members were added to the teaching staff.⁴⁹

From 1946 forward each Language Officer had a different instructor/tutor during each instructional hour of each class day. No English was permitted in these classes during the first year of instruction. After that, and as studies involved more technical language and vocabulary items, some spoken English was permitted in the classroom.

O. Edmund Clubb, frequently mentioned as overseer of San Guan Miao in the 1930s,

⁴⁷ Tuchman, Barbara Stillwell and the American Experience in China 1911-1945, New York, MacMillan, 1971 (pgs. 61-69)

⁴⁸ Griggs, a Quaker and conscientious objector in World War II, had studied Chinese language and culture at the University of Washington, University of Chicago, Harvard University, and Yale University, where he majored in language and linguistics under George Kennedy. Later he was engaged to teach English to Chinese seamen who had been rescued at sea and taken to Ellis Island. Griggs joined the United Nations Relief and Rehabilitation Agency (UNRRA) in Washington, D.C. when hostilities ended and shortly thereafter was recruited by the Foreign Service Institute to go to China as Headmaster at San Kuan Miao. Sollenberger, China-born son of American Missionaries, was working for UNRRA in China in 1947 and was recruited by the Tony Freeman, U. S. Consul General in Peking to succeed Griggs as Headmaster.

⁴⁹ Ibid.

resumed his interest when appointed Consul General in Peking after World War II. After graduating from the program in the late 1920s Clubb was assigned to the Legation. Among his duties with respect to San Kuan Miao was administration of the final examination each year. Officers who took Clubb's examination still - - after sixty years - - recall it as demanding. One informant recalled that his final examination lasted five days and tested both written and spoken knowledge of Chinese, whereas the Foreign Service examination at that time required only three days to complete. Another informant, however, recalled no very rigorous examinations in the program and described the exit review as a perfunctory interview. Clubb, according to his widow, instructed each officer taking the examination "not to be short" in responses to each question. None of those interviewed recalled other particulars of the examination.⁵⁰

The Student Interpreters and Language Officers

There was no more consistency to the motivation and selection of Language Officers for Chinese language study in the early years of San Kuan Miao than it seems had been the case with the Student Interpreters. Much more research will be required to trace fully the careers of both groups. Comments on a few were gleaned mainly from interviews.

Julian Arnold spent his entire career in China, ending it as one of America's most experienced and effective commercial officers in that region. Haskins died, where is not known at present, in 1906. Robert Lacey Smythe, a China-born officer, served with the French Army in World War I and was appointed a student interpreter in August 1920, vice-consul in 1923, and an FSO (unclassified) after passage of the Rogers Act in 1924. All that is known about him at present is that after graduating from San Kuan Miao, he was sent "somewhere up the Yangtze". Ambassador Cross believes that Smythe may have been Consul General either in Tsingtao or in Tihwa when People's Liberation Army took those cities in the 1940s.⁵¹

Edward E. Rice, after passing the Foreign Service examination, was asked to consider assignment to Japanese studies. Rice had taken six years of Spanish and was hoping that he might be assigned to Mexico City. At the time that Rice was notified of his appointment to the Foreign Service - -and asked to consider study of Japanese - - he was in the employ of the YMCA as an international secretary and felt obliged to wait for selection of a replacement before departing for Washington to enter on duty. It was six months until he arrived at the Department

⁵⁰ Interview with Mariann Clubb, at her apartment, New York City, August 23, 1993

⁵¹ Rhetorical annotation by Ambassador Cross on 1994 draft of this paper.

of State and all berths in the Japanese language program were filled by then, so the Department then proposed that Rice study Chinese. Rice's knowledge of Chinese eventually led him to become well acquainted during World War II days in Chungking with Wang Ping Nan, who later was Peking's representative in United Nations Security Council debates on the Korean War in December 1950 and a long-time participant in the Warsaw Ambassadorial private talks and.⁵²

James Penfield, like all new officers, was asked at the end of basic training whether he had a preference for a first assignment. He said he had none in particular and was assigned by the Department to Canton. Another officer in the same class had expressed strong preference for assignment to China, but had instead been assigned to Montevideo. Since at that time most new officers were sent to the areas for which they had expressed a preference, the disappointed new officer demanded an explanation from the Chief of Personnel. It developed that this officer's preference sheet had slipped under a paper clip and become attached to the back of another paper, and had thus escaped the attention of the Chief of Personnel. Penfield then was asked whether he would yield to the disappointed officer. By then Penfield had China fever and declined. After finishing two years in Canton, he was sent to Mukden for a year, and then returned to the U.S. for home leave, at which time he requested assignment to Chinese training and was sent to San Kuan Miao.

Alfred LeSesne Jenkins started his Chinese studies when assigned during World War II to the Army Specialized Training Program (ASTP). The Army had given him a choice of studying Chinese, Japanese, or Russian. Jenkins selected Chinese because it was the culture with which he had the closest contact. Soong Mei-ling had been a frequent visitor to the Jenkins's home while Alfred Jenkins's father was President of Wesleyan College and Soong Mei-ling was a student there. Jenkins studied Chinese at the University of Chicago while in ASTP, and upon arriving at San Kuan Miao went immediately into the second level of study. Evidently the pre-war faculty system still operated at the time Jenkins began his studies. He mentions long hours of philosophical discussion and dialogue daily with his informant/tutor.

Oliver Edmund Clubb's widow, Mariann, said that Clubb's interest in China stemmed from his studies at the University of Minnesota while an undergraduate there in the 1920s. He enrolled in a course with Harold Scott Quigley, founder of the Political Science Department at

⁵² Interview with Edward E. Rice at his home in Tiburon, California, August 2, 1993. Rice recalled his relationship with Wang with particular pleasure, describing him as a "wonderful gentleman".

⁵³ Interview with Mariann Clubb, op. Cit.

Hamline College in St. Paul and recruited by the University of Minnesota in 1920. Robert Cushman left and Quincy Wright had built up the Department and were the leading members of its faculty. In 1923 both were hired away, Cushman by Cornell and Wright by the Chicago University. Despite this major setback, Quigley was at the same time granted two years leave to teach at Tsinghua University in Peking.⁵³ Clubb was at the University when Quigley returned and took one course with Quigley, who stimulated Clubb's interest in China. After passing the Foreign Service officer examination Clubb decided to specialize in the Asian region. Just before his departure from Washington on his initial assignment (to China) Clubb happened to be luncheon companion to a then well-known journalist, Tyler Dennet, at the Explorer's Club in Washington. Dennet encouraged Clubb's interest in China and recommended he specialize in the country.⁵⁴

China's relationship to Russia particularly interested Clubb, and eventually he took up the study of Russian, apparently during his Chinese studies. This move was, at a minimum, regarded with skepticism by some more senior officers, contributing ultimately to the attacks visited upon him during the McCarthy years.

Student Life at San Kuan Miao

San Kuan Miao was within easy walking distance of the American Legation and was under its administrative jurisdiction. The front gate to what Barbara Tuchman described as "the elegant American Legation" was just a short walk down Legation Street from the entrance to San Kuan Miao.⁵⁵

Retired Ambassador Charles C. Cross, who was born in China and grew up in Peking, described the setting as follows:

"I'm sure the San Guan Miao homes and study quarters to several generations of FS and US military language officers was located across from the Wagon Lits Hotel on Canal Street just north from the Water Gate. I also faintly recall that it was separated from the rest of the American Consulate/Legation/Embassy property and Marine Barracks by the Dutch establishment.⁵⁶ These faced Legation Street and backed up to the massive city wall that formed the southern boundary of the Legation Quarter."

"American Marines patrolled the wall from Chien Men on the west to Hatter Men on the east until December 1941. Marine Corps lore has it that in 1900 a small

⁵⁴ Interview with Mariann Clubb, op. Cit.

⁵⁵ Tuchman, op. Cit.

detachment of US Marines and Japanese soldiers held the wall against fierce attacks by the Boxers, thus saving the Legations. (After the relief of the Legations, the Legation Quarter was made into a fortified area on all sides with various countries taking responsibility for various sections. I sometimes played in the fortified areas that had been the responsibilities of the ousted Imperial Russians and the Germans by WWI and left unmanned except for emergencies. My playmates were Marine or Consulate boys, schoolmates at the Peking American School)." ⁵⁷

According to informants interviewed for this study, San Kuan Miao had a permanent Chinese custodial staff with its own on-site housing, but informants did not recall whether families of custodial staff members were allowed to live on site. Salaries for the Chinese staff were met from a common treasury funded by assessments paid by each student officer. Whether or not student officers had personal servants in addition to the permanent staff has not been established. The student officers evidently participated actively in the social life of Peking's diplomatic corps and foreign elite, as most mentioned the enjoyable parties of the 1920s and 1930s.

The Marco Polo Bridge incident and the outbreak of war with Japan in 1937 changed life for the student officers resident at San Kuan Miao. The Legation called upon them for code duty to help with the great increase in diplomatic reporting from Peking occasioned by the hostilities. Most of them served on the evening shift. At some point in the late 1930s or early 1940s, in-country language training for Department of State officers in China ceased. Whether and where any such training was conducted by the Department during the war years has not yet emerged from this research, but some informants believe that the Monterey Language Institute assumed this responsibility after the U.S. went to war with Japan. All informants were emphatic that there was no language program in Chungking. Service recalled that during at least some of the war years Foreign Service, as well as Army and Navy, officers were trained at the University of California, Berkeley, in a special war-time program administered by William H. Pettus, who had supervised the Hua Yu Hsueh Hsiao in Peking in the pre-war years.

San Kuan Miao in the War Years and After

During the Pacific War, San Kuan Miao was taken over by the Japanese. Ambassador Cross was a First Lieutenant in the U.S. Marines at the time of Japan's surrender. He was detached from his outfit, which was to return to the U.S., and sent to North China, where he

⁵⁷ E-mail, Ambassador Cross to the writer, May 3, 2005, 2:01:08 P.M.

joined the First U.S. Marine Division. The Marines were ostensibly to participate in acceptance of Japan's surrender and the subsequent repatriation of Japanese troops, but also to help the Nationalists establish themselves in that part of the country.

Cross's intimate familiarity with the city, and with the Legation Quarter in particular, motivated him to take direct interest in the recovery of the properties that had been titled to the United States. Cross found San Kuan Miao occupied by one Shiratori, whom Cross described as a "Japanese gangster," engaged in conveying title to the property to some Chinese of questionable reputation. Cross reclaimed the Legation and San Kuan Miao for the United States simply by arranging for Americans to occupy them after unceremoniously expelling Shiratori.

Although San Kuan Miao may have deteriorated under Japanese occupation, those officers in residence there after World War II described the surroundings as "comfortable, but not luxurious". One gains the impression from remarks of the pre-war informants that San Kuan Miao by 1930s standards might have deserved to be called "luxurious". Most likely, San Kuan Miao changed less than did the standards of living to which Americans had become accustomed by the late 1940s; hence the contrasting assessments of the appointments.

With the closing of the American Consulate General in Peking in 1949, San Kuan Miao closed also, and the officers studying there left China. In late October 1971, the late Alfred Jenkins, who was in Peking as part of Henry Kissinger's entourage on his second mission to China that year, visited the old training site. In a personal letter, Jenkins related his experience. "Chang Wen-chin, as a special gesture of friendship, took me to the site of San Kuan Miao . . . It is no longer recognizable. Where a dozen language officers lived now is built solid (the former hutung has disappeared) and the area now houses over a hundred Chinese families, according to Chang.

"It was depressing to see, but I appreciated the opportunity and the gesture, for Chinese will usually not show the incredible contrast between past and present conditions. The grand old Liu Kuo Fan Tien across from San Kuan Miao was also depressing. It is old and dusty, and a warehouse."⁵⁸

⁵⁸ Undated letter, probably late 1993, Jenkins to the writer. The Liu Kuo Fan Tien was known in the Legation Quarter as the *Wagon Lits* Hotel. Nearly all informants mentioned this establishment. It was located near the French Embassy and seems to have been an important social center for that community.

⁵⁹ A note from an architectural magazine Madden found in Beijing in 2005 states that living quarters for Beijing Hotel workers and their families have been built on the former temple site.

The name of San Kuan Miao survives, however, to this day. Thomas E. Madden, currently FSI's supervisor of language training in China, Japan, Korea, and Taiwan reported that "About three years ago, when I was directing the Embassy's Chinese language program in Beijing, I arranged a visit for our language students and teachers - - a pilgrimage, I should say, or that's really what it felt like to me - - to the site on which San Kuan Miao had earlier stood. We took some photos with the residents (it's now an apartment complex housing employees of the Beijing Fandian). They still call the apartment block "San Guan Miao," though they seem to have no idea about the history of either the temple or the language school."⁵⁹ In late April 2005 Madden was again in Beijing and upon his return to Taipei reported signs of improvement in the neighborhood. "I just passed by San Kuan Miao again on this trip to Beijing, and all sorts of emotions welled up inside. I must say Beijing is really getting spruced up, with grass and trees and flowers everywhere. The one remaining stretch of the old city wall, only half-dismantled in the 50s or 60s, has been made into a beautiful park. That stretch of the wall is connected to the *jiao(3)lou(2)* east of San Kuan Miao."⁶⁰

⁶⁰ E-mail, Thomas E. Madden to the writer, May 4, 2005, 8:06:12 P.M.

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Research Note: Huawei and America

William Abbott Foster

Science, Technology, and Society Program, Arizona State University (wafoster@asu.edu)

Introduction

The Internet is going through another radical transformation. Low-cost, high bandwidth, wireless intelligent broadband has started to rollout on a global basis. This transformation has been driven in part by a new set of entrants that have disrupted the US-European-Japanese telecommunications manufacturing oligopoly. The Chinese telecom manufacturer Huawei has come to the market with significantly lower priced solutions that provide upgrade paths to Next Generation Networks. Though these solutions are extremely competitive, during the Fall of 2010 we saw the US telecom carrier Sprint run into immense pressure from elements in the US government that resulted in Sprint choosing not to go with a Huawei solution.

Huawei has become the number two sized telecom manufacturer in the world, second only to Ericson. Revenues in 2010 were approximately \$32 billion. In certain categories, it is the world's number one supplier. It has over 90,000 employees, over a third of which are dedicated to R&D. The cost structure that Huawei faces for R&D is very different from that of its Western rivals. Because Chinese universities have been graduating large numbers of engineers and PhDs, Huawei has traditionally paid wages that can be as low as one fifth of Western bundled wages. Though this is changing, Huawei has had the luxury of being able to get much more done, for the same amount of investment. As a result, and let me highlight the significance of this statement- it has been able to customize solutions that connect legacy systems with next generation networks. Huawei was initially successful in the Chinese provinces, but quickly found success in African and countries; soon afterwards Eastern European

countries were taking the risk of going with Huawei. 40 of the world's 50 major telecom companies now use Huawei equipment; however Huawei has experienced great difficulty with US carriers. While it has secured one major deal with a Clearwire WiMax contract in the US, and plenty of enterprise telecom business around the world, the US telecom carriers have not gone with Huawei.

US Government Concerns

The US Government is gravely concerned about the security of the nation's telecommunications infrastructure when the equipment is sourced from all over the world with a multi-tiered supply chain with no system for guaranteeing trust of each component. There is fear that "Trojans" can be unintentionally installed in the network where they can be activated maliciously at a chosen time. These Trojans could theoretically be used to bring down the network or provide access to information.

The relationship between the United States and China has become complicated on many fronts. These complications extend to the intelligence communities, where there is a need for collective security while at the same time each nation is trying to penetrate and make vulnerable the rest of the world's information infrastructure.

Congressional Concerns

The concern within the US Government boiled up in a letter from Senators Jon Kyl (R, Ariz.), Joseph Lieberman (I, Conn.), and Susan Collins (R, Maine) and Rep. Sue Myrick (R, N.C.) to the Federal Communications Commission in October of 2011 asking the Commission to take a closer look at Huawei and its Chinese rival ZTE.

The letter read: "The sensitivity of information transmitted in communications systems, as well as the potential for foreign espionage, requires that the U.S. government take decisive action to ensure the security of our telecommunications networks." (Raice, 2010)

The letter goes on to say that Chinese telecom-gear developers are potentially subject to "significant influence by the Chinese military which may create an opportunity for manipulation of switches, routers, or software embedded in American telecommunications network so that communications can be disrupted, intercepted, tampered with, or purposely misrouted." (Raice, 2010)

Though there are regulations on what can be exported to foreign companies and procedures for barring investment by foreign companies in US firms, there are no regulations on purchases by US companies from foreign firms.

Amerilink

In an effort to address these concerns, Huawei and Sprint proposed working through an American company, Amerilink Telecom Corp. as the distributor and integrator. Amerilink executives include Kevin Packingham, Sprint's former senior vice president of product development, who joined Amerilink as its chief executive; former Vice Chairman of the U.S. Joint Chiefs of Staff William Owens, is Amerilink's chairman and an investor (Ziobro and Chao, 2010); and in September of 2010, former congressional leader Richard Gephardt and former World Bank President James Wolfensohn were recruited as directors.

Huawei has also attempted to address security concerns by agreeing to put its software code in escrow with a third party, Electronic Warfare Inc.

Commerce Department

Unfortunately for Huawei, it could not simply buy its way into the influence it needed to pave the way for the Sprint deal even though Huawei's Multi-modal solution which concurrently supported Sprint's CDMA, W-CDMA, WiMax, Nextel, and LTE standards was an ideal solution for Sprint, is technologically superior to what was bid by Ericson and Alcatel Lucent and was rumored to be offered at a couple billion dollars less.¹

On Nov. 6th2010, the *Wall Street Journal* reported that Commerce Secretary Gary Locke called Sprint Chief Executive Dan Hesse this week to "discuss concerns about awarding the work to a Chinese firm, but didn't ask Sprint to exclude the Chinese suppliers." (Lublin and Raice, 2010)A couple days later it became clear that a joint bid of Ericson and Alcatel Lucent was selected by Sprint.

3Leaf

This was not the first public humiliation for Huawei. Back in 2008, the US Commission on Foreign Investment in the United States (CFIUS) had blocked Huawei's bid to buy electronics

¹ It should be noted that Huawei provided a way for Sprint to support both WiMax and LTE in one box. Sprint is in the painful place of having made a commitment to WiMax while the industry has chosen LTE. With a Huawei solution, Sprint could go both routes. Huawei also could support in the same box the legacy Nextel protocol that it was committed to supporting.

manufacturer 3Com Corp. In January of 2011, Huawei was called on the carpet for not getting permission from CFIUS to buy the remains of 3Leaf, a cloud computing technology company.

Huawei's Invitation

Huawei responded that it was not an outright acquisition and on a letter posted on its website, Deputy Chairman Ken Hu provided details about Huawei's tax breaks, government research grants and its arrangement with China Development Bank. Hu invited the United States to examine Huawei more closely to clear up any misapprehensions. (Chao and Raice, 2011) They then published the letter in the New York Times.

People's Liberation Army

The letter also gives a brief portrait of Huawei's founder and chief executive, Ren Zhengfei, a former officer in China's People's Liberation Army. Zhengfei's history with the PLA has been a matter of controversy. The letter says Mr. Ren grew up in "a remote mountainous town" in China's southwestern Guizhou province and served in the military's Engineering Corps for nine years before he established Huawei in 1987 with 21,000 yuan or about \$3,000 at today's exchange rates. (Chao and Raice, 2011)

Ren Zhengfei was a master in developing the connections both in the PLA and with a wide variety of organizations to propel Huawei into its position of leadership. These relationships went to the highest levels of the Chinese Communist Party. Many of these relationships can be typified as "guanxi"—based on the art of personal relationships that the Chinese so value and which greases the whole system.

Today's Huawei claims to be an employee stock owned company, but is not publicly traded. Part of the complexity stems from the fact that stock was given out to customers in its early days. Over 200 Chinese municipal and provincial organizations hold some sort of stock in Huawei. These relationships are not transparent and have been a barrier for Huawei becoming a listed public company.

Huawei is now claiming that it has no formal relationships with the PLA. The US Department of Defense thinks this is only half true and that Huawei is one of the PLA's favored children. What is rarely noted in stories linking Huawei to the PLA is the fact that the Internet itself and much of mobile telecommunications is a product of the US Department of Defense.

Conclusion

Huawei is building much of the world's telecom infrastructure and will continue to do so based on its ability to supply solutions for combining legacy systems and next generation networks at a price significantly below what can be offered by Western vendors.

It is essential that the supply chain for the world's telecom infrastructure be trusted, and for this to happen the US and China have to work together. There are some signs that Huawei has opened up a channel of communications with CFIUS and the Administration that can be the basis for developing this cooperation.

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SISA 2011 Best Undergraduate Paper
International Business and the Role of Global Governance

Grant Bethurum

Undergraduate student, Department of Political Science, Tarleton State University

Marsha Hutchison

Undergraduate student, Department of Political Science, Tarleton State University

Abstract

In the many decades since the Treaty of Westphalia and the rise of Jeffersonian democracy, the power of legal entities has gradually risen. In the wake of the industrial revolution, the ever-expanding concept of the corporation as a legal entity broadened their capacity to project their influence upon governments. Later, as these corporations leapt across the borders of nations, they became transnational and in 1972, a doomed Salvador Allende made an appeal to the United Nations warning of the danger transnational corporations posed to developing countries. Since then, the contemporary economy has gone global while transnational corporations have become multinational and the latest permutation of the legal entity, the multinational, wields unprecedented power and has become vastly wealthier. This poses a far greater threat to the traditional institutions of fully developed nations, their legislatures and military cultures. The challenge leading into the future will be the degree of success of such entities as the United Nations to establish a framework in which regulation of global commerce may occur. This paper will discuss the nexus between global governance and the expanding power of the multinational as it threatens to replace western style democracy based upon sacred and enshrined ideals with profit-based government by global oligopoly.

International Business and the Role of Global Governance

This paper is organized into three major parts which are descriptive of the changing relationship between the corporation, the state and their key, primary and secondary stakeholders. The first part of the paper discusses the dynamic between foreign direct investment (FDI) and the state. As FDI increases, the traditional capacity of the state to exert control over corporate behaviors is eroded. Furthermore, as corporate consolidation results in ever larger, thus more powerful corporate entities, the potential for the corporation to exert control over the state has never been greater. In this sense, FDI and corporate consolidation

(globalization) represent the primary causal factors of the erosion of the state government in its capacity to hold corporate enterprise accountable on behalf of stakeholders. The second part of this paper discusses the unprecedented costs of corporate malfeasance to national stakeholders as second order effect—as evidence that the shifting balance of power between the state and the corporation is reaching a tipping point. Succinctly put, that the actions of a few corporate players have the potential to destabilize and bankrupt traditional nation states stands as a *prima facie* indicator of this changing relationship. Finally, this paper discusses a third order effect: the drastic expansion of corporate representation in government.

FDI has steadily increased since the 1980s. The staggering increases have superimposed profound changes on the relationship between the nation state and the corporation. Markets have blurred across the boundaries of nation states, while a number of significant attributes emerge as consequences. First, monetary in and outflows complicate and confound traditional methods of regulation and tax collection. Second, foreign-controlled market shares within national borders threaten to increase external influence on the host government through either corruption or lobbying. Third, the first two factors conspire to place strains on government institutions as protectors of the interests of their citizens, forcing national governments toward *internationalization*.

The Organization for Economic Co-operation and Development (OECD) is an international organization formed in 1960 to facilitate global “sustainable economic growth”, employment and living standards. The organization has grown to include 30 of the largest western economies. The corresponding largest developing economies, or so-called “BRIICS”, consist of Brazil, Russia, India, Indonesia, China and South Africa. The OECD is not a “government”, although discussions held in OECD committees occasionally become multilateral or bilateral agreements on issues like taxes, corruption or environmentally sustainable business practices. The trend of the OECD member countries, in an increasingly globalizing world, is to rely less upon traditional national political bureaucracies and regulatory bodies and rely more upon intergovernmental networks (Jacobs, 1994).

One recent issue challenging OECD member nations is eliminating tax evasion. The OECD estimates that offshore financial centers cause losses to developing nations at approximately one hundred billion U.S. dollars annually. In a recent multilateral agreement, OECD member nations recognized the need to address the risk that tax havens pose to their income streams. The agreement said:

“We agree to take action against non-cooperative jurisdictions, including tax havens. We stand ready to deploy sanctions to protect our public finances and financial systems. The era of banking secrecy is over...Offshore financial centres [sic] broadly defined, reduce revenue available to developing countries where they act as a destination for income streams and wealth protected by a lack of transparency and show a refusal or inability to exchange information with revenue authorities who may have taxing rights in respect of that income or those assets. (OECD, 2010).”

The problem of tax evasion is indicative of the fact that globalization has challenged traditional systems of state-based regulation, allowing corporations to implement transnational strategies for minimizing costs.

FDI also brings with it foreign influence. Two commonly studied forms are corruption or lobbying. Most studies focus on corruption as an independent variable, measuring how corruption either deters or encourages FDI (Habib & Zurawicki). There is general agreement that corruption is an impediment to FDI, but the issue is far more nuanced. A study, measuring data which were derived from 1997 to 2000, examined the role of FDI (as an independent variable) on perceptions of corruption (as dependent); the researchers found that rapid “changes in foreign direct investment lead to higher perceived levels of corruption in a country” (Robertson & Watson, 2004). Generally, these studies are based on “perceived levels” because they are analyzing ordinal level data variables.

The relationship between FDI and the prevalence of corruption and lobbying has also been statistically analyzed. Least developed countries (LDCs), or those belonging to the so called, Global South, generally experience greater levels of corruption than MDCs, or more developed countries (Transparency International, 2009).

Corruption and lobbying have been shown to be interchangeable by foreign companies depending on the level of development of the country receiving the FDI (Harstad & Svensson, 2005). This is an important relationship in the context of a global economy in which wealthier nations of the Global North are investing in the poorer Global South. Interested parties who bribe low ranking officials, will also lobby politicians in tandem, usually with the intent of

disrupting any corruption reforms (Damania et al, 2004). In short, low ranking officials are bribed to affect a desired outcome in the host government, while high ranking officials are lobbied to guarantee that future bribes to low ranking officials are possible. Finally, in analyzing data on approximately 4000 companies in 25 “transition economies”, research has determined that “the size and effect of lobbying is much larger than that of corruption”. More specifically, the study found that lobbying always affected influence in a “statistically significant” way, while the effect of corruption is rarely significant. In fact, the researchers point out that lobbying can both “substitute” or “compliment” corruption. In the case of substitution, lobbying has the potential to be far more influential to a government, in part, due to the fact that expert advice is combined with financial incentives and, finally, because lobbying offers the potential to simply make bribery irrelevant. With respect to lobbying complimenting corruption, lobbying has an added potential in that it may help to form a legal environment that is more permissive of bribery (Campos & Giovannoni, 2006).

This interchangeability between corruption as a corporate tool utilized to influence LDCs and lobbying as a tool to influence MDCs, on one hand is a cynical rational choice, but on the other hand, it might be disturbing to anyone viewing this corporate behavior through a categorical ethical lense. Most would accept the argument *prima facie* that corruption is corrosive to responsible government, although one would expect to find disagreement on whether lobbying constitutes corruption. Taken individually, most of the aforementioned studies on the relationships between FDI, corruption and lobbying seem innocuous, but considered in sum, these studies should stand as a warning to those who trust the state to protect their interests. First, if rapid changes in FDI lead to higher corruption, one only need note the astounding growth in FDI since the 1980s. Second, if corruption and lobbying are interchangeable tools, which operate more effectively in tandem to shape host countries, ultimately making them more permissive to the interests of multinational corporations, one must conclude that foreign-controlled market shares within national borders threaten to increase external influence on the host government through either corruption or lobbying.

In the wake of the recent financial crisis (circa 2007-2010) attempts to regulate the behaviors of the banking industry in the United States have been met with lobbying efforts by the largest banks. The surge in lobbying activity by the largest banks occurred in the final quarter of 2009 as Congress was debating financial reforms such as taxing big banks, placing caps on bank

size, and most importantly, placing limitations on private equity funds and hedge funds (Popper, 2010).

Finally the proliferation of financial transactions occurring in increasingly opaque or completely dark markets represents an existential threat to national sovereignty, because these unregulated commodity derivatives markets, of such scale, have the potential to cause global recession. In August of 2009, a diverse coalition of commercial interests was urging congressional leaders that commodities trading be reformed in a genuine and significant way. The coalition responded to financial industry lobbyists claims that regulation of dark markets would only cause investors to relocate their operations overseas and beyond regulatory reach. The coalition stated quite explicitly the global nature of the financial crisis and the need for a comprehensive global solution. “If abusive activity”, they said, “is to flee elsewhere because of meaningful reform, then it is the responsibility of Congress and the Commodity Futures Trading Commission (CFTC) to ensure that foreign markets are not allowed to compete unfairly with U.S. markets” (Commodity Markets Oversight Coalition, 2009).

The CFTC ultimatum exemplifies the pressure exerted upon national governmental bodies by their members to move toward *internationalization*, which means that the host government is encouraged by trade groups to seek recourse at the international level. In the current global economic crisis, that recourse has been increasingly through the framework of the OECD.

Corporate consolidation has also been responsible for an expansion of corporate control over global markets. The extraordinary scale of the transnational corporations that are operating on the global stage are analogous to those that preceded the Great Depression in the United States. Much like today, at the beginning of the Great Depression, 200 companies represented roughly 50 percent of commerce in the United States (Berle & Means, 1932). This concentration of wealth vested in so few companies made the economy far more vulnerable (McElvaine, 1984). Similarly, the top 200 corporations today have concentrated on a global stage. In 1998, as a percentage of world GDP (gross domestic product), these 200 companies represented roughly a quarter. Another trend by the top 200 is divestment from OECD countries and investment into the BRIICs (Clairmont, 2000). This level of consolidation places the budgetary capacities of these companies well in excess of the gross domestic products of some LDCs.

Unprecedented Costs of Corporate Malfeasance to National Stakeholders

At the very beginning of the global recession, in February of 2009, the Director of National Intelligence, Dennis Blair, delivered his Annual Threat Assessment on behalf of the intelligence community to the Senate Select Committee on Intelligence. A key aspect of the analysis was his recollection of “the dramatic political consequences wrought by the economic turmoil of the 1920s and 1930s in Europe, the instability, and high levels of violent extremism”. Although Director Blair did not explicitly say it, he was certainly alluding to the contribution that the Great Depression made to the rise of Nazi Germany and the resulting starvation, political instability and war that followed. Blair’s assessment represented a consensus among the intelligence community linking the recent financial crisis with the potential to cause political instability or even war—in effect, his comments highlighted the potential for the actions of corporate executive actors to place, not just stakeholders, but *nations* at risk. In the developed world, unemployment has been higher and many are suffering the consequences of the recent economic recession; none, however, are impacted more severely than those living in LDCs or the Global South. The United Nations echoed the assessed potential for conflict or civil unrest as a result of shortages in 33 countries due to rising energy and food prices (United Nations System Standing Committee on Nutrition, 2007).

From 1990 to 2005, the world’s levels of FDI increased by five hundred percent while money laundering increased by one thousand percent (United Nations Conference on Trade and Development, 2009 & Wedel, J, 2009). Empirical research in the field of criminology established just at the dawn of the massive expansion of global FDI that individuals acting under the auspices of a corporation are able to engage in “crimes of greater sophistication, complexity, and magnitude” (Rothman & Wheeler, 1982). Wheeler and Rothman’s research noted the potential of a corporate structure to protect a white-collar criminal, allowing him to inflict far greater damage to stakeholders than an individual person, effectively wielding the corporate structure as a “weapon”. Much of this study was *intranational* in scope, focusing on cases prosecuted in the United States Federal Courts involving white-collar crime. The study data from which the conclusions were drawn were collected from a period in the late 1970s, long before the massive expansion of globalization and FDI. This research, which names “complexity” to the benefit of the perpetrator, only underscores the potential of the ever greater intricacies of globalization as a magnifier of corruption.

The scale of the Savings and Loan Crisis of the 1980s and subsequent recession of 1990 prompted Dr. William Black, who was a regulator during the crisis, to write a book which placed the Savings and Loan Crisis in the context of Rothman and Wheeler's research. Black argued that the Savings and Loan Crisis represented a "wave" of "catastrophic business failures" which were brought on by a small group of corporate actors. Black notes the collusive nexus between the regulators and their "customers" (meaning the corporate actors that committed the fraud) and describes a "race to the bottom" which was attributable to corporations seeking to function in legal jurisdictions which allowed for the laxest regulation. In addition, Black notes the Reagan-era belief that regulation *was* the problem, and considers the prevalence of this belief to be a contributing cause of the Savings and Loan Crisis. The resulting financial catastrophe was illustrative of the danger of allowing complex corporate entities to shop for the most lax jurisdictions and to browse for collusive regulators (2005). This is a lesson that, although derived from inside the United States, resonates in the context of a global marketplace.

The most recent global financial crisis was much larger in scope than the Savings and Loan Crisis of the 1980s. The primary reasons for the more recent crisis were: first, the application of complex mathematical models which underpinned a largely unregulated market consisting of nothing more than values *derived* from traditionally traded financial instruments and; second, a failure to regulate several large investment bank holding companies. In acknowledgement of this fact, shortly after the market collapse in September of 2008, Christopher Cox, the Chairman of the Securities and Exchange Commission (SEC) made the historic statement that "the last six months have made it abundantly clear that voluntary regulation does not work". Cox went on to explain that Congress had passed legislation that had given the SEC no authority to compel the investment bankers to comply with regulators. In response, the SEC had created a *voluntary* regulatory program (United States Securities and Exchange Commission, 2008). This sobering revelation was echoed by Alan Greenspan, the former Chairman of the Federal Reserve, when he was questioned before the House Committee on Oversight and Government Reform by Representative Henry Waxman. Waxman asked "Do you feel that your ideology pushed you to make decisions that you wish you had not made?" Greenspan responded, "yes, I've found a flaw. I don't know how significant or permanent it is. But I've been very distressed by that fact" (U.S. House Committee, 2008). Greenspan's public disclosure was shocking, in part, because he and a number of other treasury officials had ignored

the warnings of Brooksley Born, when she served as the Chair of the CFTC. Born had warned that the dark derivatives markets posed a risk and attempted to open them to transparency and oversight, which was the purpose of the CFTC (Gilmore et al, 2009). The response was a joint statement by Treasury Secretary Robert Rubin, Federal Reserve Board Chairman Alan Greenspan and Securities and Exchange Commission Chairman Arthur Levitt (U.S. Treasury, 1998). In the joint statement, the three top finance officials, said “we seriously question the scope of the CFTC's jurisdiction in this area, and we are very concerned about reports that the CFTC's action may increase the legal uncertainty concerning certain types of OTC derivatives.” A decade after the three top fiduciary officials released the aforementioned memo, which effectively denied transparency in these markets, the stock market collapsed and the economic ripples circled the globe, creating a global recession. Many nations are in or near a state of bankruptcy as a result (Thomas & Valdimarsson, 2009). In the words of Greenspan in his testimony to Congress, “The whole intellectual edifice, however, collapsed in the summer of last year, because the data inputted into the risk management models generally covered only the past two decades, a period of euphoria” (U.S. House Committee, 2008). Greenspan was stating that the computer models were wrong because they were based on the fact that the 1990s were, themselves, part of an enormous economic bubble. As Michael Greenberger, who served as the U.S. CFTC Director from 1997 to 1999 said of the period:

So, now this is [sic] an unregulated market. No transparency. No capital reserve requirements. No prohibition on fraud. No prohibition on manipulation. No regulation of intermediaries. All the fundamental templates that we learned from the Great Depression are needed to have markets function smoothly are gone (Gilmore, 2009).

The understanding that a few large investment bank holding companies had caused a global economic crisis was being acknowledged. Since that time, much debate has since surrounded the questions of regulatory conflicts of interest. Some in the debate have suggested the possibility that the regulators in Washington are simply too close to the investment bankers they are expected to watch. Since the collapse, there has been progress. In December of 2009, the U.S. Department of the Treasury released a white paper outlining ideas for “rebuilding financial supervision and regulation.” The document also addresses the need for improving “international cooperation” and “regulatory standards”. H.R. 4173, or The Wall Street Reform and Consumer Protection Act of 2009, is the legislative manifestation of these needed reforms. As of this

writing, H.R. 4173 has passed the House of Representatives, but has not been passed by the Senate (Library of Congress, 2010). In effect, this leaves the commodity derivatives markets largely unaffected. H.R. 4173 is part of an overall effort in the United States to address the near complete meltdown in the global economy which directly resulted from corporate failure to self-regulate, and by extension, an equally massive failure of corporate social responsibility.

While the 1980s emphasized a neoliberal agenda of deregulation, the 1990s emphasized corporate social responsibility (United Nations Research Institute for Social Development, 2004). Most modern companies still embrace the concept of corporate social responsibility as an essential part of their relationship with their stakeholders. Studies have shown that companies engaging in socially responsible policies will lead to more loyal customers and employees (Ferrell & Maignan, 2001). The fact that many companies implement this ideology is hardly controversial and generally accepted by most in the business world. It is only when corporate social responsibility is suggested as a *surrogate* for regulation that controversy is sure to follow, especially in the wake of the Enron scandal or, more recently, the failure of Lehman Brothers and the global recession. One of the major proponents of the idea of corporate social responsibility as a surrogate for regulation is an organization called The Integrity Institute. The institute was mainly a creation stemming out of the research of Lynn Brewer, who was a former Enron executive, and whistleblower (Brewer et al, 2006). Brewer attempts to measure various markers in order to assist corporate leaders in assessing the “structural soundness, wholeness and incorruptibility” of their organization. Her intent is to “transcend regulation as a means of transparency.” A statement appears on Brewer’s Integrity Institute website in response to the recent recession.

In light of the current global economic crises, the world at large will inevitably debate the need for more regulation, we believe the answer exists not in the need for more regulation but rather in our ability to predict sustainable performance (2010).

In their meaning of the word “predict”, the Integrity Institute proposes an internal corporate approach to predicting “sustainable performance” utilizing “game theory.” In effect, the institute is suggesting allowing companies to employ mathematical models to “predict sustainable performance” as an *alternative* to regulation. This approach is astonishingly similar to the behaviors of the players that led to the recent collapse in the commodity derivatives markets. Most significant and controversial, however, is the fact that the Integrity Institute proposes *self-*

regulation in the face of a global economic disaster, requiring emergency bailouts across the face of the Earth, many of which are still unresolved or unpaid. A United Nations report warned at the turn of the millennium that “there is a danger that corporate self-regulation, as well as various partnership arrangements, are weakening the role of national governments, trade unions and stronger forms of civil society activism” (United Nations Research Institute for Social Development, 2000).

Expanded Corporate Representation in Government

Since the seventeenth century, corporate entities have held varying influence in traditional Jeffersonian governments. Prior to the 1600s, corporations were generally temporary and their purpose was to accomplish a task for the common good, functioning more like what most today would recognize as a non-profit company. In the context of the time, the task was generally to drive colonial expansion. In the case of the East India Company, the aboriginal people of India were subjugated as the company exerted military control over the continent to enforce trade policies which were exploitive of the indigenous population (New Internationalist, 2002). This relationship between the British Government, the East India Company and the indigenous population of India was an early example of the nefarious relationship that some corporations have shared with their stakeholders. This was neither the first time, nor has it proven to be the last, that a corporate-government hybrid inner circle of key decision makers has upended the interests of the more remotely placed stakeholders—the indigenous population of India in this example—causing them ultimately to revolt against oppression. Just as the East India Company attempted to shape a geopolitical environment which was conducive to its operations, the multinational enterprises of today have expanded their influence over their host governments to structure the most permissive environment possible in which to conduct their operations. It should be acknowledged that there are many socially responsible and legitimate global corporations in operation today. In fact, they represent, by most accounts, the majority. The important point is that globalization, consolidation and expanding FDI have combined to make the corporations of today vastly more powerful than their historic predecessors. This combined effect means that, while the majority of beneficent, genuine and widely popular corporations proliferate, the minority of malcontent corporations like Enron, Lehman brothers or AIG may simultaneously project their damage to far wider collections of stakeholders. This transformative effect of globalization, with the acceleration of the complexity of commerce and

the growth of FDI has been so significant that social scientists and economists have difficulty in keeping pace with the changes. The potential for corporate behavior to impact the lives of ordinary people, or the nations to which they belong, has never been more pronounced. In part, this asymmetrical dynamic exists between corporate leaders and global stakeholders due to an important disconnect between the ownership and the control in the modern global corporation which was first identified nearly a century ago (Berle & Means, 1932). The stockholders, as owners, often hold very little control over their company. While a corporation is generally a legal charter granted certain rights, as such, it cannot act independently to commit wrongful acts. It is not, in the absence of the decisions of its executives, capable of engaging in malfeasance. In this respect, it may act as a shield for the wrongful behavior of its executives, or, as Dr. Black noted, it may play the role of “weapon”.

In an attempt to define the most current, and still more complex form of “control fraud”, Dr. Janine Wedel argues in her book *Shadow Elite*, that the current terminology is inadequate to explain the mechanisms at work globally. She describes a new class of players who have stepped into the regulation vacuum left in the collapse of the Soviet Union; these players consist of “flexians” and “flex nets”. The flexian and flex net model suggests that loyalties oriented upon organizations or bureaucracies have been replaced by loyalty to people. These flexians thrived especially well in the ultra-deregulated world of post-Soviet countries like Poland. She describes flex nets that straddle traditional organizations and thrive in a confused, globalized “environment of perpetual change.” In general, the flex net is a network of flexians, or quasi-governmental players, some occupying think tanks, while some represent non-governmental organizations, but most importantly: all pool their resources in order to create a “coincidence of interests” (Wedel, 2009). Another way to imagine the role of a flex net, is to think of it as existing *beyond* the reach of traditional national government as a *meta*-network, but the players continuously change their business cards, so that the meta-net, becomes a *flex* net. This newest, and still larger scale corruption—as juxtaposed to the Savings and Loan Crisis —represents a more globalized and virulent form of the “control fraud”. In short, if Black argued, in the wake of the Savings and Loan Crisis, that chief executive officers (CEOs) were using the corporation as a weapon, Wedel is arguing that these players are using both government and corporate bureaucracies as a weapon in a globalized world.

Peter Eigen, former Director of the Nairobi World Bank Office, offers an excellent example of this erosion when he observes that a system of corruption had previously impaired his efforts at local development in Africa. Eigen describes “an unholy alliance between the powerful elites in the countries there and the suppliers in the North.” In particular Eigen recalls a power generation project that was to be constructed in an environmentally sensitive area in Western Kenya. Eigen recollects that the project was to be built in an area in which there were no clients or apparent economic benefit to justify the development. In fact, he noted that the project would destroy the riparian forests, damage the local economy and anger local tribes. Because Eigen considered the project to be unconscionable, he contacted his superiors at the World Bank, but was surprised by the response; in short Eigen was told not to attempt to interfere with the bribery behavior and to cease his actions in opposition. Disturbingly, Eigen claims that he was later shocked to learn that many of his superiors in the World Bank supported the German exporter’s rights to bribe local governments. The group of self-interested actors or quasi-governmental players, manipulating loose regulatory structures for personal gain in Eigen’s account is most certainly a flex net. The “systematic large-scale corruption” Eigen describes, over his career spanning years in Africa is compelling. He recalls “hundreds of projects” that totaled in “ten million” and “twenty million dollars on the Swiss bank accounts” of “presidents and ministers”. Years later, in response to his experiences in Africa and his observations of the rampant corruption, Eigen managed, through his organization, Transparency International, to bring a number of OECD countries to enact policies criminalizing foreign bribery (2009). Eigen’s efforts to correct laws of the German government and other OECD countries to enact these policies also serves as an example of the general trend toward internationalization.

In the United States, corporate representation in government has expanded, not just in the inflows of FDI, but also in the proportion of human beings who perform traditionally governmental roles. Since the end of the Cold War, the number of contractors in the government has steadily grown to reach its present ratio. Roughly 75 percent of government services are provided by contract employees (Wedel, 2009). This staggering fact demonstrates that larger portions of the United States federal government are represented by employees and technocrats of corporations than ever before.

In *Considerations on Representative Government*, John Stuart Mill speaks of the need for a diligent “avoidance of the concentration of great masses of power in the same hands” which, as he describes, “is a marked characteristic of the American Federal Constitution.” (1863).

Mill, as a great expounder on utilitarian ideas appreciated, at the most fundamental level, the danger posed to the individual by concentrations of power. In fact, Mill’s arguments still echo today in the debates within the Supreme Court of the United States over the issue of whether corporations are entitled to speech rights under the First Amendment. Two dissenting opinions, in particular, articulate the perceived threat that corporate influence poses to democracy through lobbying, corruption and media. Justice Rehnquist’s dissent in a late 1970s case, articulated the special characteristics of a corporation that justify a countervailing regulatory structure:

A State grants to a business corporation the blessings of potentially perpetual life and limited liability to enhance its efficiency as an economic entity. It might reasonably be concluded that those properties, so beneficial in the economic sphere, pose special dangers in the political sphere. Furthermore, it might be argued that liberties of political expression are not at all necessary to effectuate the purposes for which States permit commercial corporations to exist. So long as the Judicial Branches of the State and Federal Governments remain open to protect the corporation's interest in its property, it has no need, though it may have the desire, to petition the political branches for similar protection. Indeed, the States might reasonably fear that the corporation would use its economic power to obtain further benefits beyond those already bestowed. I would think that any particular form of organization upon which the State confers special privileges or immunities different from those of natural persons would be subject to like regulation, whether the organization is a labor union, a partnership, a trade association, or a corporation (*Nat'l Bank of Boston v. Bellotti*, 1978).

Justice Stevens’ wrote a similar dissenting opinion over three decades later in which he expanded upon Justice Rehnquist’s ideas to include the danger of foreign influence upon elections in the United States.

Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters. The financial resources, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process. Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races. The majority’s approach to corporate electioneering marks a dramatic break from our past (*Citizens United v. Federal Election Comm'n*, 2010).

Justice Stevens goes even further than merely pointing out the risks of failing to regulate corporate speech in proportion to the special powers of a corporation as Rehnquist had earlier done; he raises the idea of a “compelling constitutional basis” and a “democratic duty” to guard against the deleterious effects of corporate spending in” politics. It is important to ask why Justice Stevens would employ such strong language, arguing for a virtually categorical perfect duty to protect democracy from the “deleterious effects” of corporate influence in elections. In part the deleterious effects Justice Stevens is pointing out also include a potential to eclipse the speech of individual citizens through massive corporate spending on advertising, even on behalf of foreign shareholders. Finally, a completely separate threat rests in the fact that this newfound corporate right in the United States will reduce the effectiveness of “watchdog organizations” (Stoll, 2005).

The appeals of Justices Rehnquist and Stevens resonate in the international context of the regulatory challenges of the OECD. The aforementioned deleterious effects are, with globalization, consolidation and expanding FDI, spreading beyond national borders.

The views of Justices Rehnquist and Stevens trace their origins to the enlightenment thinking—as Mill observed—that gave rise to the Constitution. As enlightenment thinkers, the men who met to draft the Constitution were deeply suspicious of the corrupting force of money in politics. Thomas Jefferson said that "Merchants have no country. The mere spot they stand on does not constitute so strong an attachment as that from which they draw their gains" (1814). A recent Gallup poll stands as a testament to the fact that, although the average person may not follow the nuances of corporate personhood case law in the United States Supreme Court, nearly 200 years later, their views on corporate accumulations of power in government are very much in line with Jefferson. In a recent Gallup poll, they were asked the question, “do you think the government should or should not be able to place limits on how much money corporations or unions can give to a political party?” Their answer, by a 76 percent majority was “Yes, place limits” (Saad, 2010).

Conclusion

More than ever before in history, the scale of corporate malfeasance has a proven to have an unacceptable potential to impact the welfare of people and the nations in which they vote. As the financial crisis of the last three years has demonstrated, the need for international regulation, transparency and cooperation is clear. International leaders have proposed solutions and a

healthy dialogue is occurring around the globe. Edmund Phelps, of Columbia University, as part of this critical dialogue, likened the global movement for change to a “capitalist *reformation* that is analogous to the Protestant Reformation in the 1500s.” [Phelps’ original emphasis] His observation suggests the tectonic shift that will mark the aftermath of the recent recession. As Phelps eloquently put it, “there is the appearance of a parallel between the Church’s creation in medieval times of lucrative indulgences, which national governments did nothing to stop, and the banking industry’s sale in recent years of overvalued packages of mortgages, called CDOs, which governments did nothing to stop” (2009). The OECD is attempting to articulate these ideas into a viable international framework leading, potentially to a “global legal standard” based on existing OECD Principles of Corporate Governance (OECD, 2009). In an appeal to the global community, the Secretary General of the OECD posted an open letter in which he stated that “the world needs to rewrite the rules of finance and global business” (Gurría ,2009). In this spirit, representatives of the largest western economies are attempting to agree upon a countervailing force to oppose unsustainable corporate behaviors, which are inherently dangerous to the security of nations and the welfare of their people.

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