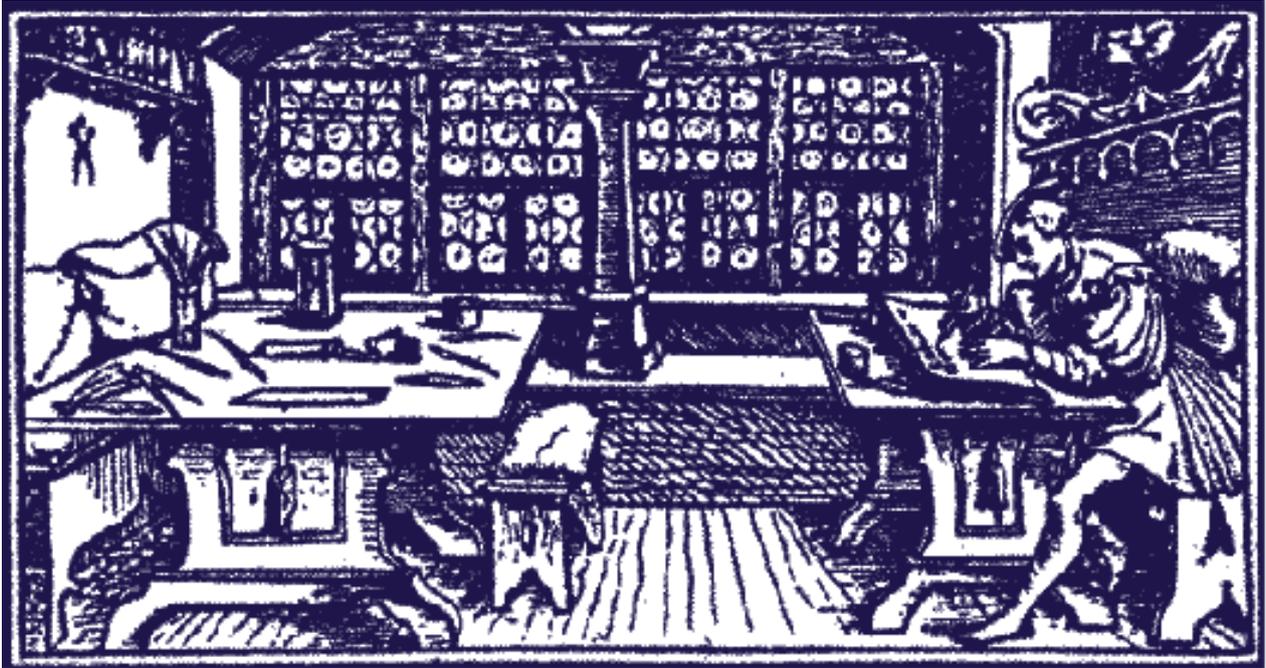




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MORE THAN NATIONAL, LESS THAN GLOBAL? SOCIAL MOVEMENTS UNDER GLOBALISING CONDITIONS

DANIELA ANGI*

ABSTRACT. I look in this paper at the location of social movements in the wider theoretical discussions of the global transformations, and particularly at their approach from the perspective of transnationalism. In doing so, I look at the “hybridisation” of social movements as conceived of in theory, meaning by that the interplay of national and supra-national features in the dynamics of social movements under globalising conditions. Secondly, I point – rather as an opening for further more systematic assessment – to a certain paradox that seems to lie within these new theories: in spite of the theoretical fragility of the concept of global civil society, the theorisation of social movements under globalising conditions seems to carry on and strengthen this very contested category. Social movements are treated as civic actors (and importantly, not the only ones) with international, transnational and even global reaching. Which creates further theoretical tensions that could be translated into questions like the following: accepting that social movements, as civic actors, get global, does not mean in fact to confirm the possibility of a global civil society? Or, is it rather that civil society as a whole does not (or cannot) get global, but solely parts of it are endowed with the ability to transgress territorially demarcated nations states?

Keywords: social movements, globalizations, transnational, global civil society, hybridisation

Global civil society, it is often claimed, is merely a utopia. It seems plausible for this statement to convey a great deal of truth, and the reasons to defend this argument are fairly numerous.¹ Possibly, we face a linguistic trap

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¹ Amongst the most important arguments put forward in this sense we may note the following: a civil society can exist as such and be called without reservation *civil society* solely in the framework of a nation state. Simply put: if there is no state, there is no civil society. Since for the time being and most probably for the foreseeable future nothing like a global state or a world state will emerge, the equivalent of the nation state at global level – that would justify the reference to global civil society – is missing. Therefore the processes and organisations that are extra governmental but operate across borders do not constitute a civil society in the sense the theory has conceived of for the nation-state context. An additional aspect concerns the issue of citizenship. In the nation-state framework, individuals are part of civil society as citizens, alongside the formal and substantive rights that citizenship confers to them. In global settings, we certainly do not find a global citizenship, another reason to question the possibility to speak of global civil society as an actual sphere. See more for the critique of global civil society in: Baker, G (2002): “Problems in the Theorisation of Global Civil Society”, in *Political Studies*, Vol. 50, pp. 928-943, and Keane, J (2003) *Global Civil Society?* Cambridge University Press.

that keeps us stocked in this problematic position: we partially recognise phenomena previously labelled as civil society, being at the same time aware that there is no equivalent of the nation-state at global level, to complete the binding dyad. Hence we are not certain whether those phenomena are not of a distinct nature. However, no equal competitor - meaning an improved formulation - seems to be advanced for designating the constellation of processes that are still called, with the corresponding doubts attached, global civil society. It is not my intention here to invent the missing word, but rather to take advantage of the controversy around global civil society as pretext for looking at the social movements and their extent beyond nation states, as posited in theory. Social movements, understood as manifestations of civil society, fall themselves under the auspices of globalisation. As a consequence, part of them are in the process of getting if not global, then allegedly transnational. The theory could not remain unresponsive to these transformations, thereby new sets of concepts have been advanced to assist the research of social movements.

1. Social movements as collective actors of civil society

A review of the literature on social movements goes beyond the scope of this paper; what I nevertheless insist on concerns the definition of social movements, their main characteristics, and the relation between social movements and civil society. Following Alain Touraine's definition, we may consider social movements as "normatively oriented interactions between adversaries with conflicting interpretations and opposed societal models of a shared cultural field." (Touraine, as quoted by Cohen and Arato, 1992: 510) Alternatively, Tarrow defined these phenomena as "challenges by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities." (Tarrow, 1994: 4)

For a fairly long time, the theorisation of social movements has been dominated by two approaches: resource mobilisation and identity oriented paradigms.² In the past decades, special attention to social movements has

² Cohen, J and Arato, A: *Civil Society and Political Theory*, MIT Press, 1992; According to Cohen and Arato the main assumptions of the resource-mobilisation paradigm are the following: social movements must be understood in terms of a conflict theory of collective action; there is no fundamental difference between institutional and non-institutional collective action; both entail conflicts of interest built into institutionalised power relations; collective action involves the rational pursuit of interest by groups; goals and grievances are permanent products of power relations and cannot account for the formation of movements; movements form because of changes in resources, organisation, and opportunities for collective action; success involves the recognition of the group as

been given by Jurgen Habermas,³ who “ascribed two interrelated roles to social movements. First, they were seen as the dynamic elements in social learning processes and identity formation. [...] Second, movements with democratic projects have the potential to initiate processes by which the public sphere might be revived and discourses institutionalised, within a wide range of social institutions.” (Cohen and Arato, 1992: 527)

As a critical response to the traditional ways of theorisation, the new social movements paradigm has gained field in the literature; it is an approach of post Marxist inspiration, which holds that “theories stressing the primacy of structural contradictions, economic classes, and crises in determining collective identity are inappropriate to contemporary collective actors.” (Cohen and Arato, 1992:510) In Melucci’s view (who built on Habermas’ idea of colonisation of life world by the system), new social movements “try to oppose the intrusion of the state and the market into the social life, reclaiming the individual’s identity.” (Melucci as referred to by della Porta, 1999b: 12)

These phenomena, despite the low degree of institutionalisation they sometimes involve, are recognised as actors of civil society.⁴ In the context of this paper, we may rely on the provisional definition of civil society offered by Cohen and Arato who argued that civil society “is the sphere of social interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary associations), social movements and forms of public communication.” (Cohen and Arato, 1992: 97) The same authors suggested that “social movements are a normal, albeit extra institutional, dimension of political action in modern civil societies.”(Cohen and Arato, 1992: 565) Kaldor has also signalled the “institutionalisation problem” of social movements that compared for instance with NGOs appear as “looser organisations, often based on grass-roots groups and making use of volunteers.” (Kaldor, 2001:111)

Regardless of the institutional aspect, which nonetheless may prove problematic for the research of social movements, there is also the possibility to

a political actor or increased material benefits; mobilisation involves large-scale special purpose bureaucratic formal organisations;

³ See Chapter 5: “A Critical Theory of Civil Society” in Chambers, S and Kymlicka, W, Eds. *Alternative Conceptions of Civil Society*, Princeton University Press, 1998, and Cohen, J and Arato, A: *Civil Society and Political Theory*, MIT Press, 1992;

⁴ For reasons of limited space, I do not present here a discussion on the evolution of the civil society concept. See for that a very detailed account in Cohen, J and Arato, A: *Civil Society and Political Theory*, MIT Press, 1992, as well as Jeffrey Alexander: *Real Civil Societies: Dilemmas of Institutionalisation*, London, Sage Publications, 1998, and Adam Seligman: *The Idea of Civil Society*, Princeton University Press, 1995;

analyse these phenomena from the point of view of the type of action they promote, and which qualifies them as actors of the civic sphere. As it will be further on developed, it is rather the type of action than the institutional aspect that seems to matter in the processes of social movements transgressing borders. Remaining for a moment to the action of social movements as civil society players, I found fairly helpful the differentiation made by Jurgen Kocka between different levels to which civil society may be understood and analysed.⁵ Kocka suggested that in a first understanding civil society may refer to “a specific type of social action”, and as such it “is oriented toward non-conflict, compromise, and understanding in public; stresses individual independence and social self-organisation; recognises plurality, difference and tension; proceeds non-violently and peacefully; is oriented toward general things, that is it works actively for the common good based on the particular experience and interests of each individual, even if different actors in civil society might have very different conceptions of what constitutes the common good.” (Kocka, 2004) Secondly, according to Kocka, civil society refers to a social sphere and in this sense it describes “a complex and dynamic ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organising, self-reflexive, and permanently in tension with each other.” Last, but not least, civil society as part of the “comprehensive plan or project”, rooted back in the age of Enlightenment, “remains a utopia, a promise that has yet to be entirely fulfilled.” (Kocka, 2004: 69)

Looking more at social movements through the prism of the action they promote, we can better grasp the international dimensions that social movements acquire under conditions of globalisation. Often the activities of social movements are based on a militant or emancipatory ideology, whereas the concrete techniques rely on protest as method of becoming visible. Yet, regardless of how much (or how violent) protest is attached to the grievances of social movements, what is of crucial importance concerns the relationship with the political structures and the impact that social movement may exert on policies or on political decisions.

This leads us to the so-called “politics of influence” (Cohen and Arato, 1992: 509) and to the question of agency. (Colas, 2000) The “politics of influence” refer to the impact that social movements can have on both civil and political society (Cohen and Arato, 1992: 509). Furthermore, while conceiving of agency as “goal-oriented activity” that has a “transformative”

⁵ Kocka, J.: “Civil Society from a Historical Perspective”, in *European Review*, Vol. 12, No. 1, February 2004.

character (i.e. “geared to the conscious overhaul of existing social structures”), Colas defines a social movement as “sustained and purposeful collective mobilisation by an identifiable, self-organised group in confrontation with specific power structures, and in pursuit of socio-economic changes” (Colas, 2002: 66-67)

The idea of agency is also manifest in the synthesising definition given to social movements by della Porta, who conceived of these phenomena as “informal interaction networks between a plurality of individuals and groups”, that have a “shared set of beliefs and a sense of belonging” and that engage in “political and/or cultural conflicts, meant to promote or oppose social change at either the systemic or non-systemic level.”(della Porta 1999b: 15) As it will be later on referred to, the agency aspect and the emancipatory politics of social movements are given in theory better chances for success through the new resources forged by globalisation, though a number of authors indicate the danger of overestimating such characteristics of social movements.

2. The Globalising Conditions

2.1. Inputs from globalisation

A repeated stance concerning not only social movements, but also globalisation in general, claims that the current phenomena typically regarded as “getting global” are not one hundred percent novel.⁶ If the prerequisites of social movements expanding over their localities existed even before *globalisation* became a buzzword, what is generally accepted is that the present degree of interconnectedness (Nash, 2000: 47) between people and states and the new openings brought in by the global expansion of media are unprecedented. Therefore, in trying to make sense out of the social movements currently transcending national borders, the theory felt no need to put aside the knowledge already acquired about social movements and which remains to a great extent valid. What is however important in the new tentative models of theorising social movements concerns the new prototypes of interaction between the local (and the national) and the global (or transnational) in the dynamics of these actors.

Thus far, approaches of globalisation lay the strongest emphasis on the economic dimensions, thus making the global expansion of capital the

⁶ See more on the historical roots of globalisation and on earlier manifestations of global organisations and international movements: Anheier, H. et al: *Global Civil Society 2001*, Oxford University Press, and Held, D et al Ed. *Global Transformations: Politics, Economics and Culture*, Stanford University Press, Stanford, 1999;

main engine of the whole globalisation process.⁷ It is an approach that sees globalisation as led by market forces and is often labelled as “globalisation from above.”⁸ The counterforce of globalisation from above is another type of globalisation – initiated from below and which is believed to act through the agency of civil society actors. (Falk, 1998) The global dimensions of economy have nevertheless revealed one of the dark and contested sides of globalisation: its uneven character and its potential of deepening existing inequalities. Seen through this prism, globalisation lays the ground for resistance and protest, lobbying and action oriented toward the correction of the negative effects of economic global expansion. (Falk, 1998; Keane, 2003) References to globalisation from below we find also in Appadurai’s work: discussing the so-called “grassroots globalisation”, the author argued that globalisation from below developments are generally concerned with preventing/correcting the growing inequalities that globalisation (particularly through its economic side) produces. (Appadurai, 2000) According to the same author, the NGOs and the social movements operating within international networks often develop conflicting interactions with the states of origin, with the broader civil society and with the local communities. (Appadurai, 2000)

It is not solely the economic aspect of economic globalisation that has a bearing on social movements. At the same time with core countries benefiting more from global economic expansion than do the peripheral areas, what also matters is that global capital does not come alone; it expands accompanied by cultural symbols and practices that penetrate new localities in what is sometimes resembled with a cultural invasion. Which further brings into discussion the question whether globalisation in the field of culture will eventually lead to the eradication of cultural differences through homogenisation. Appadurai has justly argued in this sense that “the central problem of today’s global interactions is the tension between cultural homogenisation and cultural heterogenisation.” (Appadurai, 1990: 295)

The reason why I insist on the cultural dimension is because it appears to be relevant for the consideration of social movements in two main senses. If cultural diversity is at stake (thereby giving priority to the preservation of cultural particularities as confronted with the homogenising global forces), then culture becomes a terrain of resistance, where social movements are believed to become significant actors. Further on, if culture

⁷ See for instance P. Hirst and G. Thompson: *Globalisation in Question*;

⁸ See for example Falk, R: “Global Civil Society: Perspectives, Initiatives, Movements” in *Oxford Developmental Studies*, Feb. 1998, Vol. 26, Issue 1;

is understood as the set of codes and meanings binding people together, its internationalisation, or cosmopolitanisation (or ultimately, but less realisable, its globalisation) leads to the creation of common arenas of understanding, a basis for common goals and action. The creation of common codes and meanings is helped by the virtual proximity between geographically distanced publics. This phenomenon is made possible by the internationalisation of communications, affected by technological advancement, leading to the creation of wide transnational publics, able to access in virtually all parts of the globe the same informational content.⁹

Whereas it becomes more and more difficult for states to hold monopoly on and exert strict control of the information that circulates in and from given national territories (Held et al, 1999) there are additional areas where the exclusive authority of nation states is conceived of as weakened. In this sense, it is claimed that though the states remain the primary holders of political and economic prerogatives, under globalising condition we witness “the weakening of the exclusive formal authority of states over national territory” and “the ascendance of sub- and transnational spaces and actors in politico-civic process.” (Sassen, 2004: 651) What does this mean? In the sphere of politics what seems to be a frequently invoked aspect in the literature concerns the opening of the political space to a greater number of actors than merely the governmental structures of given nation states. Or as Sassen has put it: globalisation has given the opportunity to local actors to get involved in the international arenas once exclusive to national states. (Sassen, 2004: 649)

Two matters are related to this: firstly, the multi-level governance that involves “a series of interlocking and mutually reinforcing levels: regional, national and supranational” (Hooghe and Marks 2001, as referred to by Rumford and Murray, 2003: 89), and secondly the global governance that presupposes a “widespread network of international governmental organisations, combined with international non-governmental organisations” (Nash, 2000: 55).

In such a world where “local [...] actors can contribute to the formation of global domains or virtual public spheres and thereby to a type of political subjectivity that needs to be distinguished from what we would usually consider local” (Sassen, 2004: 650) new niches are created for the actors of national civil societies to get involved in issues the scopes of which transgress the respective localities. It is the standpoint from which the

⁹ See for instance Ch. 7 “Globalisation, Culture and the Fate of the Nations” in Held, D. et al: *Global Transformations: Politics, Economics and Culture*, Stanford University Press, Stanford, 1999;

advocates of civic activism build the idea of a global (or, more moderately, *international*) civil society.¹⁰

Leaving aside for a moment the possibility of implementing such a scenario, and focusing solely on social movements, it seems that although globalisation affects to a great extent the configuration of social movements, the latter retain many similarities to the national social movements. In this sense, and despite the triviality associated with money, the resources needed to support mobilisation are of crucial importance not only for the national movements, but also for those that operate on the international arena. As social movements most likely “only get limited support from governments or other established institutions” (della Porta 1999a: 18), the access to internationally based funds is a valuable opportunity for the movements that escape the national territories. It has been argued accordingly that “globalisation brings important new resources to the mobilisational efforts of movements.” (Guidry, 2000: 2) We may understand resources in a broad sense as both financial resources and ideological inspiration and support.

Resources are crucial, yet alongside money and logistics what also matters for social movements is to “catch” the right moment for becoming visible and to fit in a responsive political and cultural configuration – the simplest way to call an “opportunity structure.”¹¹ Della Porta has argued along these lines that globalisation “increases the relevance of the international opportunities and constraints for national social movements” in such a way that “sub-national and national social movements become players in a multi level game.” (Della Porta, 1999a: 6) This further means that social movements, which cannot be active within the national settings, because of restrictive legislation, or high sensitivity of the government towards one or another issue advanced by a movement that collides with the general policies, have the possibility to operate by reference to international agreements or by getting de-territorialised and moving in more favourable settings, thus making use of international opportunities. It is what Guidry calls the amplification by globalisation of the “ability of national movement organisations to frame their claims in terms that resonate beyond territorial borders, thereby allowing national organisations to obtain resources from abroad.” (Guidry, 2000: 2)

¹⁰ Though I do not elaborate much on this concept in this paper, a provisional definition should prevent us from arbitrary usages of this category. Therefore, “the sphere of ideas, values, institutions, organisations, networks, and individuals located between family, the state and the market and operating beyond the confines of national societies, politics and economies” (Anheier et al, 2001: 17) could serve as a representative characterisation of global civil society;

¹¹ See also Bennaia, A: (2003);

The “resource and opportunities” approach points quite explicitly to the interchange of national and global dimensions in the configuration of these social movements. Put it differently, even if “nation state is no longer the exclusive setting for the social movements mobilisation” (della Porta 1999a: 13), the very nature of social movements, that of being grass-rooted, links them unavoidably with a locality. (Kaldor, 2001)

In that case the next question that can be addressed concerns the ways in which separate social movements, locally-based and virtually lacked of geographical proximity come to create networks or how is it possible for a given social movement to become active in another space than the indigenous one. In this regard and with special emphasis on protests as key element of the social movements’ action, it is claimed that “globalisation [...] produces cross-national similarities in protest mobilisation via diffusion” (della Porta, 1996a: 6) Diffusion, may be further argued, is eased by the growing interconnectedness created by the global expansion of media. This is a rather commonsensical assumption, that gains in sophistication in transnationalists’ approaches, and their insistence on the establishment of a transnational public sphere, as site of meeting for actors with different locations, and common concerns.

2.2. Transnational public spheres, transnational publics, and transnational social movements

Once more the limits imposed by language may prove problematic: there seems to be a certain tension in the literature regarding the label that should be given to the social movements that transcend the national boundaries. Competing denominations are transnational social movements, international social movements and to a less extent (in terms of the frequency of usage) global social movements.

Some authors refer to “international social movements” and look at these phenomena from the perspective of international relations. For example, Alejandro Colas chose to name the trends of civic actors to cross national borders as “international civil society”, thus avoiding the negative reactions to the idea of a civil society getting global.¹² He observed that the internationalisation of civil society (a phenomenon that in fact is not restricted to the last decades of increasing globalisation) might be grasped at three levels: firstly, “civil society must be seen as a constituent of the modern system of states”, secondly, “defined as the expression of capitalist market relations, civil society

¹² Colas, A.: *International Civil Society*, Polity Press, 2002;

should be seen as an international phenomenon by virtue of its global expansion", while thirdly "viewed as a political and ethical space occupied by modern social movements", what becomes important is that "such movements have arguably always been subject to a host of transnational forces, both ideological and institutional." (Colas, 2002: 49)

However, judging by the regularity of usage, the preferred formulation seems to be that of "transnational social movements", a development that goes along the progresses recorded in the past years by the studies of transnationalism. The wide discussion on transnationalism emerged as a response to a set of transformations at global scale: the penetration of national cultures and political systems by global and local driving forces; the perception of nation state as weakened from above by transnational capital, global media and emergent supra-national political institutions; the corresponding developments as reactions from below: local resistances of the informal economy, ethnic nationalism, and grassroots activism. (Guarnizo and Smith, 1998)¹³

Following Vertovec's account on the theoretical directions of transnationalism studies, the most fertile approaches conceive of transnationalism respectively as: (1) a type of social morphology; (2) a type of consciousness; (3) a mode of cultural reproduction; (4) an avenue of capital; (5) a site of political engagement; (6) a (re)-construction of place or locality. (Vertovec, 1999) Within these approaches, social movements find their place as actors involved in the "site of political engagement", a theoretical category very close to the "transnational public sphere" to which I refer in the following paragraphs. In this regard, it became apparent that the label "transnational" is attached not only to social movements, but also to other categories that describe by-products of globalisation, such as "transnational publics", "transnational public sphere", and "transnational spaces".¹⁴ Such concepts often go together with the social movements within the theoretical models.

¹³ Guarnizo, L and Smith, P.M.: "The Locations of Transnationalism" in *Transnationalism from Below*, Ed by Michael Peter Smith and Luis Eduardo Guarnizo, Transaction Publishers, New Brunswick, 1998; See also Vertovec, 1999 and 2001b. According to Vertovec, transnationalism refers to "multiple ties and interactions linking people or institutions across the borders of nation-states"; it describes "a condition in which, despite great distances and notwithstanding the presence of international borders, certain kinds of relationships have been globally intensified and now take place paradoxically in a planet - spanning, yet common arena of activity" (Vertovec, 1999: 447);

¹⁴ See also: Olesen, T.: "Transnational Publics: New Spaces of Social Movement Activism and the Problem of Global Long- Sightedness" in *Current Sociology*, May 2005, Vol. 53 (3), Sage Publications; and Roudometof, V.: "Transnationalism, Cosmopolitanism and Glocalisation" in *Current Sociology*, January 2005, Vol. 53 (1): 113-135, Sage Publications;

Along these lines, it is argued for differentiation between transnational social movements, transnational coalitions and networks.¹⁵ The argument is that compared to social movements, networks have a lower degree of identity, cohesion, and shared values, whereas coalitions represent only a moment of action in the dynamics of social movements. (Keck and Sikkink, 1998, as referred to by Bennesaieh, 2003: 112) The creation of coalitions is therefore a strategy of more movements, sharing the same goals, to reach a higher degree of mobilisation and hereby, more effectiveness. Going back to the diffusion of social movements, earlier referred to (and that may lead to the formation of coalitions), we may perhaps understand it using the next "invention" of transnationalist approaches, the "transnational public sphere."

Transnational public sphere has been defined as: "a space in which both residents of distinct places [...] and members of transnational entities [...] elaborate discourses and practices whose consumption moves beyond national boundaries." (Guidry et al, 2000: 6) We recognise here some remnants of the Habermasian assessment of the national public sphere, " [...] a network of communicating information and points of view" (Habermas, 1996: 360) or the site "where ideas, interests, values and ideologies formed within the relations of civil society are voiced and made politically efficacious." (Habermas as referred to in Chambers and Kymlicka, 1998: 96) The main difference is of course related to the scope of the action and to the nature of the issues that are advanced in the context of transnational public spheres, and that are transboundary in character.

Guidry has stressed on the merits of such a transnational public sphere, "a real as well as a conceptual space", in that of allowing social movements to "interact, contest each other and their objects and learn from each other." (Guidry, 2000) In this view, the transnational public sphere assists not only diffusion (in the sense of imitation practices from one movement to another) but has also an innovative potential. Concerning the theoretical value of the concept, Vertovec suggested that "for the contemporary sociology of social movements, a transnational public sphere represents a space in which social organisation and tactics for collective action can be transmitted to particular places around the world." (Vertovec, 2001b: 23)

From a similar position - concerned with the emergence of transnational spaces and actors - Olesen focuses on *transnational publics*. While being sceptical of the appropriateness of the "global civil society" category, Olesen

¹⁵ In Bennesaieh, A: "Seven Theses on Global Society" in *Cultural Dynamics*, 15 (1), 103-126, Sage Publications, London, 2003;

suggested that the assessment of transnational movements could be fruitfully done in relation with the transnational publics, on the plurality of which he insists.¹⁶ Olesen imagined the transnational publics as integrative parts of the transnational public sphere and pleaded for the usefulness of this category because it opens the way to theorise the relation between local, national and global, a relation that “should be studied, rather than assumed.” (Olesen, 2005: 422) Using the concept of “transnational publics” as a substitute for the category of “global civil society” he disagrees with, Olesen specifically stresses on the distinction between these publics and the transnational social movements. Transnational publics, entailing both physical and non-physical dimensions, differ from social movements in that of being temporary phenomena lacked of collective identity and of the quality of an agent. (Olesen, 2005: 425)

Transnational publics are rather *creations* of social movements, because they form around issues advanced by those movements. What is also relevant to note from Olesen’s model is that the ability of social movements to “generate resonance” affects the degree to which transnational publics may link with different national public spheres. (Olesen, 2005: 433) It is an important aspect that allows to imagine how a transnational social movement, helped by the centrality of the issue it addresses, may influence particular national public spheres and the corresponding national civil societies.

Yet, despite the appeal of the transnational approaches and the conceptual innovations they bring, criticism is not absent. I have referred earlier in the paper at the globalisation from below - imagined as “ an alternative to the globalisation from above, imposed by elites” and built “on the needs of capital” (Falk, as referred to in Baker, 2002: 932) - that allegedly relies on the civic actors’ activity. Though the dichotomy *from above - from below* became close to a cliché in the writings about globalisation, one finds also voices that do not take for granted all assumptions contained within this opposition.

A first example is coming from Guarnizo and Smith, who identified the antagonism *from above - from below* also in the approaches of transnationalism, where the version “from below” is endowed with a significant *liberatory* and *emancipatory* character, assessed by the authors as sometimes highly exaggerated. (Guarnizo and Smith, 1998) A second critique is addressing what Bennesaieh called the “transnational approach” of global society. (Bennesaieh, 2003)

¹⁶ Olesen, T.: (2005): “Transnational publics: New Spaces of Social Movement Activism and the Problem of Global Long- Sightedness” in *Current Sociology*, Vol. 53 (3), Sage Publications;

The author has reacted against the tendency of transnational approaches that focus on transnational civic networks to emphasise the “civil actors’ increasing opportunities for action”, to stress on the “positive outcomes”, thus prioritising agency and underscoring the “structure” and the “procedural constraints” (Bennessaieh, 2003: 114). These critiques are to be understood as more than reactions to a biased manner of stressing the positive and minimising the negative sides, but also pointing to a certain ideological matter that assumes liberal values as already global.

3. International, Transnational, Global...? Closing Remarks

Notwithstanding the length limits to which this paper is confined, I hope that I have managed throughout these pages to draw the attention to several aspects that could be worthy of further reflection. In this sense, a first point concerns the changing nature of social movements under globalising conditions. The character of this new type of social movements has certainly altered, resulting into a hybrid type that accommodates the local (and the national) with the supra-national (and not necessarily global) dimensions. To start with, despite subsequent migrations to supra-national areas, social movements are still assessed as entailing a local dimension through the very moment of their emergence, which has to do with a specific locality. Secondly, even though their activity is being mediated and eased by reference to non-national assistance (funds, juridical aspects etc) social movements are still affected by the national settings (in the sense of support and more often in that of restriction of their operation). Thirdly, social movements expand over the national limits in the following senses: through the issues they address, the international opportunities that they use, and the international (or transnational) publics that they create. This interplay between national and supra national (in my view a more neuter term than *transnational* or *global*) in fact re-addresses the importance of state in the whole debate.

A second point, and an immediate consequence of the first, relates to the denomination of these social movements. I have referred in this sense at the competing categorisations given to these movements, that are not necessarily interchangeable, and that are more than simple labels in that of deciding upon the very nature of these phenomena. Accordingly, it may be suggested that the assessment of cross-countries social movements, whether we choose to name them as transnational, international or global is solely one side of the intricate tasks to make sense of the new configuration of the world scene in the “age of globalisation”. Why this task is not an easy one has to do

with the fact that “sociological studies of globalisation have posed the question of how to understand society without a nation state.” (Rumford, 2001)

The third aspect to which I intended to call attention has to do with another theoretical tension that may be spotted within the globally oriented approaches on social movements. As observed in the introduction, social movements, even though conceived of as above the level of nation state, are still considered actors of the civil society. Their theorisation follows to a great extent the same lines, in positing social movements as collective actors of a grass rooted nature, with shared goals, moreover agents with capacity to affect changes in the political society, operating in a public sphere (transnational this time). Although the reference to social movements as civic agents is not always literally encompassed by the category of global civil society, the allusion to the latter is somehow implicit. Along these lines, debating hesitantly the ability / inability of civil to become global, then arguing that this is inconceivable, while at the same time being optimistic towards the globalisation of social movements, we see how imperative it is to theorise these issues in a coherent, uncontradictory and consistent manner. In this sense, it seems that the theorisation and research of social movements reaching beyond the national limits, accompanied by the attempts to make sense of how the civil society is transformed by globalisation could give us an impetus to take seriously the observation made by Ulrich Beck, according to whom “there is a new dialectic of global and local questions which do not fit into national politics [...] only in a transnational framework can they be properly posed, debated and resolved.” (Ulrich Beck, 1998, as quoted by Vertovec, 1999: 453-454)

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SOCIAL CAPITAL IN MULTICULTURAL COMMUNITIES

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ABSTRACT. When exploring multicultural communities, the operationalization of social capital that is commonly used in research on homogeneous communities might not yield the expected results. This article tries to determine if in multicultural communities the norms of reciprocity are more adequate indicators when studying social capital formation and/or evolution than any of the so far widely used indicators of trust: interpersonal, generalized or institutional. Since the main purpose of social capital is to provide resources for collective action among social actors, the authors suggest that the level of social capital that characterizes a community might also be explained in terms of the evolutionary game theory. The first part of the article reviews some of the theoretical arguments that seem to offer the link between social capital and game theory, while the empirical part provides further arguments which sustain the suggested way in which the norms of reciprocity, system values and collective memory interact.

Keywords: multicultural communities, social capital, trust, evolutionary game theory

Introduction

This article argues that when operationalizing and measuring social capital in multicultural communities the indicators used in homogeneous communities are not entirely adequate. The first section reviews several research studies which suggest negative correlations between measures of ethnic diversity and various indicators of social development, including social capital. The second section explains why in an environment characterized by ethnocultural diversity using the norms of reciprocity when measuring social capital seems to be more adequate than any of the trust indices, including interpersonal trust, social trust and institutionalized trust. The third section continues the discussion on social trust on the ground of game theory. Attempting to observe the mechanisms that facilitate and foster the evolution of social capital, we combine theories of social capital, game theory, social representations, and collective memory. Our theoretical framework is based on the assumption that given a community and its level of social capital, the level of social capital can be formalized using the evolutionary game theory. The fourth section refers to a qualitative research that comes to provide

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empirical evidence for the theoretical arguments set out above. The last section concludes by arguing that there is needed further research in order to deepen the findings of this study.

Our approach is based on the assumption that by means of game theory the relationship between social capital and diversity can be more adequately explained. Acknowledging the fact that social capital could be understood as the processes by which individuals and groups invest in social relationships and share resources between themselves, we focus on how social interactions are molded in different social contexts, with special focus on the differences between homogeneous and heterogeneous contexts.

Social interactions can usually be described as games that are defined by sets of players, the players' strategies – the possible options of each player in a given situation – and the payoffs that are the consequences of the combinations of their decisions. Considering the games' foreseeable consequences, the players can deploy strategies of conflict or cooperation. Social interaction can be either ongoing, in the case of a repeated game, or a single event. Repeated games entail that the players can take past decisions – “the history of play” – into account when making their present decisions, and also that their current decisions may affect the future decision.¹ Games of this kind can be characterized sometimes with the help of the Nash equilibrium or the inefficient equilibrium concepts. Nash equilibrium is defined as a situation where non of the players can do any better by making independent change of strategy, or as Nash put it: “an equilibrium point is n -tuple such that each player's mixed strategy maximizes his payoff if the strategies of the other are held fixed” (Nash, 1950, p. 3)². The concept of inefficient equilibrium refers to a situation when Nash equilibrium is not a Pareto-optimal, therefore it becomes rational for players to choose a strategy that dominates that particular Nash equilibrium (Cohen 1998; Harsanyi et al. 1988).

1. The impact of ethnocultural diversity

Several researches have investigated recently the impact of ethnocultural diversity on social development (Fearon 2002; Alesina et al. 2003; Montalvo et al. 2005; Putnam 2007). The main purpose of these studies is to investigate the effects of ethnic, linguistic, and religious heterogeneity on

¹ Most of the social interactions that lead to the formation and/or evolution of social capital are repeated games.

² An “ n -tuple” is referring to a set of n items, with each item associated with a different player.

economic growth, democracy, the quality of the government, the institutions' performance and social capital.

Fearon uses the index of ethnic fractionalization³ in his attempt to assess the impact of ethnic diversity on institutional ethics, political instability, and economic performance. Moreover, he puts forward an index of cultural fractionalization that uses the structural distance between languages as a proxy for the cultural distance between groups in a country. In his view, this measure may be more appropriate when testing hypotheses that assume that ethnic groups matter, because they have diverse preferences and cultural differences that pose obstacles to cooperation (Fearon 2002).

Alesina et al. propose new, more comprehensible set of fractionalization variables, with the help of which they investigate the determinants of economic growth and of quality of policies and institutions. Their findings suggest that ethnic and linguistic fractionalization variables, more so than religious ones, are likely to be important determinants of economic success (GDP growth and other measures of welfare), policy quality (literacy rate and infant mortality), and the quality of institutions (measured by the extent of corruption, political freedom, etc.). However, they emphasize that it is difficult to assess precisely the size of such effects because of the strong correlation of ethnolinguistic fractionalization variables with a number of other potentially explanatory variables, especially geographic ones (Alesina et al. 2003, pp. 182-183).

Montalvo et al. analyze the relationships between various dimensions and indicators of ethnicity and the process of economic development. They examine both the advantages and disadvantages of alternative data sources for the construction of indices of religious and ethnic heterogeneity. They also compare the index of fractionalization and the index of polarization, and conclude by arguing that the index of polarization is the adequate indicator to measure potential conflict. Concerning the empirical findings, their qualitative analysis brings evidence that ethnic and religious polarization has a negative impact on economic development due to the reduction of investment, the increase of government consumption and the probability of a civil conflict (Montalvo et al. 2005, p. 293).

Putnam distinguishes between the immediate and the long lasting effects of ethnic diversity on social solidarity and social capital. Stemming from a quantitative analysis conducted in United States, his findings suggest that in ethnically diverse neighborhoods, residents of all races are likely to present lower levels of trust. As Putnam argues, "trust (even of

³ $F = 1 - \sum_{i=1}^n p_i^2$ where $p_1, p_2, p_3, \dots, p_n$ are the shares of the various ethnic groups.

one's own race) is lower, altruism and community cooperation rarer, friends fewer; but in the long run, however, successful immigrant societies have overcome such fragmentation by creating new, cross-cutting forms of social solidarity and more encompassing identities" (Putnam 2007, p. 137).

2. Social capital in multicultural communities

According to the above, the impact of diversity on social capital seems to be detrimental. There are, however, several studies that raise methodological concerns regarding the way the concept of social capital is usually constructed and most frequently used. A compelling line of criticism calls for attention on the issue of differences between homogeneous and heterogeneous communities (Stolle et al. 2005). Other studies argue that the insistence on social trust presupposes homogeneous societies, while this form of social capital apparently is less characteristic in the case of more diverse societies (Hooghe 2005). There are also researchers who bring evidence that when studying the relationships between social capital and diversity we need numerous contextual information about the environments in which diverse social interactions occur (Reeskens 2007, Harell et al. 2006, Rothstein 2000, Hooghe 2005; Hooghe et al. 2006). Some of the required contextual information might be related to the mechanisms that foster social cohesion in societies characterized by ethnic diversity or, on the contrary, to the mechanisms that hinder it.

Tim Reeskens explores the relations between trust, social cohesion and ethnocultural diversity, trying to discover an indicator that can capture social cohesion in contemporary diverse societies. He transforms the discussion of the supposed decline of social cohesion into a more productive debate, presenting empirical evidence on how diversity relates to trust. Reeskens claims that generalized trust is an adequate proxy both for social capital and social cohesion, and his endeavor targets the development of measures that could grasp the level of social cohesion in diverse societies (Reeskens 2007).

The absence of generalized trust within the social capital literature is usually interpreted as an indicator for social disintegration or lack of social solidarity. The main cause of this dominant view is the insistence on generalized trust as the most significant indicator of social capital –in the case of European Observatory on the Social Situation or the Social Capital Network, for instance – while neglecting the fact that we may need other indicators in order to properly measure social capital in heterogeneous communities. This is to say that different types of societies will be

characterized by different types of social capital. However, it is important to bare in mind that there are studies which argue that given the definitions of generalized trust, the relation between trust and diversity can only be negative (Hooghe 2007, p. 709).

Based on the above, it seems justified to raise the question whether social capital, as operationalized and measured in the social research field so far, might not be only adequate in the context of homogeneous communities. That is to ask whether there is a need, or not, for another conceptualization of the term, in order to describe the processes by which individuals who are members in groups characterized by ethnocultural diversity invest in social relationships and share resources between themselves. Bearing in mind that irrespective of the community's composition the main purpose of social capital is to provide resources for collective action among social actors, we argue that there is no need for another concept, but for a different operationalization of the one we already have. In this regard, we deem that the operationalization of social capital, when considering multicultural communities, should underline the attitudes that are related to cooperative behavior and agreements, i.e. the so-called norms of reciprocity.

The main arguments against considering social trust as the most relevant indicator of social capital when measuring it in multicultural communities can be summarized as follows. Minority groups in general might express less trust in society, since they are more likely to have experienced different forms of domination and marginalization. In multicultural societies, the concept of social trust itself serves sometimes as a mechanism of social control on behalf of the majority group. Moreover, social or generalized trust could even be considered to function as an instrument of cultural hegemony, obscuring internal divisions and pluralism. Focus on generalized trust indicators often ignore that some minority groups have fewer reasons to develop trust in society, since generalized trust refers to resemblance, predictability and closure of social networks. The costs of social transactions across such networks are often significantly higher than the ones related to intra-ethnic, or intra-cultural transactions.

Nevertheless, it might be not enough to explain why in multicultural communities social trust does not work properly as an indicator of social capital. We also need to determine other indicators that can provide a better operationalization of social capital in multicultural communities. We start our search for better measures from the assumption that more diverse societies will be characterized by thinner forms of consensus and social solidarity, therefore the focus should fall not as much on trust, but rather

on norms of reciprocity and equal treatment among different groups. We will refer to the norms of reciprocity as the key indicator when the social capital is to be measured in multicultural communities. The most significant argument sustaining this conceptual option is that reciprocity does not assume the existence of a shared normative consensus which seems to be a given in the case of more homogeneous communities. In what follows, by norms of reciprocity we refer mainly to the minority-majority relations and the opinions, behaviors and attitudes associated with them.

3. Norms of reciprocity, game theory and strategies of cooperation

About a decade ago, Russell Hardin proposed a rationalistic instrumental theory of trust: a social actor-A will trust another social actor-B, if A believes that B's incentive structure is such that it is in B's interest to fulfill A's expectations in a particular exchange (Hardin 1998). But do social actors really employ such complex calculations each and every time they want to decide whether to trust or not? It is considered that if the answer would be affirmative, the cost of transaction would prevent a lot of cooperative exchanges. Hence, trust is not simply about making rational calculations concerning the probability of benefiting by defecting or cooperating with someone else. Moreover, psychological research reveals that trust is linked with norms against opportunism such as lying, cheating and stealing (Rotter 1980). Rothstein, for instance, argues that Hardin's definition of trust appears to be difficult to use when trying to understand why the willingness to trust other individuals, and also formal institutions, varies so strikingly in different societies (Rothstein 2000).

In our view, trust should be understood rather as a contextual process of rational calculation supplemented by the "history of play", as defined by Fritz Scharpf: "the fact that two actors have a memory of past encounters as well as an expectation of future dealings with each other is assumed to have an effect on the individual interactions" (Scharpf 1997, p. 137).

In his article on "Trust, social dilemmas and collective memory", Bo Rothstein demonstrates that a game theoretical approach to the concept of social capital is beneficial for the understanding of social capital formation and evolution. He tries to find an answer to the question of what it takes to move a society from a stable, but inefficient equilibrium, characterized by low social capital to a stable and efficient equilibrium. More specifically, he is interested in finding out what is needed to move from a non-cooperative situation to a cooperative one, avoiding "social dilemmas" which might produce "tragedies of the common good". Assuming that trustworthiness

of efficient institutions creates interpersonal trust, he argues that an institutional mechanism that would establish trust from above should be devised. He believes, following Fritz Scharpf, that if social actors were able to choose their strategies, they would be better off if they would opt for solidarity, and they could trust others to do similarly (Rothstein 2000).

Being able to trust, and being trusted, is an advantage, but exploiting trust may be even more advantageous for each social actor. As Bardhan observes, it is the perceived history of formal institutions that matters, and not the formal institutions per se (Bardhan 1997, p. 1320). That is to say, not institutions as such enforce certain values, attitudes or forms of behavior, but their representations in social actors' mind. Peyton Young correctly observes that social actors are neither totally rational nor fully informed about the world in which they live therefore they adjust their strategies in view of what they think others are going to do (Young 1998).

Rothstein assumes that when confronting with a situation that requires choosing between a cooperative and a non-cooperative stance, social actors are likely to take into account what is known about the moral standard, professional norms, and historical record of the other social actors. Given the fact that we must know who controls what information social actors will use when deciding how to act, we must answer two questions: where does information come from and, what or who determines which piece of information will prevail over the others. Rothstein suggests that the theory of collective memory could provide an adequate ground for the needed explanation. As he writes: "compared with many other approaches to the study of the impact of ideology, culture and history, [collective memory] has the advantage of viewing the creation of ideas and social norms as a strategic political process" (Rothstein 2000, p. 14).

Bo Rothstein's attempt to answer the question of what it takes to move a society from a stable, but inefficient equilibrium, characterized by low social capital to a stable but efficient equilibrium inspires our study on the measurements for social capital in multicultural communities. Our theoretical framework assumes that in multicultural communities 1) the missing link between the theory of social capital and game-theoretical explanations of cooperation entails both collective memory and social representations; 2) the norms of reciprocity might be more adequate indicators when studying social capital formation and evolution than any of the interpersonal, generalized or institutional trust indices.

Social representations are common elements of knowledge shared by people. They refer to language, ideas, images, attitudes, behavior, rules,

and norms. Individuals construct and reconstruct social representations through the interaction with others during the lifetime (Moscovici 1984, p. 3). According to Farr, social representations are both parts of the human culture and of the cognition system. That is why social representations shape interpersonal relations, being part of the process of communication (Farr 1998). Abric analyses the content of social representations in terms of central core and marginal elements, distinguishing between a stable, coherent, non-negotiable structure and one which is shaped by individual preferences and normative systems. The core of representation is molded by the group's collective memory and its system of values. The peripheral system constitutes the interface between representation and reality. Its main role is to adapt the central system to the constraints and characteristics of the each situation. For this reason, the peripheral system makes possible the concretization of the central system in terms of taking position and behaviors (Abric 1996, p. 77). Therefore, the negotiable structure of social representations concerns the individuals' attitudes, ideas, and behavior with regard to day-by-day experiences, and also the norms that shape them.

We assume that including social representations in the sphere of investigation instead of focusing only on collective memory, as Rothstein proposes, will be beneficial for understanding the role of "the history of play" in every-day interactions. We hypothesize that the central part of the social representation and the peripheral system are used in different kinds of interactions between the social actors, since they have different inputs and outcomes pertaining to cooperative strategies: 1) the stable, coherent, system of values and collective memory-based part of the social representation intervenes in symbolic interactions, when 'the other' is perceived as part of a different group; 2) the negotiable, norms-based part of the social representations mediate simple, day-by-day interactions, when 'the other' is simply viewed as a human being.

In order to validate these hypotheses we need to develop a formal model of choice of the different forms of social capital. In other words, if we want to distinguish between efficient and inefficient equilibria, when referring to the level social capital, we have to formalize the social interactions that characterize different types of communities.

4. Empirical evidence

We will present in what follows the findings of a qualitative research aimed at describing the opinions, behaviors and attitudes expressed by the Romanian and Hungarian students, concerning their social networks, the

communities in which they live and the educational institutions, from the perspective of social capital and the openness towards the objectives of multicultural education. One of the objectives of this qualitative research was to assess the accuracy of the theoretical framework sketched in the previous section. Assuming the fact that social capital may be understood as the process by which individuals and groups invest in social interactions and share resources between themselves, we focus on how social relations are molded in homogeneous and heterogeneous contexts. The relations described by the results of the investigations are expected to provide an insight into the envisaged model of social capital choice.

In operationalizing the research we assumed that in a multicultural community, the dimensions of multicultural education relate to social capital, meaning that if an individual presents openness towards the objectives of the multicultural education then he/she will also participate in the community's life and he/she will have a high level of social trust. The design does not state however the type of the relation established between the social capital and the openness towards the objectives of the multicultural education. Although limited in these respects, the design which has been used constitutes a theoretical framework sufficiently coherent to guide a rigorous qualitative research aimed at describing the relations between the openness towards the objectives of multicultural education and the level of the social capital in a multicultural community.

The openness towards multicultural education is a complex index that tries, on the one hand, to measure the level of tolerance, ethnocentrism, interest in and respect for other groups and cultures, and to assess, on the other hand, what are the social representations that shape attitudes, opinions and behaviors with regard to the items mentioned earlier. Hence, the openness towards multicultural education is concerned in fact with the way researchers can capture the reciprocity relations between minority and majority groups.

This qualitative research dealt with the following three research questions:

1. What are the relations between the ethnic segregation of educational institutions and the students' openness towards the objectives of multicultural education?
2. What are the relations between the ethnic segregation of educational institutions and the level of the social capital of the students?
3. From the perspective of ethnic segregation of the educational system, what are the relationships between the openness towards the objectives of multicultural education and the level of the social capital?

Considering the specificity of qualitative research, the concept of social capital was loosely operationalized. Bearing in mind the most relevant literature in the field, we tried to assess which were the most visible aspects of social capital in the community where we conducted our research. As far as the methodological aspect is concerned, the data were collected using two main methods: focus group and participative observation. The focus group method was used to collect and investigate opinions, behaviors and attitudes specific to the Romanian and Hungarian students on their social networks, the communities in which they live and the educational institutions, from the perspective of social capital and the openness towards the objectives of multicultural education. Given the aim of exploring these relations, group discussions had the advantage of providing the opportunity to observe social interaction and not only to elicit responses from our participants. The participative observation was conducted in order to verify the authenticity of the group discussions data.

As far as it concerns the investigated population, this comprised six categories of subjects: Romanian and Hungarian students studying in high schools in Romanian; Hungarian students studying in high schools in Hungarian; Hungarian students studying at the Hungarian track of the high school with two tracks of teaching; Romanian students studying at the Romanian track of the high school with two tracks of teaching; Hungarian students who study in Romanian language in the high school with two tracks of teaching. Thus, we had the opportunity to study several factors that are supposed to affect the relations between the students' openness towards multicultural education and social capital in a multicultural community.

We will present in what follows those results of the investigations which are concerned with relations between students' openness towards the multicultural education, and the level of the social capital in a community characterized by ethnocultural diversity.

The collected data do not empower us to establish that the ethnic segregation of educational institutions is a factor that could explain the students' openness towards the multicultural education. Taking for granted that any consciously implemented multicultural strategies are absent, the following types of situations occur: a situation specific to the Romanian and Hungarian students studying in high schools in Romanian, Romanian and Hungarian students studying at the Romanian track of the high school with two tracks of teaching, and a situation illustrative of the Hungarian students studying in high schools in Hungarian, and also the Hungarian students studying at the Hungarian track of the high school with two tracks of teaching.

The differences in attitude which can be observed if the data do not concern the students' level of openness towards the multicultural education, but their position over other groups from the viewpoint of the language spoken. Consequently, even if we consider Hungarian students studying at colleges in Romanian language, or at the Romanian track, they see themselves being a part of the Romanian language group and not of the Hungarian one. For that reason they share the same social representations with the Romanian students and show the same attitudes towards the students from the Hungarian language group. Based on the empirical evidence, we deem that these two language groups appeared as a consequence of the socialization process. Referring to the norms of reciprocity, each language group is characterized by specific norms that lead to two different types of social capital. Given these findings, we can argue that the theoretical assumptions made in previous section are confirmed.

Moreover, in the absence of appropriate and consistent multicultural programs evolved in order to match the needs of each educational institution, the students' openness towards the goals of multicultural education is only referring to several positive attitudes and beliefs regarding the ethnocultural diversity, lacking all the elements that describe the involvement in projects and activities aimed at understanding and recognizing cultural differences, combating discrimination and intolerance. The data have also illustrated that friendships do not take into account the ethnocultural issue or religious differences. This situation does not facilitate the understanding of the importance of the multicultural education in all its dimensions, and in turn does not have a positive impact on the level of social capital.

Regarding the two language groups, the values associated with social networks do not record any differences. Whether it comes to trusting friends, family or public institutions students have the same position. But regarding participation in associations or organizations, and the attitudes of acceptance and hostility toward outside groups within the community there are relevant differences between the two language groups. This means that, on the one hand, ethnic segregation of the educational system does not affect the homogeneity or heterogeneity of informal networks, and the other hand, that it is the language factor that shapes the norms of reciprocity and level of the social involvement.

In the case of the students from the Romanian language group social participation seems to be influenced by the following factors: the specific interests of the students, the academic level of the educational institution, the influence exercised by teachers, the school's openness

towards extracurricular activities so as to facilitate the promotion of various social events. The level of social involvement of the students from the Hungarian language group is lower than in the case of the Romanian language group. Our findings suggest that the explanation is rooted in the NGO activities which are more visible for the students from the Romanian language group than for the students from the Hungarian language group.

Conclusions

The results of qualitative research indicate that in the absence of strategies to promote multicultural education and involvement in society the most significant factors affecting the openness are: the interest of the students, the academic level of the school, and the interests of the educational staff. Even more, our qualitative research revealed that students' interest factor has the greatest influence on both the openness towards the objectives of the multicultural education and the level of social capital.

Bearing in mind the results of the group discussions, we assert that this situation occurs because of the fact that having colleagues or friends from other groups and being sensible to the needs of other groups imply two different types of interactions. Friendship involves only the negotiable, norms-based part of the social representations, when 'the other' is viewed as a human being. But the act of being tolerant with people from other groups entails the part of social representation based on the system of values and collective memory. Thus, having friends from other groups does not necessary imply being more sensible to the needs of other groups. In other words, the fact that two social actors cooperate in some situations, namely in those that require the usage of the negotiable part of social representation, does not necessary lead to cooperation in symbolic interactions, namely those that engage the central part of social representation.

Summarizing, we have suggested both theoretical and empirical arguments which sustain that in multicultural communities, norms of reciprocity are better indicators than trust indicators. Admitting that more diverse societies are characterized by a thin form of social solidarity, researchers should not construct as much on trust, but rather on norms of reciprocity and equal treatment among different groups because they can better capture the relations between the majority and minority groups. Furthermore, the article has described how the norms of reciprocity, system values and collective memory interact. Given the fact that most of our social interactions are ongoing and indefinitely repeated, we stressed that norms of reciprocity are best answers to the question of what it takes to

move from a non-cooperative to a cooperative situation in a multicultural community. But further research – both qualitative and quantitative – is evidently needed in order to put forward a more elaborated formal model of social capital choice using the explanatory frameworks of evolutionary game theory. Investigating the nature of multicultural communities with the means of network theory seems to be also necessary.

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THE MANAGEMENT OF CULTURAL DIFFERENCES IN THE COST-ORIENTED ENTERPRISES. THE CASE STUDY OF TWO ITALIAN SMES FROM ROMANIA

VERONICA-MARIA MATEESCU**

ABSTRACT. The main goal of this article is to present the way that the internationalized small and medium enterprises manage the cultural differences in the absence of the know-how and of the formalized structures and practices in the field of cross-cultural management. Also, we researched the way that the cultural differences are managed in the cost-oriented enterprises, starting from the hypothesis that the cost-oriented management could favor an ethnocentric approach of the cultural differences. Our research units are two Italian SMEs from Romania, in the textile and wood industry. The research is based on a qualitative approach, using the case study method.

Keywords: SMEs, internationalization, cross-cultural management, cultural differences, cost-oriented management, cost advantage, human resources practices, ethnocentric approach, locally responsive approach, textile industry, wood industry, Italian FDI, Romania, case study.

Introduction

The influence of culture on management, organization, and work behavior rose intense debates among theorists and practitioners from international business and management fields, constituting one of the central questions raised by the cross-cultural management (Adler, 1983, p. 8). The cross-cultural management (CCM) is a relatively new field of research, whose beginnings are placed around 1980. The milestone for the development of the cross-cultural management as a distinct area of study in the field of the management is considered to be the research of Geert Hofstede (Chevrier, 2003, pp. 57-8). This research was a result of a project paid by IBM in order to identify the work attitudes among its subsidiaries employees from different countries of the world (Hofstede, 1980, p. 11); it concluded that the organizations are culture-bound (Hofstede, 1980, p. 372). Another major result of this research was the creation of a model of national culture dimensions

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(Hofstede, 1980, pp. 11-2): individualism/collectivism, uncertainty avoidance, power distance, masculinity/femininity, etc.

This model became one of the most influential frameworks of analysis in the cross-cultural management research. Thus, a research identified, between 1986 and 1994, 1036 *Social Sciences Citation Index* quotations, 36 book- reviews of the Hofstede's first book, *Culture's Consequences. International Differences in Work-Related Values*, that presented the results of his research, and 61 replications and 274 utilizations of the Hofstede's four national culture dimensions model (Søndergaard, 1994). The success of Hofstede's research brought into attention other national culture dimensions/orientations models, neglected until then; i.e. Kluckhohn and Strodtbeck's cultural orientations model (1961), and Hall's cultural dimensions model (1959) which became also important theoretical and practical frameworks for the researches in the cross-cultural management field. Another effect of the Hofstede's model success was the proliferation of the national culture dimensions models, the efforts of a great part of the researchers in the area being directed to the development of better and more comprehensive such models; i.e. Trompenaars and Hampden-Turner's (2000) model, Triandis (2001) model etc. As one can see, in the researches based on these models, the research unit is the national culture. In general, in the cross-cultural management researches the cultural differences are conceived as national cultural differences (Staheli, 2003, p. 182).

In the same period, in the management French literature started also a movement interested in the relation between culture and organization /management. Sainsaulieu (1977) highlighted the role of the work and workplace in the creation of the culture and of the individual identity (Sainsaulieu, 1988, pp. 345-6). French researchers as Crozier (1963) and d'Iribarne (1989) were, at that time, interested in the identification of a French model of enterprise and the explanation of the specificity of this model through the history, the social and the cultural system of France.

A recent tendency of the researchers in the cross-cultural management is the review and the interrogation over the field (Jackson, Aycan, 2006; Staber, 2006; Søderberg, Holden, 2002; Yeganeh, Su, 2006; Aycan, 2000). The main conclusions are: the lack of a clear delimitation of the cross-cultural management in the more general field of the management (Søderberg, Holden, 2002, p. 103); a poor theoretical development - the CCM is even considered an a-theoretical research field (Aycan, 2000, p. 111); an essentialist, structuralist (Staber, 2006, p. 189) and 'positivist' (Aycan, 2000, p. 117) approach of the culture; a research methodology mostly quantitative, derived

from the above mentioned perspective over the culture and the use of the national culture dimensions/orientations models as an interpretative framework for the results. Also, the “classical” cross-cultural management researches neglect other cultures/cultural levels than the national culture, which condition the individual (organizational culture, professional culture, gender culture etc.), and pay little attention to the cultural interactions, being focused on macro level analysis in the detriment of the micro level analysis.

We consider that another limit of the “classical” researches in the cross-cultural management field is their focus, almost exclusive, on the multinational corporation. Visible, powerful, with long international presence history, the multinational corporation constitutes the favorite subject / analysis unit in the approach of the cultural diversity impact on enterprises’ activity. Also, the MNCs have the financial power that allows them to be more than subjects of the academic researches: to be agents, through researches financing, in a better understanding of the cultural differences impact on management and organization.

Even if the internationalization of the SMEs is an increasing process, and takes multiple forms, from exporting to FDI and international networks (OECD, 2004, p. 12), they do not benefit, unfortunately, from the same interest as the MNCs from the part of theorists and practitioners in the cross-cultural management field. Still, the reality and the impact of cultural diversity is the same for the SMEs and the MNCs in their internationalization process. The difference is that the SMEs do not have the necessary financial power or /and know-how in order to efficiently manage the cultural differences.

But this does not make them less interesting subjects for the cross-cultural management researches. We even consider that the study of the SME can offer new insights for the cross-cultural management field, because they are less biased than the MNCs by the official discourse and well defined programs of cultural diversity recognition and because their smaller size allow a more in-depth research and understanding of cross-cultural interactions. Even if the SMEs do not have the know-how and the formalized structures and practices for the management of the cultural differences, these are managed, being intuitively integrated in the enterprises management process. And the integration of the cultural differences in the management process produces even in the enterprises where the management is cost-oriented which is most likely to have an ethnocentric approach of the cultural difference. These are the main points we followed in our primary research among the Italian SMEs from Romania.

Methodology

Our research focuses on the Italian SMEs from Romania. The representativeness of these SMEs for our study is given by many factors:

a) A characteristic for the Italian investors in Romania is their interest to invest in SMEs – in contrast with other foreign investors that are attracted mainly by the large Romanian enterprises – breaking the number of units localized in Romania (Saunier, 2004). The statistics indicate 24 477 companies with Italian investment capital registered at the Romanian National Trade Register Office, between 1991-December 2007 (Ministry of Justice, The National Trade Register Office, 2008, p. 4). A report of the National Agency for Small and Medium Enterprises (2004) indicated the Italy, in 2003, as the first investor in SMEs in Romania

b) Italy is the first investor in Romania by the perspective of the number of employments created – about 500.000 (Italian Embassy at Bucharest, 2008). For the cross-cultural research, interested in the investigation of the cultural interactions between different individuals, the number of employments is more important than the amount of subscribed capital. From the perspective of the amount of subscribed capital the Italy is only on the fifth position in the top of companies by residence countries of investors in trading companies with foreign participation in the share capital (Ministry of Justice, The National Trade Register Office, 2008, p. 4)

c) The Italian investors are attracted in Romania mainly by the cost advantage. The Italian FDIs are concentrated in labor-intensive and low added value industries, as: textile industry, leather industry or wood industry (Saunier, 2004; Italian Embassy at Bucharest, 2008). In the textile industry, the Italian investors are attracted mainly by the Outward Processing Trade (OPT) production system. Known in Romania also as the *lohn system*, this form of production delocalization (Economic Bulletin for Europe, 1995, vol. 47, p. 119) is characterized by the cost advantage as the main competitive advantage of the subcontractor enterprises.

The researched Italian SMEs are in the wood and textile industry (OPT system). They are situated in the same town, from Maramureş district, in the North-West of Romania. The Italian FDIs are predominantly located in the North-West of Romania, where they created real Italian industrial districts – for example, in the Timiş district (Pîslaru, 2006).

The research approach is a qualitative one, based on the case study method. The main research instruments were the participant observation and the interview. 20 subjects were in-depth interviewed, for 2-3 times, inside and outside the enterprises.

In order to identify the formal/intuitive characteristic of the management process, we researched the organizational structure, the general management practices: planning, organization, coordination, motivation, control, the main human resources management practices: recruitment, selection, integration, evaluation, motivation, compensation, training etc. and the tasks and attributions of the management and personnel.

The cultural differences are considered in terms of work values and behaviors (work ethic), and other more general cultural elements, regional or/and national, that influences the work relationships (i.e.: elements of traditional community, the sources of informal authority etc.)

In order to test the management cost-orientation, we followed aspects as: the reasons that determined the investment in Romania, the wages levels and the compensation system, the work physical conditions, the reasons that determine the personnel fluctuation, the work schedule, the importance given by the management to the employees' welfare, the employees' work legality etc.

For the identification of the existence of an ethnocentric approach, we researched elements as: the organizational structure and the attributes of Romanian management, the existence of Italian employees, the communication language in the enterprise, the existence of negative/positive national stereotypes, the nature of relationships between the Italian investors and the Romanian managers and employees etc.

In order to research the way that the cultural differences impact the management process of the enterprises, we analyzed the human resources practices and the organizational culture (using Schein's model of organizational culture level) of the two enterprises. The cross-cultural management is mainly a conceptual framework; it lacks the instruments to approach and to manage the cultural difference. Traditionally, the management of cultural difference was the task of the human resources management, and still is, the human resources management developing instruments for the management of the cultural differences. Therefore, the analysis of the human resources practices, as the common instrument for cultural differences management, represents an appropriate methodology for the study of the cultural interactions inside enterprises.

In the present article, we will present only the results of the human resources practices research and few elements of the organizational climate, related to the human resources motivation. For fluidity reasons, we will proceed to a comparative analysis of the human resources practices of the two SMEs. For confidentiality reasons, we will use "X" and "Y" for the enterprises name.

Case studies: enterprise X from the textile industry and enterprise Y from the wood industry

The enterprise X's main object of activity is the manufacture of garments and garments accessories. It manufactures bathing suits for an Italian enterprise, owned by the Italian investor who opened the manufacture from Romania. The final beneficiaries are four large multinational corporations that subcontracted the manufacture to the enterprise from Italy.

The enterprise X was set-up in 2001. The main reason that determined the investment in Romania was the potential danger for the Italian enterprise to lose one of its most important customers, a large multinational corporation. The representatives of the respective MNC threatened the enterprise X with the cease of the manufacturing contract if it did not lessen the prices; they mentioned the MNC cost advantage if it will subcontract the manufacture to enterprises from Turkey, Portugal, Tunisia or Romania, where the labor force is cheaper. In these conditions, the Italian investor decided to relocate its activity in one of these countries. Romania was chosen following the investor's personal logic (Beeman, 1984, p. 97), he's housekeeper being from Romania. After a travel around the country in order to find a good business location, the Italian investor, disappointed by the existent conditions (poverty, "communist mentality"), contracted an Italian firm from Romania that offered to Italian investors consultancy to set-up their businesses in Romania. So, the town from Maramureş was chosen as the business location, also after a personal logic: a Romanian female acquaintance of the consultancy firm's owner was from the region. She knew that other Italians investors opened businesses there, and it functioned as a guarantee for a favorable business environment.

The enterprise Y's main object of activity is the raw wood manufacturing, the beneficiaries of the semi-finished goods (fiberboards, parquetry fillets, sawdust briquettes used for kindling) being five enterprises from Italy (that remained the same as in the beginning of the enterprise Y activity in Romania). The enterprise Y has a longer history in the region than the enterprise X, being set-up in 1993. Its setting up in a period when the foreign investors were still reluctant to invest in the ex-communist Romania can be explained by the previous experience of the Italian investor of doing business in Romania during the communist regime. After the communism fell, the Italian investor started to look for investment opportunities all around the country. The town from Maramureş district was chosen because the Italian investor found (also from an acquaintance, as in the case of the enterprise X) that in the region there was the desired

raw material: wood. The labor force low cost was another reason that motivated the Italian investor to continue its businesses in Romania, doubled by, at that time, the diminished competition in the industry.

Both investments were attracted in Romania mainly by the cost advantages, with the difference that one of the Italian investors had previous business experience in Romania and the other one not.

The previous business international experience strongly influences the HRM policies of an enterprise. A study among international human resources directors revealed that the enterprises with more years of international experience had more diverse and adapted to local or regional requirements HRM practices than those less experienced that are more ethnocentric in their HR approaches, considering that one set of HR practices is available everywhere in the world (Schuler, Dowling, De Cieri, 1993, pp. 752-3). The international experience influences also the degree of control exerted by the home-company over its subsidiaries (higher when the international experience is lower and inverse), and, related to the required control degree, the decision to use, for the senior posts in the subsidiaries, expatriate managers or local managers (Mead, 2005, p. 318).

We consider that the reasons that determine the investment abroad influence also the HRM strategy of an enterprise and its perspective on cultural differences. So, if the main investment reason / attractiveness factor is the cost advantage (low costs of the labor force, of the production etc.), there is a greater possibility that the enterprise has a more ethnocentric approach in its HRM policies and practices and in the way to perceive the cultural difference among its employees.

Even if the situation of the two SMEs researched is simpler than that of the MNCs (there is not the case of a relationship between headquarters and subsidiaries, or of the existence of formal HRM policies), we could identify elements that reveal the influence of the two factors mentioned above. So, in the case of the enterprise Y, where the foreign investor had previous business experience in Romania, there is a lower control exerted by the management over the employees than in the case of the enterprise X, where the investor has no previous international business experience. Also, initially, the enterprise X had an expatriate first-line manager (a forewoman) whose task was, along with the personnel training to work with automatic machines, to recruit the personnel, the employment final decision being made by the Italian investor and his wife, sometimes their son being also involved in the decision-making process. After one year of business experience in Romania, the Italian forewoman was repatriate, and the

hiring decisions were decentralized, all staff-related decisions being made by the Romanian general manageress. In the case of the enterprise Y, the staffing needs are established by the Romanian associate who also recruits, selects and makes the employment decisions. The personnel training is made by the foremen who represent the only qualified personnel of the enterprise. The Italian investor involves in HR problems only in periods of crisis (for example, when the production capacity is reduced and a greater number of people has to be dismissed).

Other similarity between the two enterprises is that they are family business, in both cases being involved also the Italian investors' children, and in the case of the enterprise X, also the Italian investor's wife. A difference is given by the fact that, in the case of the enterprise X, the son is, legally, the owner of the enterprise X, while the father is the owner of the enterprise from Italy that is the beneficiary of the products manufactured by the enterprise X; in reality, the father is the one who had the idea of opening the enterprise from Romania, who made the investment and who run the entire business. Therefore, when we mention the Italian investor from the enterprise X, we refer to the *de facto* Italian investor. Another similarity is that in both cases, the children are only formally associates in these businesses, their fathers being those that run the business.

An important difference between the two investigated enterprises, with strong consequences for the organizational climate and work relationships, is the fact that the Italian investor from the enterprise Y speaks Romanian, because of his previous business experience in Romania during the socialist regime, while the Italian investor from the enterprise X does not speak Romanian (and does not want to learn), the only way to communicate with the workers being by the agency of the general manageress.

The organizational structure of the two enterprises is similar, with for hierarchical levels.

Recruitment practices

Regarding the personnel recruitment, the two SMEs use the same methods: the employees are publicly announced that the enterprise needs more personnel, and the advertising on local TV channels. The most widespread method is the first one, the second being used only when the personal relationships did not produced the expected results. The advantage of using the local TV channels is that the TV cable network covers not only the town from Maramureş, but also the adjacent villages, many of the two enterprises employees living in these villages (every morning, they ply to

work, hitch hiking, because the enterprises do not assure any mean of transport). Thus, it is more efficient in attracting a greater number of potential employees, especially in the conditions of the labor force emigration. The method of recruitment through informing the employees about the staffing needs is highly locally responsive, taking into consideration (and being at its turn a reflection of) the traditional community characteristic of the town from Maramureş; so, the information circulates through an informal communication system which is based on personal relationships. This system can be also seen as a continuation of socialist regime practices when the access at vital information was allowed by the integration in extended personal relationships networks (Kligman, 2000, p. 49; Verdery, 2003, p. 50).

Selection and training practices

For the personnel selection practices, we could identify both similarities and differences. For both enterprises, the most important selection criteria is the personal relationship (personal acquaintances, people recommended by friends, relatives etc.), especially for workers positions, where the professional qualification is desirable but not an eliminatory condition. Thus, appears another similarity in the activity of the two enterprises: the hiring of unskilled workers which are subsequently trained (on-the-job training) in order to operate on automatic machines. Regarding this aspect, there is a slight difference between the investigated enterprises: while the enterprise X trains all its workers so that they are poly-qualified in working on automatic machines, according to the required operation (cleaning, overcasting, elastic putting etc.), the enterprise Y has a higher number of unskilled workers, only a part of them being trained to work on automatic machines (finishing, covering, joining, calibrating etc.). In the case of the enterprise X, the workers are trained by the forewoman (a Romanian forewoman trained by the Italian forewoman who was expatriated in the first year of enterprise's activity in Romania in order to train the personnel in working on automatic machines) and her assistant, and in the case of the enterprise Y, the training is made by the foremen for the work on automatic machines, and by the experienced workers for simpler operations.

The hiring of unskilled workers and their training on-the-job is a characteristic for many of the enterprises from the region. In these conditions, there are people that migrate for an enterprise to another looking for a better payment and/or working conditions, their "profession" being that of "unskilled worker" For example, one of our subjects, without any professional qualification, worked for the enterprise X and after few

weeks, because of the perceived difficult physical and psychological working conditions (long hours seated on the chair, poor remunerated overtime, the imposed silence during work schedule, tensed relationships with the forewoman etc.), she resigned. Few weeks later, she started to work for the enterprise Y, where was employed her mother-in-law who intermediated that she works also there as unskilled worker. After few months, because of the low salary, the perceived difficult physical work conditions and the lack of legal form of employment (she worked without an individual labor agreement), she resigned again. At present, she works, also as unskilled worker, for an enterprise with American capital that operate in the industry of the blueberry cultivation in greenhouses in order to export it abroad; this enterprise is also established in town from Maramureş.

So, regarding the personnel training, there is a common practice for both enterprises, derived from their activity specific: on-the-job training. This policy applies not only for the productive personnel, but also for those on managerial positions (from first-line managers to top managers). A difference between the enterprise X and enterprise Y is given by the fact that the first-line managers from the enterprise X, the forewoman and her assistant, were trained on-the-job, being promoted from workers in these positions after they obtained the necessary know-how and experience, while the first-line managers, the foremen, from the enterprise Y were hired already having a specialty qualification or work experience in wood processing industry. Regarding the Romanian top-managers (the associate from the enterprise Y and the general manageress from the enterprise X), we can find a similar situation: both women occupiers of these positions started as secretaries, both of them without prior work experience, the only difference being that the general manageress of enterprise X had to learn the Italian language in a very short time in order to remain employed for a longer period.

But, this professional ascension from secretary to general manageress and, respective, associate, is not the result of a performance-based promotion. In both cases, contingent conditions determined the hierarchical promotion. In the enterprise Y case, the Italian investor needed a Romanian associate so that the enterprise be exempted from taxation and he become the legal owner of the building and of the terrain where the enterprise functions (so, the secretary became partner, with 1% from the investment capital). In the case of the enterprise X, the Italian investor, after the first year of the enterprise functioning under the administration of an Italian administrator decided to conduct the business himself with the aid of a Romanian employee: the secretary with multiple attributions. After a period of few

months when the secretary demonstrated her ability to manage the business (the Italian investor supervised the enterprise activity from Italy, paying monthly visits in Romania; at present he comes only once at two months), he decided to name her to the function of general manageress. The training and promotion system are strongly related with the selection criteria for secretary position. Even if formally were required primary accountancy, computer working, Internet navigation knowledge, in fact, the most important criteria was the openness to learn.

New employees' integration practices

Regarding the new employees integration practices, the research revealed the fact that there are any formal policies in this direction, the integration produces gradually, being the result of the activity nature that suppose, along with the individual work, also teamwork, because many of the production operations are related each other. Besides this production specific, there is also the traditional community specific that influence the integration process. Thus, at their entry into enterprise, the employee knows almost all his/ her colleagues, even if only by sight. Also, the selection of the employees on the basis of personal relationship/ recommendations facilitates the integration process, at least one of the old employees being known by the new one/ones.

In addition, the common practice of hiring members of the same family is an important integration practice. Regarding this aspect, the enterprise X differentiates by the enterprise Y through the fact that the Italian investor, following the model used in his enterprise from Italy, made express recommendation to the Romanian general manageress to try to employ people from the same family. The invoked reason was that, thus, the employees will be more interested in working good in order to preserve their jobs, because many members of one family depends, financially, on the same enterprise. Other different aspect regarding the integration practices is that, sometimes, at the enterprise X, the forewoman introduced the new employee/ employees to the old ones, but only the employees that were accepted after the probationary period.

In both enterprises, the employees mentioned the constitution of two subgroups: the newcomers and the older employees, but without perceiving this differentiation as a conflictive one. The older employees have an "initiation" role. In the case of the enterprise Y, there is a formal initiation of the new unskilled workers and, also, an initiation regarding the informal behavior norms.

'The chief [the foreman] came to see me only after one hour [in her first work day]. No one introduce you to no one; no one is interested in you [...] The chief told me that the other women will teach me how to work. But, even now, I don't really know when a board isn't good. After five months of work, I do not really understand what I have to do [...]' (C., unskilled worker)

In the case of the enterprise X is only an informal initiation (the formal initiation is exclusively the forewoman and her assistant task), the newcomers being informed particularly about the interdiction to speak during the working hours (in the case when the forewoman did not already mentioned this rule), about the sanctions applied if this rule is not respected, and about the ways to avoid this rule without being sanctioned. A characteristic only for the enterprise Y is the constitution of subgroups on the accomplishment of common work tasks basis, situation favored by the production specificity that suppose the work division in different operation categories and even by the spatial configuration in different work compartments (the workers of the enterprise X share one single room, and all the operations are related each other, but not separated in different categories that suppose only a certain number of operations).

Evaluation, motivation and compensation practices

The evaluation and the remuneration systems are based, for the productive personnel from both the enterprises investigated, on quotas. The main difference between the two enterprises is that the enterprise X has a very well defined individual evaluation system, with strict time and number of items produced per time unit parameters. Thus, every employee has to fill, at the end of a work day, a printed form: *scheda* (Italian word that means *program/schedule*, used without translation in Romanian) that contains the number of produced items and the time assigned for every operation. There is a standard operation time received from the beneficiary – the enterprise that subcontracted the manufacture. This time is adjusted by the general manageress if the forewoman registers that the great majority of the employees has difficulties in respecting it. The time for every manufacture phase is calculated in units (a minute has 100 units), and the number of produced items multiplies with the time per phase, resulting so the real work time (the manufacturing time). The manufacturing time divides with the work time calculated in minutes, the result being the percentage of worked time. The minimum worked time parameter is 65%. The accomplishment of this parameter is required even from the probationary period, functioning as

a selection criterion. If a worker does not achieve this parameter for a longer period of time, and did not have a previous good work performance, he/she is dismissed.

The evaluation system of the enterprise Y is not as well defined as that of the enterprise X. It is also based on quotas, but without a strictly defined operation time for the employees working on automatic machines (“... everybody has his/her rhythm; you cannot torment them as the cattle; I understand them” – S. L., Romanian associate, enterprise Y). The main evaluation criterion is the number of trucks charged every month with the semi-finished goods in order to be exported to Italy. In fact, it is a collective evaluation system, because the charge of a truck supposes teamwork. The employees work in two shifts, every shift being evaluated by the number of charged truck. So, every worker depends on the work performance of another.

The remuneration system, strongly related with the evaluation one, represents the employees’ main positive motivation instrument. The employees of the enterprise X are remunerated according to the achieved quota, the time parameters and the number of overtime work. So, the wages ranged, at the time of our research, from 250 RON (70 € about) to 600-700 RON (170-200 € about). In 2005, in Romania, the gross minimum salary on economy was 310 RON (about 90 €). The possibility to receive a higher wage is the main reason for which the employees of the both enterprises do overtime, especially those employees who are the only breadwinner of their families. For example, working 10-12 hours/day, the Saturday included, an employee from the enterprise X could receive maximum 600-700 RON. In the case of the enterprise X, the overtime is accepted by the employees also because the management threatens them with the enterprise closure if the delivery orders are not honored. A supplementary work hour was paid, in the case of the enterprise X with 2 RON (0.55 € about).

‘We stay to work until 8 p.m. You cannot say that you do not stay, because we work in phase: everyone or anyone. One of us wants to do overtime [...] we have fights [...] I received 3,200,000 ROL for the month of holiday [there are forced holidays, because there are no orders] [...] If you do not want to stay, M. [the forewoman] says that the enterprise will be closed if the delivery orders are not honored [...]’ (M.B., skilled worker)

In the case of the enterprise Y the payment for overtime differed according to the processing operations, ranging from 0.8 RON/hour (0.22 € about) to 1.4 RON/hour (0.40 € about). The remuneration system of the

enterprise Y is based on the number of trucks charged per month, the overtime and the work experience. The Romanian associate stated that the workers wages ranged from 400 RON to 1400-1500 RON, but her statements did not coincide with those of the workers, whose declared wages range from 250 RON to about 500 RON (140 € about).

A possible explanation for these contradictory statements could be the fact that many of the workers of the enterprise Y are employed without a legal contract. The enterprise Y management found many ways to avoid the law. Thus, there are "real" check sheets and "faked" check sheets, the workers being paid according to the "real" check sheets that contain the real worked time, while the "faked" check sheets are intended only for the formal controls of the legal authorities. Other example is that only those workers hired legally have to sign the wage payrolls. Another illegal practice reported by the researched employees is that the enterprise does not pay the sick leave not even for those legally hired. But, besides its disadvantages, the work on the labor black market is a practice with mutual benefits for the employers and the employees, the most important being the tax exemption for both of them, and for a part of the employees an opportunity to gain more money while continuing to receive the unemployment insurance or the retirement benefits.

One important difference between the enterprise X and the enterprise Y regarding the compensation policies is that the enterprise X, alongside with the salary, offers also luncheon vouchers, a practice widespread among the enterprises from Romania. Also, yearly, every worker receives one swimsuit (by way of exception, those employees that have a difficult family financial situation receive many swimsuits). And, if there is remaining fabric, every worker has the possibility to manufacture on the enterprise's automatic machines garments for personal use (a Saturday day, after the working hours, is reserved for this activity). In addition, there are fringe benefits for Christmas and Easter day. At the enterprise Y, the compensation policy supposes only the wage, composed from the elements described in the previous paragraph, no other benefits being afforded.

Besides its characteristic of positive motivation, the compensation system functions also as a negative motivation instrument. For example, at the enterprise Y, the production of rubbish goods is sanctioned through wages cut and at the enterprise X, for 3 delays / month, the luncheon vouchers or the sum of money for those workers that have to ply every morning are not afforded anymore, even if there are feature cards that allow to the hierarchical superiors to verify if the wasted time was, subsequently, recuperated or not.

Regarding the rubbish goods, the enterprise X has a different procedure than that of the enterprise Y: the worker who manufactures it has to repair it after the work hours, at the working place or at her/ his home, so that for the next day the item to be ready for the next operation or for exports. In the case of the enterprise Y, the worker has to repair the rubbish good after the work hours or during the breaks, but he/she must stay in the enterprise. Also, there are financial penalties. We could identify different conceptions among the workers from the two enterprises: those from the enterprise X have a more individualistic conception, considering that everybody has to be paid and sanctioned according to his/ her work performance, while those from the enterprise Y manifest a more collectivistic conception, collecting money to pay the rubbish goods, no matter who is responsible for these.

At the enterprise X, another positive motivation method was the designation of the "employee of the month" who was rewarded through a sum of money and public recognition, in this sense a special event being organized. At the time of our research, the general manageress of the enterprise X still mentioned the use of this motivation technique, but the older employees stated that it does not practice anymore, while the newer ones did not even know about its existence.

The more complex motivation system of the enterprise X could be explained by the fact that the general manageress studied at that time at a faculty with marketing profile and she took also some classes on management (she mentioned in one of the interviews that she liked very much to learn about how to conduct an enterprise, and she was upset that the Italian investor doesn't want to pay her studies as an investment in her professional qualification). But, beside her studies, she enjoyed a good intuition in managing peoples and the enculturation played also an important role, many of her choices related to the instruments used for the employees' motivation being justified by the fact that she was born and she lives in the town from Maramureş and she knows how people live and what are their needs. Thus, except the salary, all the other motivation/ compensation elements were her proposal, sometimes hardly negotiated with the Italian investor who wanted to keep the costs as low as possible. A more complex and locally responsive motivation system was possible in the case of the enterprise X also because of its activity specificity that allowed the easier use of motivation elements that in the enterprise Y case, as the possibility for the workers to confection garment items from the remained fabric or to benefit, yearly, from a free bathing suit. Another

important element that determined the need of an increased worker motivation was also the intensification of the competition in the region, in the town from Maramureş being at the time of our research at least three other enterprises in the textile industry, with Romanian and foreign investment capital, many of the workers that resigned from the enterprise X being employed by these enterprises.

Employee's commitment and the personnel fluctuation

The common resignation reason among the workers of the enterprise X and Y is the negative relation between the work volume and the received payment, with the difference that the general manageress of the enterprise X was aware about this reason, while the Romanian associate from the enterprise Y considered that people leave the enterprise because they are never satisfied, no matter how well they are paid, and because they are preoccupied by personal issues or simply because they wake up one morning and decide not to go at work anymore.

'They are coming only when they need [...] one morning, they wake up and decide not to go anymore at work [...] They do not let us know, they do not call us, even if they have cell phones [...] It's like that in the Romanian enterprises: one morning they [the employees wake up and they never come to work [...]]' (S. L., Romanian associate, enterprise Y)

The negative relation between the work volume and the received payment constitutes also the main dissatisfaction factor among the employees of the two enterprises. Other common factor of dissatisfaction is the physical working conditions, perceived as difficult. The workers of the enterprise X are dissatisfied because they work seated for long hours, having only two breaks during a work day, many of them complaining of backaches; also, there is a weak lighting that tires their eyes. The workers of the enterprise Y complain about the coldness during the winter and about the dust during the summer, because the ventilation system, even if existent, does not function (we could observe this aspect during our research), the workers stating that this is the result of the management decision to save the money paid for electricity.

A difference between the two enterprises regarding the dissatisfaction /resignation reasons is given by the psychological working conditions, perceived as being more difficult inside the enterprise X. Some of the descriptions of those interviewed strongly suggested mobbing phenomenon

manifestations [according to Leymann (quoted in Zlate, Crețu, 2002, p. 13), the *mobbing* concept has two possible approaches: the persecution at the workplace (the „soft” approach), and the psycho-terror at the workplace (the „hard” approach); any aggressive, hostile situation, practiced systematically and for a long period of time could be considered a mobbing manifestation]. One of the conditions considered the most difficult is the silence imposed to the workers during the working hours, they having the permission to speak only when the forewoman, the forewoman assistant, the general manageress, the Italian investor and the members of his family (his wife and his son) address them, and also during the pauses.

'It is not allowed to speak, to go out to smoke a cigarette; you can do it only during the breaks. There isn't anywhere else like here. It's a sort of gulag.'
(C.I., skilled worker)

Even if there are not formal sanctions for the break of this (informal) rule, the employees stated that the forewoman verbal violence made them to respect it.

'She [the forewoman] terrorized me. [...] I couldn't leave my chair. She mocks at everyone. She yells at you if you speak, she makes you want to die [...].' (C.A., unskilled worker)

However, there are also employees that tried to develop ways to avoid it, one modality being that to let to fall a piece of the manufactured item, so that under the pretext of picking it up to talk with their colleagues. Another “sanction” for those who do not respect the silence rule, signaled only by two of those interviewed, is the falsification, by the forewoman, of the time parameters from the *scheda*, making to appear a lower percentage of the worked time, influencing, thus, negatively, the employee(s) remuneration. Even the general manageress stated in one of the interviews taken that she perceived some power abuses of the forewoman towards the workers, and that ones of them leaved the enterprise because of the forewoman roughness, but she did not sanctioned her because she was afraid that the forewoman will resign and it is difficult to find another qualified person to replace her. However, there are employees who accept the rule of silence, considering it an element of the Italian management system.

'I don't see anything wrong with this [the silence]. If I talk, I steal from the work time [...] The Italian [the owner] imposed the rules, when you can talk. It's an European model. In Romania, I didn't hear not to speak during the work. But, in Italy it is like that [...]' (V.B., skilled worker)

The general manageress was aware about the fact that the workers leave the enterprise because of the imposed silence, but she interpreted the situation as an incapacity of these employees to adapt to the discipline required, indicating as a distinct category those employees that started to work during the socialist regime, who are not accustomed with the work discipline and responsibility. The Romanian associate from the enterprise Y indicated also a negative difference between those employees that worked during the socialist regime and those that started to work only after the communism fell; thus, she considers that the first are "*smarter but [they are] not more hardworking; they are sly persons and the others are learning from them [...] They [all the employees] do not make the difference, but you, who are from outside, you can see the difference*". Therefore, we could identify a common theme of the population discourse after the 1989 Revolution: that of blaming the "communist mentality" for the economic difficulties of the post-socialist Romania. Monica Heintz (2005, p. 24-5) explains how the Romanians "mentality", in general, reached to be considered the only responsible for the Romania's social and economic crises which followed after the fall of the communist regime as a result of the Romanian officials and mass-media discourse that was subsequently internalized by a large part of the Romanian population.

The reasons, resulted from the interviews, that determine the workers of the two enterprises to continue to work for them revealed to be ones of conjuncture: a higher wage than in other similar enterprises (for the enterprise X) or than in other enterprises that hire unskilled workers (for the enterprise Y), the benefits of having a legal work contract (mainly for the workers of the enterprise X), or the physical proximity by their houses. Generally, the employees do not feel attached to their enterprises. One cannot talk about loyalty; the employees see the workplace as a temporary possibility to benefit from a combination of favorable circumstances. The workers are aware of the possibility of the enterprise closure (the enterprise Y passed through periods of time when it was necessary to dismiss a part of its staff; and in the case of the enterprise X, the threaten of enterprise closure is instrumented by the management so that to convince people to

accept a greater amount of overtime), but, in general, they do not see it as having a strong impact upon their financial security.

'It seems to be a stable workplace. How long it works, I work. I get used to work here, it's close to my place and, in the confection industry, one cannot find another better paid workplace and where to legally work.' (B.B., skilled worker)

'If it [the enterprise] still works for another 4 years, it's ok. If another one comes, it will be the same thing. The way how the money comes it is not important. How long it works, the people will come to work here.' (C.I., skilled worker)

These research results are in contradiction with the results of *The Public Opinion Survey* (May 2005, p. 10) that indicated that 31% of Romania's population is oriented towards security in the choice of a job, and also in contradiction with the results of the Interact and Gallup (2005) study on the Hofstede's national culture dimensions that indicated an uncertainty avoidance high score for Romania. It is true that there is an orientation towards security, but the enterprise it is not the only security source because the life strategies are more complex, and take into consideration more income sources. In this direction, Richard Rose (1993, pp. 178-184) made a very appropriate analysis, according to which in Romania people does not expect to live only from one single job resources, but from the resources accumulation from a portfolio of economies: the legal, monetized official economy; the a-legal, non-monetized social economies: the household foods production, little in house reparations, the friends and relatives aid, unpaid aid resulted from relationships (the friends' friends); and the illegal, monetized uncivil economies: paying or receiving tips, bribes, currency use, one or more members of family in household in second economy; this economies accumulation is used as an instrument of the transition economy turbulence administration.

Alongside with this portfolio of economies, many of Șomcuta Mare's habitants, beside their principal jobs, work also in agriculture obtaining so the necessary goods for their own consummation. In addition, the main majority of the rural population does not have to pay house rent, because people either live with their parents, the model of the extended family still functioning, or have their own houses, purchased with the money obtained as a result of their marriages. So, like during the communist era, the money continues to be a necessary but not a sufficient condition (Kligman, 1998, p. 189); people have alternatives if the work

conditions seem unacceptable for them: *"I rather work in agriculture than go back there [at the enterprise X]"* - C. A., ex-employee of the enterprise X and employee of the enterprise Y.

Taking into consideration the above described situation, one can better understand a common situation encountered in the two researched enterprises: employees that resigned and leaved to work for other enterprises, were gotten back if they wanted and the enterprise needed. This situation was encountered especially in the case of the enterprise Y, confronted with a greater personnel fluctuation than the enterprise X. A possible explanation could be the fact that, in contrast to the enterprise X, many of the workers were employed without legal contracts, it being an additional reason for their departure, creating in the same time a mutual understanding between the enterprise and them, a psychological contract based on rational calculus: everyone of the two parts benefits from the other part as long as it need it.

Another factor that justify the practice of getting back the employees that resigned, even after they worked for the competition, is the lack of what can be called "Malthusian pressure", the rivalry for these jobs being reduced, because the population density is lower than in the urban area (even if officially is a town, the locality preserved it's rural community features), and the insufficiently developed transport infrastructure make more difficult the competition of the habitants from the neighboring regions. These conditions generated the introduction of the luncheon vouchers for the enterprise X employees when a new tailoring shop that offered higher wages to the employees was open, and the enterprise X management heard that a large number of its employees intended to leave.

Thus, even if the Italian investors from the two enterprises analyzed wanted to benefit by the cost advantages, especially by the labor force low cost, the local socio-economic and cultural conditions, and also the local competition forced them to adapt so that efficiently function.

The type of cultural differences approach

The comparative analysis of the two enterprises revealed a difference in the approach of their personnel; so, in the case of the enterprise X, we could identify practices that indicate elements of both ethnocentrism and locally responsiveness, while for the enterprise Y, the analyzed practices suggest a more locally responsive approach.

One of the practices that could be considered as ethnocentric, identified in the case of the enterprise X, is the refusal of the Italian investor

to learn Romanian starting from the assumption that those who want to speak with him must learn Italian. So, he communicates with the Romanian employees only through agency of the Romanian general manageress. Another element of ethnocentrism is the express recommendation made by the Italian investor to the general manageress to try to employ members of the same family, after the model he used in his enterprise from Italy, model based on the assumption that so the employees will be more interested in working well because of their financial dependence on the same enterprise. Even if this model functions in Italy, in Romania is in contradiction with the principle after which the Italian investor run he's business: when the cost advantages will be no more possible, he will delocalize the production in other country. Other practices that could be considered as ethnocentric were identified from the enterprise history narrated by those interviewed. Thus, in the first year, the enterprise from the town of Maramureş was run by an Italian administrator; also in the first year of the enterprise functioning, an Italian forewoman, who did not speak Romanian, was sent to train the personnel for working on automatic machines (one of the first hired employee of the enterprise mentioned that "[...] *the Italian forewoman imposed the rule of the silence during the working hours, because she did not understand Romanian at it was a way to keep her authority*"), the way to communicate with the Romanian employees being in Italian, or through gestures, the training consisting in showing to the employees how to realize the required operations. The silence during working hours, a characteristic of the Taylor's scientific management era (Taylor, 1911, p. 42), is still a current practice in the enterprise X, as we already mentioned.

In the case of the enterprise Y, we identified elements that indicate an approach that can be characterized as a locally responsive one. Many of these elements are also characteristic for the enterprise X.

A first practice that could be considered as a locally responsive one, common for both enterprises, is the employment of Romanians general manageress (respective a Romanian associate) for the daily running of the business activity. The Italian investor from the enterprise X, after what one can call the enterprise ethnocentric period, considered that the business can be conducted by a Romanian employee, if he/ her demonstrates that he/ her is a reliable person. Alongside with the familiarization with the Romanian business environment, the Italian investor decision to fill a management position with a Romanian employee can be also considered a result of the intention to keep the costs for the enterprise from Romania as lower as possible, the Italian forewoman's wage (1000 € about) plus the

company accommodation, and the payment for the Italian administrator being more expensive than the general manageress salary (300 € about at the time of our research). The decision of the Italian investor from the enterprise Y to associate with a Romanian was also, more than an intention to use a person that better know the Romanian business environment and how to work with Romanian employees, a decision determined by legal requirements (so, he had the possibility to become the owner of the building and terrain were the enterprise has its centre). So, in both cases, the intention of the Italian management was not to be more locally responsive, but to obtain cost advantages. But, even if it was not the intention of the Italian investors, the use of Romanians in top management positions and the assignment in their responsibility of personnel related tasks, generated, implicitly, a more locally adapted personnel practices. In this way, locally responsive elements could be identified in almost all human resources practices, starting with the recruitment, selection, and integration practices strongly influenced by the little town's traditional community characteristic and by the persistence of socialist regime practices when the access at vital information was allowed by the integration in extended personal relationships networks, continuing with the remuneration and motivation system that, especially in the case of the enterprise X, is highly locally responsive, taking into consideration the local socio-economic and cultural conditions, and finishing with the evaluation system that even based on strictly defined time parameters by the manufacturing processes contractors was modified by the Romanian manageresses according to workers rhythm.

The ethnocentrism or the locally responsiveness in the approach of the personnel cannot be considered only the result of management orientation, of previous international business experience, of the investment reason, of the enterprises' activity specific, of the local competition situation in the industry, but also of the local socio-economic and cultural conditions. Sometimes, the ethnocentric predisposition of the management of cost-oriented enterprises is favored even by the socio-economic and cultural specificity of the region. For example, the employees' choice to work for an enterprise, no matter the work conditions, only because the enterprise is situated near their home; or the acceptance of a lower wage, if it is paid on schedule.

In other words, even if the management of cost-oriented enterprises is predisposed to be ethnocentric, it cannot function mechanically, it has to efficiently manage the cultural difference so that the enterprises achieve its efficiency goals.

Conclusions

The management process of the SMEs analyzed is influenced by a series of cultural factors, the most important being the traditional community specificity of the region and the work ethic (understood as a set of work values and behaviors). However, the cultural factors influence doesn't have to be overestimated, other factors influencing also the management of cultural differences in these enterprises: organizational factors, industry factors, the management cost-orientation, the management previous international business experience, the local socio-economic factors, individual factors etc.

The two SMEs analyzed do not have know-how and formalized practices in the management area, in general. The management of enterprises is empiric, based on previous work experience and/or the intuition of the managers. There are not formalized human resources management practices. The human resources management practices lack their characteristic of management instruments in the approach of the cultural differences. The management of cultural differences occurs unintentionally, the cultural differences being integrated intuitively in the management process of the two SMEs.

One of the cross-cultural management main goals is to offer, through the recognition and the understanding of the cultural differences, the guidelines for the enterprises so that these obtain competitive advantage from their multicultural composition. In the cost-oriented enterprises, the competitive advantage is given by the lowest cost possible. In the cost-oriented internationalized enterprises, these two competitive advantages may be conflictive. The results of our research indicate that the management cost-orientation diminishes the importance given to the cultural differences and favors an ethnocentric approach. The ethnocentric approach is favored also by the power inequalities between the organizational actors (the employer and the employees, in this case); and, in some cases, even by the socio-economic and cultural specificity of the region. But, the same socio-economic and cultural specificity, along with organizational and individual factors, prevents the mechanical functioning of the management cost-orientation, changing the ethnocentric approach into one more locally responsive.

Our research intends to open a new direction in the cross-cultural management field that favors the research of the cultural interactions in the SMEs, which are analysis units generally neglected by the researchers in the field.

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DEMOCRACY AND RELIGION IN TAIWAN. THE TESTING OF A MODEL.

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ABSTRACT. In this paper I am analyzing the relationship between religion and democracy in Taiwan, by putting it in comparative perspective. Previous findings indicate that in the new democracies of Central and Eastern Europe, religious participation has an effect on the formation of democratic political culture at the individual level. However, this effect is not contingent upon denomination, but rather every national historical, political, cultural and social context determines whether church going is a worthwhile activity for the development of a civic citizenry. By combining quantitative and qualitative data, I assess the applicability of this model on the non-Christian case that is Taiwan. My results suggest that church going in Taiwan is conducive to gathering civic skills, and different denominations are found to collaborate in order to deepen democratic development.

Keywords: religion, democracy, political participation, social context, civic citizenry

According to the English version of the *Pravda* newspaper, the Russian Orthodox Church is the largest importer of spirits and cigarettes countrywide. Due to its tax-free status, granted by successive post-Soviet governments, the Orthodox Church became a lucrative "corporation", facilitating the sale of "non-Orthodox" goods. The same newspaper appreciates that the future may also bring a monopoly over wine imports. Across the ocean, American political scientists research the significant potential of churches in creating democratic behavior and civic skills. They report that Christian congregations in the United States are veritable creators of democratic attitudes and civic skills. In Taiwan, one can book an intensive Buddhist meditation session in the heart of Taipei, for those professionals that, due to their hectic schedule, do not manage to escape the vibrant city. Evidently, religion, and its institutionalized form - the church, are facing challenges everywhere, and they seem to meet them with flexibility.

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This research has been possible with the support of the Taiwan Foundation for Democracy, within the framework of the Visiting Fellowship Program, and to whom I am deeply grateful.

In this paper, I analyze the relationship between religion and democracy in Taiwan, and compare the results with data from the new democracies, in Central and Eastern Europe. More specifically, I evaluate whether churches as organized forms of religion represent an arena for democratization, in terms of learning civic skills. The more general question I am trying to answer is the following: Does going to church make one a better democratic citizen?

I do not attempt to offer a final account of the relationship between religion and democracy, but merely some evidence in support of a contextual understanding of the ways in which churches contribute to democratic consolidation. Samuel Huntington in his *Clash of Civilization* stated that democracy will spread as far as Western Christianity, so I test his hypothesis in parts of the world that he would have not presumed fit for democracy. In so doing, I also suggest that positivist quantitative data seems to explain best the relationship between religion and democracy when complimented with qualitative data, and more contextual approaches.

On the one hand, Central and Eastern Europe has been under scholars' lenses for more than a decade now, but the focus tends to fall on either of two preferred sub regions: Central Europe (comprising Poland, the Czech and Slovak republics, Hungary and Slovenia) or Russia and its former republics. Cross-sub-regional studies are harder to come by, and Romania, Bulgaria and Albania are under-represented (Tucker, 2002).

On the other hand, East Asia has also been part of the analysis on democratic transitions, albeit as a separate region, characterized by the so-called Asian values (Fukuyama, 1992).

The argument for cross regional research is many folded. Indeed, Central Europe, Eastern Europe and the former Soviet republics share more differences than similarities. Language patterns, ethnicities, forms of government and social and political pasts differ. Their histories include a wide range of political entities from Imperial Russia, to independent Romanian pre-state organizations, to Ottoman dominated Bulgaria and to the Austrian Hungarian monarchy. As difficult as comparisons across Central and Eastern Europe may be, at least three commonalities justify the effort. First, all the countries in the region have a communist past. Second, all the countries were part of imperial powers. Third, democratization has been undertaken in each and every country. Pre-communist and communist pasts are relevant factors in explaining democratic outcomes (Ekiert, 1991). Taiwan, as a term of comparison in this respect may seem, indeed, far fetched. However, when one considers that Taiwan is a new

democracy, that it is a medium sized country, and that it has its history of imperial colonization, with the ensuing unclear sovereign status, a comparative analysis including Taiwan and countries from Central and Eastern Europe is not all that impossible.

According to the majority of "international assessors of democracy", Central Europe consists of consolidated market economies and democracies, while Eastern Europe, Russia and the former Soviet Republics are still in transition (Freedom House, USAID). Taiwan on the other hand, together with South Korea, are considered the forerunners of democratization within the third wave. What causes differences in political performance? Comparative studies are specifically design to answer these types of question, and this is what I attempt in this paper.

I explore whether religious denominations and church attendance patterns influence the creation of political democratic culture at the level of the society. In other words, I am asking whether being part of a particular church and participating in its activities makes one a more engaged citizen. More engaged citizen, or civic citizen, or democratic citizen, for a lack of better terms, is a person within a democratic political system that is actively participating in the democratic game, either by participating politically, or being an active member of the civil society, or even holding political values that attest his or her commitment to democracy. What it means to be a civic citizen is however conditioned by available data, and although in comparative research cross-regional data may be hard to obtain, heavy reliance on functional equivalence is not improper.

Therefore, I test two alternative hypotheses. First, I ask whether particular denominations influence its confidants' attitudes and behaviors in similar ways. This hypothesis is labeled "essentialist", since it posits a strong connection between strands of religious thought and particular political outcomes. It is a determinist hypothesis, that does not allow for much variation within religious denominations, and that crosses national borders with a Huntingtonian eagerness. Second, I posit a "contextualist" hypothesis that allows for different religions to evolve differently in different political, cultural and social contexts. I argue that while essentialism can be tested against empirical evidence in a traditional positivist fashion, contextualism needs in-depth qualitative data

The structure of the paper is as follows. First, I am offering a brief theoretical basis for the relationship between religion and citizens' democracy in transitioning countries. Second, I am discussing the results of my research in Central and Eastern Europe and then, I am testing the model that ensued

at the outset of the comparative Central and Eastern European study against empirical quantitative and qualitative data from Taiwan. Third, I am discussing the conclusion of my analysis and avenues for further research.

Constitutions, voting booths and altars

The connection between transitions to democracy, church involvement and political participation is not obvious. Transitions to democracy imply both institutional choices and the response of the population to these new institutions. Institutional choices are easier and more controllable processes than the rooting of these institutions. As an illustrative example, Taagepera (2003) analyzes the process of choosing electoral rules for democracies in transition, and he concludes that, after reinventing the wheel, every country ends up with a variation of an already extant system. The previous example illustrates the fact that institutional choices have a limited range of variation, while the correlative process of rooting them in the national post-authoritarian context can have endless outcomes. Lijphart(1996), Diamond, Linz and Lipset (1995), Mainwarring (1992, 1997) are just a few authors that researched transitions from an institutional point of view.

In consolidated democracies, the response of the population reflects aspects of democratic political culture such as political participation and behaviors. Successful transitions need political participation, and political participation in transitional countries requires mobilization and recruitment effort, due to the lack of democratic political culture hindered by an authoritarian regime. Among mobilizing factors, religion and churches can mobilize citizens politically, and thus contribute to the creation of both a consolidated democracy and democratic culture.

Democratic regimes depend on political participation for their validation and for the mere functioning of the regime. In addition to the heavy accent placed on participation per se, democracy also requires particular forms of political participation: voting (Duch, 1993) and the open discussion of the polity's problems (Barnes, 2001). It also requires party identification, a form of political engagement that is often a close precursor of participation. In addition, political participation is usually measured by degree of involvement in political issues, ranging from voting to participation in protests and identification with a political party. However, these measurements do not speak by themselves about civic skills. Are the people participating because they feel empowered and have already developed civic skills, or are they merely recruited by a powerful agent? This question gives rise to a discussion of civil society. In established

democracies, civil society is one of the main political mobilizers (Verba et al. 1995). What is its role in democratizing countries?

Civil society and successful democratization

Civil society is a necessary complement for democracy. Building on DeTocqueville's observations of 19th century American voluntary associations, civil society comprises all the participatory aspects of the society that are not specifically political and are outside the state sphere. It is the key concept that characterizes current discourses on democratization. People outside of government getting together and solving problems is the necessary attribute of every consolidating democracy. Expanding on DeTocqueville's observations, Robert Putnam (1993, 2000) developed the concept of social capital, as the most useful resource that a good civil society has, and hence revived the term.

Civil society is usually connected with associationalism (Kaldor and Vajvoda, 1997). Multiple non-governmental organizations that determine split loyalties and overlapping identities are at the base of American pluralism. However, Cohen and Arato (1994) qualify the term, and ask what is the probability of seeing multiple groups in Central and Eastern Europe as compared to cases of consolidated democracies. Carothers (1999) explains that foreign imported associations, or associational ideas do not grow roots in Central and Eastern Europe because there is no tradition for them. In addition, Kaldor and Vajvoda (1997) explain that civil society is a more familiar term for some countries in Central and Eastern Europe (Hungary, Slovakia and, in the late 80s, Poland becomes the epitome of civil society through the Solidarity movement) while the rest are not familiar with the concept. Ekiert (1991) also asserts that the breakdown of the communist regime created a dramatic decrease in popularity and authority of both state and civil society, and resulted in apathy.

Even if Putnam is offering fairly detailed recipes for a flourishing civil society that will benefit the democratic polity, different countries follow these recipes differently, according to their respective historical, social and cultural contexts. It is thus important to focus on the effect on civic skills and political participation from those organizations that actually seem to fare better after the breakdown of the communist regime in terms of popularity and participation rates.

The triad democratization-participation-church reflects an ongoing debate about political culture and political participation that will be the last point of this section. Does democracy require democratic political culture,

or is it that democratic political culture is created by the democratic regime? Is church participation the link or the deterrent for successful creation of political culture and democracy? Almond and Verba (1963) and Inglehart (1990) are advocates of the first approach. Democratic political culture manifested as civic beliefs and participatory acts conditions democratic development. This is a culturalist thesis that asserts the necessary priority of democratic values before democratization occurs. Following this thesis, the countries in Central and Eastern Europe have fairly bleak prospects for democratic consolidation, due to their communist experience: "One of the worst legacies of authoritarian rule is the lingering de-politicization of the population, where political involvement was confined to obligatory channels (and thus discredited) or else forbidden" (Barnes, 2001: 99). Even after the communist regime breaks down, people's perception of mandatory meaningless political participation can be a lingering influence. The second argument is clearly developed in Muller and Seligson (1994). They turn the culturalist thesis on its head when they state that civic beliefs are not the prerequisite of a democratic regime, but rather, they are created and developed by a democratic regime. They clearly maintain that, at least in the case of interpersonal trust, the regime can be the creator of this quality.

There is no final agreement between the two camps, and much research is conducted along both lines. I believe that the two models are complementary rather than mutually exclusive. Democratic regimes need democratic values in order to consolidate, and, in turn, they reproduce democratic values themselves. In other words, every institution emerges from a cultural context but continually affects the context as well. I maintain that civil society can be the main agent of creating democratic attitudes and behaviors. Instead of focusing on the effect of civil society as a whole on political participation per se, I take a more pragmatic approach and focus on the effect of churches, as the most "populated" area of civil society in Central and Eastern Europe.

The Civic Volunteerism Model

The literature on determinants of political participation emphasizes resources. Citizens with more resources tend to participate more. Socio-economic status (SES) is the primary determinant of political participation: higher income, a better social status, and more education all lead to increased participation. SES, as developed by Verba, Nie and Kim (1978) however, does not tell the full story. Their base line is indeed the socio-economic status model, and, while they identify the potential of engagement

and recruitment, they do not fully specify them. The role of civil society needs to be addressed. The Civic Volunteerism Model (CVM), developed by Verba, Schlozman and Brady (1995) allows us to account for the mobilizing role of the civil society. The CVM asserts that tangible resources are not the only predictors of political participation. Political engagement and civic skills also increase political participation. Engagement is constituted by those positive beliefs and attitudes towards democracy coupled with feelings of personal political empowerment and efficacy. Civic skills are practices and experiences that familiarize individuals with the political game, and its rules of play. Writing a petition, organizing a campaign, even voting makes more sense if it is practiced. The authors show that participation in non-political organizations, such as unions, voluntary organizations, churches and the workplace, creates a familiarity with the ways organizations function and give the individual a feeling of efficacy, while routinizing her in the structures of organizational functioning.

Specifically in the case of churches, Verba, Schlozman and Brady (1995) explain that they have the benefit of eliminating resource driven inequalities apparent in the American system. Racial minorities especially, find the church an empowering arena. To be sure, the authors warn that not all churches have the same impact on creating civic skills. Protestant churches, for example, are better at empowering citizens since they are focused on more discussion and participatory practices. The Catholic Church, on the other hand, is not such an effective civic skills builder, due to its strictly hierarchical organization. Verba, Schlozman and Brady (1995) do not explain in detail the effect of a particular religion/denomination on its political potential.

I find one major problem with the CVM model, which lies in the authors' inability to deal with the limitations of the model imposed by the internal culture of the church. Richard Wood (1999) asserts the causal autonomy of culture and states that the internal political culture of the church is formed from its cultural strategy and its cultural base. He argues that political science and social movement literatures do not address the critical issue of church's internal structure in both limiting and affecting its effect on civic skills building.

The cultural base of a church represents those segments of participants' cultural terrain that the church appeals to, those common unifying traits of the population that offers the legitimizing base for the church's actions. The cultural strategy indicates what part of community life the organization will draw upon. These two factors lead to the formation of an internal political culture, made up

of shared assumptions, perceptions and symbols that facilitate the understanding of the surrounding world. The political culture affects the projection of social power and the ability to shape the public realm.

Wood (1999) details the challenges that churches face in their formation and preservation of internal political culture. Wood's approach is designed for the pluralist religious space existing in the United States. His announced goal was to determine the effectiveness of church participation in the representation of minorities. So part of his analysis will not apply to cases of dominant religion or even state religion. The overall framework, though, is useful. Cultural base and cultural strategy carry meaning when applied outside the North-American context.

Wood's model can be used to amend the Civic Volunteerism Model. Verba et al. (1995) discuss the difference between Catholic and Protestant churches in assisting the citizens to develop civic skills. Because of the hierarchical structure of the Catholic Church, these skills are not so easily acquired, in comparison to Protestant Churches. Wood (1999) develops a more general and useful way to conceptualize and study the different influence of different denomination on political attitudes, beliefs and behaviors.

The CVM holds the assumption that initial religious motivations are converted into civic skills. This assumption underlines the presence of two consecutive conversions. First, the religious motivations that prompt a person to go to the church are converted into a process of learning civic skills. Second, once these civic skills are learnt, they are subsequently converted into political participation. Wood's analysis addresses the institutional aspect of these assumptions: initial religious motivations are converted into civic skills and then into political participation in accordance with the internal political culture of the church. In addition to this aspect, there is also an individual volitional aspect, namely the intention of the individual to perform this series of conversions.

In the next section, I make a distinction between various denominations and countries, in order to control for the variation imposed by each church's internal political culture. The two alternative hypotheses are the following. First, there is the denominational hypothesis: individual denominations have the same uniform impact on political participation, independent of the context. Second, there is the contextual hypothesis: churches function differently depending on their contexts, and so one can see within denomination variation.

Results of the Central and Eastern European study - testing against evidence from Taiwan

The research conducted on countries in Central and Eastern Europe disconfirmed the essentialist thesis and made way for a more nuanced and contextualized understanding of the relationship between religion and democracy in countries effectuating transition and consolidation. While essentialist hypotheses stated that democracy will spread insofar as Western Christianity, my results show that the ways in which churches can affect democratization are not in fact dependent on denomination. Hence, while in Romania, the Orthodox Church is an efficient political recruiter, that mobilizes people to vote, only because it has a preference towards the party that is placed more towards the socialist end of the specter, in Bulgaria, the Orthodox Church does not play any role, and in the Baltic countries the Orthodox Church became a true democratic player, by creating an arena for advocating rights of the Russian minority. Similarly, in Albania, the muslim churches are also effective arenas for learning civic skills, since muslim church goers are also active civic citizens that participate in the political game, and record high level of political interest and engagement.

In Taiwan, there is available research that correlated religious denomination and participation with political participation, and found that Presbyterian and Buddhist believers and church goers are more politically engaged. Presbyterian believers and church goers are also at the forefront of defending liberal values and minority rights protection. Therefore, my own quantitative analysis is geared more towards the effect that being part of a particular denomination and participating in its activities has on the development of the civic citizen (understood as the citizen that is active within civil society).

The survey data is part of the Taiwan Social Change Survey, conducted by the Academia Sinica. While in this paper I am only using the 2004 wave of the survey, data is available for several years, and time series analyses would greatly complement my analysis. The qualitative data, consisting of in-depth interviews, I gathered myself as part of a Taiwan Foundation for Democracy visiting fellowship in the summer of 2006. I am greatly grateful to them for offering me this opportunity.

Quantitative Data

The Taiwan Social Change Survey includes numerous measures of religiosity and religious participation, and a few political attitudes measures. The analysis contains a brief description of levels of religiosity and church

attendance in Taiwan, and also popular attitudes towards secularization. In order to test the effect of religious denomination and participation on civic measures, I am using variables that measure involvement in civil society, as both financial donations and voluntary work.

Table 1 shows the denominational distribution. Interestingly, almost 33% of the sample declare themselves as having no religion. However, in Taiwan, religious identification does not have to be as highly specific as in Christian countries, and a person can be a believer without actually belonging to any denomination. This assertion benefits from support in tables 2 and 3, which detail patterns of church attendance and levels of religiosity (measured as answers to the question as to whether a particular respondent feels that he or she is a devout believer). The image that these tables convey is one that is highly apparent in most post industrial societies. While only 20% of the sample go to church several times a month or more often, more than 60% of the sample consider themselves devout believers. Post industrial societies record the same pattern of religious activity, with religion becoming a highly privatized matter. Table 4 plots the relationship between denomination and church attendance, and shows that within every religion, church attendance is not a widespread phenomenon, except for the Presbyterian Church, that shows almost 60% of their believers also participating to service more than once a month. This is also an expected result since the Presbyterian Church is an institution that places high emphasis on structure and church identification.

In order to properly assess levels of religiosity and attitudes towards secularization in Taiwan, I am offering more evidence. Table 5-8 thus show the answers to four questions measuring secularization in Taiwan. It is interesting that 48.8% of respondents believe that schools should offer religious training, 64.2% believe that politicians could be religiously involved, and almost 60% believe that the more people are involved in religious matters, the more peaceful a society would be. On the other hand, almost 50% believe that people should not believe in demons and gods, since their existence cannot be demonstrated. If one looks beyond the scope of this paper, would find Taiwan as a rather religious country, with religion however manifesting itself differently than in Europe or the United States. There is a very strong connection between religion, superstition, supernatural and tradition, which does not stand true about the Christian churches of the West.

Tables 9 - 11 measure degree of support for both religious and secular activities and it is used as a measure of the strength of civil society in Taiwan. While almost 55% of the sample mentioned making donations

to churches or religious organizations, only 23.8% made donations to other groups within the society, and a mere 9.9% mentioned being involved in any type of voluntary work. While these numbers are low in comparison to post-industrial democracies, they are comparable with values found in transitioning democracies of Central and Eastern Europe.

Tables 12 - 14 analyze in more depth the determinants of involvement within the civil society. In other words, I want to find out if churches in Taiwan are true arenas for the development of civil society and so I assess whether being part of a particular religion, being a believer and actually participating in the activities of that religion makes one a more civic citizen (measured as donations to religious and non-religious organizations and groups, and also as voluntary work). These tables are outputs of logistic regression analysis, with three different dependent variables: donations for secular organizations, donations for religious organizations and voluntary work. Regression analysis measures the separate effect that each independent variable has on the dependent variable, while keeping the other independent variables constant. Therefore, socio-economic variables have been included, in order to be able to better measure the impact of religious variables. The socio economic variables are education, income and gender. The religious variables are church attendance, religiosity (measured by one's perception as a believer or not), and each denominational group (Buddhist, Taoist, catholic, and protestant).

Table 12 shows that donations to secular groups are made by people with higher income and education, and also more so by males than females. This finding is highly consistent with findings in other democracies, since education and income usually make someone more prone to participating in the civil society. The interesting results are played out by the church attendance variable that seems to affect in a positive way donations to secular groups. While it is commonsensical to observe a correlation between church attendance and religious donations, the fact that church going is also affecting donations to non religious groups clearly indicates the positive effect that church going has on citizens' civiness. The impact of every religious denomination is mixed and rather insignificant, meaning that irrespective of denomination, people that are church goers are also more prone to donate money to secular groups. It is this result that disconfirms the essentialist hypothesis: going to church affects civiness without a clear denominational effect; going to church makes one a more engaged citizen, but to what church one is going is not important.

Table 13 replicates the analysis but has as dependent variable donations for churches. The difference is that education now does not play

an important role, but income and gender play the same roles. Once again, church attendance is positively correlated with donations, and also being a devout believer makes one more prone to giving money to religious organizations. Similarly, denomination does not play a part. The fact that education does not play an important role as an independent variable shows that less educated people are also not civically engaged. The idea is that going to church makes one a better citizen, but more educated individuals are still more prone to be better citizens.

Finally, table 14 measures the effect of the same set of independent variables on voluntary involvement. Interestingly education stops playing a part, with gender and income playing the same roles as above. Religious denomination does not play a role, while being a believer and a churchgoer again play important roles. Indeed, being a churchgoer is the one most important independent variable for explaining voluntary work. This finding correlated with the findings from tables 6 and 7 suggest clearly that church going is one factor that makes people more engaged citizens, and strengthens civil society.

In Taiwan, like in Central and Eastern Europe, the effect of church going, and, more broadly religious participation, has on measures of political participation and civil society involvement, is not conditioned by religious denomination. The model that I developed for new democracies in Central and Eastern Europe thus stands against empirical evidence from a non Christian East Asian new democracy. The research question that originates in this findings is the following: How can one account for the fact that going to church makes one a better citizen, while churches are different in both doctrine, organization, structure and handling of on religious matters. I argue that this finding is explained by a phenomenon of institutional mimetism that is prevalent among churches in Taiwan, to which I now turn.

Qualitative Data

Statistical modeling is but one way of analyzing correlations between variables. Quantitative data, while highly generalizable, does not take into account political, social, historical and cultural context that only qualitative data can measure. Therefore, I am complementing my previous findings with a more in-depth analysis of church, state and society relationships in Taiwan, both before transition to democracy, and during consolidation.

Because my interest was heavily on how churches constitute an arena for democratization in Taiwan, most of the interviews have been conducted with members of church leadership. One interview was realized

at the Ministry of the Interior, in order to grasp the relationship between church and state in Taiwan. The rest have been conducted with members of Presbyterian and Catholic Churches, and the representative of one Buddhist organization. Difficult access to Buddhist organizations make the results of my research somewhat limited, although members of Christian Churches also kindly accepted to talk to me about the influence of Buddhist churches.

The position of the Taiwanese state is one of clear separation from religion, in terms of funding. Churches and temples are self sufficient financially. However, my respondent at the Ministry of the Interior told me that in reality the situation is not really that clear, and that there are still cases of political figures associating themselves with a particular denomination, as a symbolic gesture, in order to attract more votes. In turn, some denominations make public their support of such and such candidate (this assertion can be confirmed with evidence presented in table 6).

Several interesting results have come out of these interviews, and they will be presented groups under common headings. First, whether the church is a defendant of democracy or not seems to be affected by that church's position during the authoritarian regime and during transition. Therefore, the Presbyterian Church, always at the forefront of democratization, became the most active promoter of deepening democracy in Taiwan. The Presbyterian Church has been one of the most vocal opponents of the authoritarian regime, and actively opposed it. During these decades, members of the Presbyterian Church have been imprisoned and suffered the repression of the state, only to promote in more ways their attachment to democracy. The Presbyterian Church in Taiwan managed to oppose the authoritarian regime only because of its extensive international network of churches, in a context in which the Taiwanese regime did not want to attract reproaches from consolidated western democracies. Repeated manifestos for freedom have been put forth by the Presbyterian Church during the 70s and 80s and the population became more and more aware of their presence and pro democratic stance. This finding is another confirmation compatible with established wisdom according to which protestant churches are natural allies for liberal democracy: "it is our faith in freedom". Consequently, one would expect the much smaller Catholic Church in Taiwan to play a significant pro democratic role, especially if one takes into account their oppositional stance in Poland during the communist reign. However, the Catholic Church did not become a defender of democracy during the authoritarian regime, and the explanation resides in its hierarchical structure and highly formalized decision making mechanisms: the Catholic

Church arrived in Taiwan from mainland China, with most KMT members being Catholic. Therefore, during the authoritarian regime, the leaders of the Catholic Church were also important members of the KMT, and support for its policies was thus guaranteed. This, however, did not preclude other members of the Catholic Church to form a separate group that started opposing the support that their institution was granting to the authoritarian regime. Buddhist churches have been rather silent during the authoritarian regime, because of their outer worldly view, and also because of their recognition by the state. Buddhist organizations did not have traditionally a social mission, and they have been satisfied to be allowed by the authoritarian regime to exist, and thus focused on religious matters.

Accordingly, the Presbyterian Church became a very visible political actor during transition to democracy, pushing the democratic government towards more liberal democracy in Taiwan. While this can be traced to its Western sources, the Presbyterian Church having strong affiliation to Western Europe and North America, at the present moment it has mostly Taiwanese staff and is financially independent from its transnational hierarchy. Moreover, the Taiwanese Presbyterian Church is a fierce advocate for human rights around the world. The Catholic Church slowly changed its leadership, and the new hierarchy recognizes the importance of democratic ideals. However, their number of believers decreased dramatically after the fall of the authoritarian regime (probably because of the perceived support that the Catholic Church was offering to it). In conclusion, one interesting finding is the fact that the ways churches affect democratization in Taiwan is highly dependent on the ways in which they survived and acted before transition to democracy.

Another interesting factor is the Buddhist revival once democracy got under way. There are a multitude of Buddhist temples, their membership raises continuously, and there is tough competition between them. According to Finke and Stark (1998), the revival itself can be triggered by the fierce competition that pressures each streak of Buddhism to make itself more appealing to the population. Like I mentioned before, Buddhist did not have a history of involvement into social life, being more focused on outer worldly matters. However, after the installation of democracy, Buddhism in Taiwan became a very active member of civil society. While some organizations are only focusing on the poor and disadvantaged, others have a widely diverse social mission, that includes education, health services, natural disaster emergency organizations, that spread internationally, and it is not uncommon to have a Taiwanese Buddhist temple that has branches in the United States,

Europe and the rest of Asia. Therefore, Buddhism seemed to be one religion that recognized the need to change once the political regime changed, and, taking as example pre-existing Christian churches and their social mission, started a process of institutional mimetism that led to the flourishing of Buddhist social services.

The third interesting finding of my interviews is the Presbyterian Church constant pressure on the Taiwanese regime for further democratization. The Presbyterian Church is the most vocal defender of human rights in Taiwan it is representing the indigenous population, and constructed itself as their active agency. Additionally, the church is also defending the rights of illegal immigrants, it protects the safety of women immigrants, and it offers programs for the elderly. With Taiwan changing economically and politically at a high pace, the traditional family ties that guaranteed senior's respect and care, there are older people completely left alone and in need for assistance. The Presbyterian Church is also a strong defendant of Taiwan's independence from Mainland China.

The fourth and last interesting finding is the preoccupation with ecumenism. Buddhist, Protestant and even Catholic churches are collaborating in order to better fulfill their social mission. It is my understanding that Buddhist organizations started this trend of inter-church collaboration in social service provision, and even more self oriented churches such as the Catholic Church now is part of these efforts. However, this tendency towards ecumenism can also be triggered by the eclecticism of the population, that can pick and choose religions that fit their creeds the best, and so it is not uncommon for a Taiwanese believer to attend Catholic mass one Sunday and then pray in a Taoist Temple.

One last word about churches and their input into Taiwan's democratization: the competing and also sometimes complementary social services offered by the different churches in Taiwan are causing a true relief for the state that knows that churches are accomplishing a lot in health, education and welfare. Therefore, as of late, the state started to informally recognize the input of the church in these matters, and started a program of grants that churches can apply for, and which are not difficult to obtain given the credibility that the churches have built over time.

Conclusion

This is exploratory research. The relationship between religion and democracy is yet one to be grasped by researchers and policy makers alike. Its complexity, dynamism and contextuality are difficult to measure and assess.

I have analyzed the effect that church going has on citizens of new democracies. At the outset I assumed that going to church may have an effect on citizens' political attitudes and behaviors, on the way they participate in politics, or in the sphere of civil society. The results of previous research on countries in Central and Eastern Europe show that there is no particular pattern of church going influence on political attitudes and behaviors along denominational lines. Essentialist hypotheses have not been confirmed, and the same denominations seem to influence their confidants differently according to national, and sometimes even sub-national/regional political, historical, social and cultural context.

The same stands true for non-Christian case that is Taiwan. Quantitative and qualitative research shows that church going and, more generally, religious participation, serves as an arena for democratization. The research topic that I focused on in this paper is one that needs more attention from scientists, especially in the context of heightened religious conflict around the world. I would urge for interdisciplinary research, and fruitful collaboration of social scientists from political science, sociology, psychology, religion and anthropology. Additionally, research should combine quantitative and qualitative research, and admit the importance of context when studying the relationship between religion and democracy.

Tables

Table 1.

Denominational distribution

DENOM					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	390	20.7	32.6	32.6
	1.00	450	23.9	37.6	70.1
	2.00	287	15.3	24.0	94.1
	3.00	10	.5	.8	94.9
	4.00	61	3.2	5.1	100.0
	Total	1198	63.7	100.0	
Missing	System	683	36.3		
Total		1881	100.0		

0 = no religion; 1 = Buddhist; 2 = Taoist; 3 = Catholic; 4 = Protestant

Table 2.

Church attendance (including temple, altar)

CHATT

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	1490	79.2	80.5	80.5
	1.00	360	19.1	19.5	100.0
	Total	1850	98.4	100.0	
Missing	System	31	1.6		
Total		1881	100.0		

0 = once a month or less; 1 = several times a month or more

Table 3.

whether one considers oneself a devout believer (Do you view yourself as a devout believer?)

BELIEVER

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	471	25.0	37.7	37.7
	1.00	777	41.3	62.3	100.0
	Total	1248	66.3	100.0	
Missing	System	633	33.7		
Total		1881	100.0		

0 = no; 1 = yes

Table 4.

Church attendance by denomination

DENOM * CHATT Crosstabulation

			CHATT		Total
			.00	1.00	
DENOM	.00	Count	369	17	386
		% within DENOM	95.6%	4.4%	100.0%
		% within CHATT	38.4%	7.7%	32.7%
		% of Total	31.2%	1.4%	32.7%
	1.00	Count	339	101	440
		% within DENOM	77.0%	23.0%	100.0%
		% within CHATT	35.3%	45.7%	37.3%
		% of Total	28.7%	8.6%	37.3%
	2.00	Count	218	66	284
		% within DENOM	76.8%	23.2%	100.0%
		% within CHATT	22.7%	29.9%	24.0%
		% of Total	18.5%	5.6%	24.0%
	3.00	Count	9	1	10
		% within DENOM	90.0%	10.0%	100.0%
		% within CHATT	.9%	.5%	.8%
		% of Total	.8%	.1%	.8%
4.00	Count	25	36	61	
	% within DENOM	41.0%	59.0%	100.0%	
	% within CHATT	2.6%	16.3%	5.2%	
	% of Total	2.1%	3.0%	5.2%	
Total	Count	960	221	1181	
	% within DENOM	81.3%	18.7%	100.0%	
	% within CHATT	100.0%	100.0%	100.0%	
	% of Total	81.3%	18.7%	100.0%	

Church attendance

0 = once a month or less; 1 = several times a month or more

Denominational distribution

0 = no religion; 1 = Buddhist; 2 = Taoist; 3 = Catholic; 4 = Protestant

Table 5.
Religion in school (In junior high school or elementary school, students should be taught to read some religious articles)

RELIGSCH

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	868	46.1	48.6	48.6
	1.00	917	48.8	51.4	100.0
	Total	1785	94.9	100.0	
Missing	System	96	5.1		
Total		1881	100.0		

0 = no; 1 = yes

Table 6.
Politics and religion (government officials can take part in any religious activities)

RELIPOL

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	533	28.3	30.6	30.6
	1.00	1207	64.2	69.4	100.0
	Total	1740	92.5	100.0	
Missing	System	141	7.5		
Total		1881	100.0		

0 = no; 1 = yes

Table 7.
Secularization of values (people should not believe in gods and demons because there is no proof of their existence)

SECULAR

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	934	49.7	51.8	51.8
	1.00	869	46.2	48.2	100.0
	Total	1803	95.9	100.0	
Missing	System	78	4.1		
Total		1881	100.0		

0 = no; 1 = yes

Table 8.
Religion and society (the more people believe in religion, the more peaceful the society will be)

RELIGIOS

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	671	35.7	37.3	37.3
	1.00	1126	59.9	62.7	100.0
	Total	1797	95.5	100.0	
Missing	System	84	4.5		
Total		1881	100.0		

0 = no; 1 = yes

Table 9.
Religious donations (Within the past year, have you donated money to temples, monasteries, churches, or religious organizations?)

RELIGDON

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	854	45.4	45.4	45.4
	1.00	1027	54.6	54.6	100.0
	Total	1881	100.0	100.0	

0 = no; 1 = yes

Table 10.
Non-religious donations (Did you donate money to groups (excluding religious groups?)

SECDON

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	1432	76.1	76.2	76.2
	1.00	448	23.8	23.8	100.0
	Total	1880	99.9	100.0	
Missing	System	1	.1		
Total		1881	100.0		

0 = no; 1 = yes

Table 11.

Voluntary work (Do you do voluntary work now?)

VOLUNTAR

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	.00	1695	90.1	90.1	90.1
	1.00	186	9.9	9.9	100.0
	Total	1881	100.0	100.0	

0 = no; 1 = yes

Table 12.

logistic regression output - effect of independent variables on non-religious donations

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step a 1	CHATT	.441	.169	6.791	1	.009	1.554
	EDUCAT	.404	.106	14.561	1	.000	1.498
	GENDER	-.417	.155	7.202	1	.007	.659
	BELIEVER	.022	.156	.019	1	.890	1.022
	BUDDHIST	.107	.168	.405	1	.525	1.113
	TAOIST	-.178	.201	.787	1	.375	.837
	CATHOLIC	.362	.771	.220	1	.639	1.436
	PROTESTANT	-.135	.346	.152	1	.697	.874
	INCOME	.172	.030	31.940	1	.000	1.188
Constant	-2.095	.204	105.197	1	.000	.123	

a. Variable(s) entered on step 1: CHATT, EDUCAT, GENDER, BELIEVER, BUDDHIST, CATHOLIC, PROTESTANT, INCOME.

- chatt = church attendance (ordinal, low to high, cut off point at once a month)
- educat = education (ordinal, low to high, cut off point at below high school and after high school)
- gender = gender (nominal, 1 = male, 0 = female)
- income = ordinal (low to high)
- believer = whether one is a devout believer (1 = yes, 0 = no)
- buddhist, taoist, catholic, protestant = dummy for the respective denomination

Table 13.
logistic regression output - effect of independent variables on religious donations

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step a 1	CHATT	.750	.162	21.383	1	.000	2.117
	EDUCAT	-.064	.093	.472	1	.492	.938
	GENDER	-.490	.136	13.057	1	.000	.612
	BELIEVER	.472	.136	12.069	1	.001	1.604
	BUDDHIST	-.239	.150	2.529	1	.112	.787
	TAOIST	-.451	.170	7.000	1	.008	.637
	CATHOLIC	-.443	.723	.377	1	.539	.642
	PROTESTA	.073	.350	.044	1	.834	1.076
	INCOME	.140	.032	19.612	1	.000	1.151
	Constant	.027	.174	.024	1	.878	1.027

a. Variable(s) entered on step 1: CHATT, EDUCAT, GENDER, BELIEVER, BUDDHIST, TAOIS
 CATHOLIC, PROTESTA, INCOME.

chatt = church attendance (ordinal, low to high, cut off point at once a month)
 educat = education (ordinal, low to high, cut off point at below high school and after
 high school)
 gender = gender (nominal, 1 = male, 0 = female)
 income = ordinal (low to high)
 believer = whether one is a devout believer (1 = yes, 0 = no)
 buddhist, taoist, catholic, protestant = dummy for the respective denomination

Table 14.
logistic regression output - effect of independent variables on voluntary work

		Variables in the Equation					
		B	S.E.	Wald	df	Sig.	Exp(B)
Step a 1	CHATT	1.083	.207	27.299	1	.000	2.952
	EDUCAT	.124	.143	.751	1	.386	1.132
	GENDER	-.406	.213	3.640	1	.056	.666
	BELIEVER	.412	.228	3.271	1	.071	1.510
	BUDDHIST	-.016	.227	.005	1	.945	.984
	TAOIST	-.396	.291	1.850	1	.174	.673
	CATHOLIC	-3.862	7.819	.244	1	.621	.021
	PROTESTA	.327	.382	.730	1	.393	1.386
	INCOME	.068	.036	3.486	1	.062	1.070
	Constant	-2.851	.276	106.512	1	.000	.058

a. Variable(s) entered on step 1: CHATT, EDUCAT, GENDER, BELIEVER, BUDDHIST, TAO
 CATHOLIC, PROTESTA, INCOME.

chatt = church attendance (ordinal, low to high, cut off point at once a month)
 educat = education (ordinal, low to high, cut off point at below high school and after high school)
 gender = gender (nominal, 1 = male, 0 = female)
 income = ordinal (low to high)
 believer = whether one is a devout believer (1 = yes, 0 = no)
 buddhist, taoist, catholic, protestant = dummy for the respective denomination

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IDEOLOGICAL VOTING: A CROSS-NATIONAL ANALYSIS OF LEFT-RIGHT ORIENTATIONS ON VOTING BEHAVIOR

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ABSTRACT. In this article, we evaluate the relationship between left-right orientations and voting preferences through analyzing voter behavior in 24 countries, by using data from the Comparative Study of Electoral Systems.

We first evaluate the propensity for individuals to place themselves on a left-right scale as individual recognition of political space. We then estimate the strength of certain social characteristics and attitudes that correlate with use of the left-right schema as a form of ideological identification, as well as the relative strength of the left-right schema as an indicator of voter choice.

In the final section, we consider macro-level factors that influence the variance found in ideological voting across cases. One of the main findings of the article is that in countries that had greater income disparity, we are more likely to observe ideological voting. The finding points to the importance that the left-right scale plays in structuring social conflict in the more traditional sense along class lines.

Keywords: ideology, left and right, political parties, vote, democracy

National elections form the basis of modern democracy. The act of voting remains the cornerstone of political representation through which citizens articulate their preferences and ultimately shape and reshape the political landscape. Elections transform micro-level decisions to macro-level outcomes that have real consequences. Thus, the process of voter choice has been a fundamental question raised in political science.

An enduring framework for understanding voter choice is through ideology. According to Downs (1957), voters imagine the political landscape as a simplified spatial model. Citizens vote for parties and candidates that they perceive to uphold a set of values that approximate their own along a single dimension of political space. The most common simplification of political space is the continuum of left-right orientations. In this article, we evaluate the extent to which voters meet this Downsian expectation cross-nationally through analyzing voter behavior in 24 countries. Although voting behavior varies considerably across cases, we anticipate that voters from a wide variety of backgrounds and political contexts use the left-right scale in formulating their voting decision.

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The individual decision to cast a vote for one party among many draws from complex mix of party identification, policy preferences, strategy, and perceptions of particular leaders (for example, Campbell, et al. 1964 (1980); Converse 1964; Cox 1997; Miller and Shanks 1996; Popkin 1991; Verba et al. 1995). Each calculation will be a unique combination of these elements. However, voters abstract the complexities of the political system into a simple dimension based on perceptions of ideological space. Thus, one's ideological orientation plays a key role in explaining the process through which voters evaluate, and choose, among competing candidates and parties. We are interested in the extent to which the left-right scale provides a symbolic foundation of ideological space across a wide variety of cases and if this orientation explains choices voters make among competing political parties and candidates.

The meaning of the terms "left" and "right" varies cross-nationally but generally these terms carry specific ideological connotations related to social class and resource distribution. The left-right continuum serves as a simple mechanism of political space through which citizens and political parties communicate (Knight 1985; Fuchs and Klingemann 1990; Hinich and Munger 1994). Through the left-right scale, voters and parties are hypothesized to signal to one another their positions and preferences on a host of issues. The signaling in turn translates into general ideological profiles. Thus, the scale organizes political space and relevant issues within a given political context (Inglehart and Klingemann 1976; Conover and Feldman 1981; Klingemann 1995). As an organizing principle of political space, the left-right scale also reflects a fundamental line of political conflict, or social cleavage (Rokkan 1967; Kitschelt 1992).

Using data from the Comparative Study of Electoral Systems (CSES), we first explore the relationship between left-right orientations and voting on a micro-level in each of the countries under consideration. We evaluate the propensity for individuals to place themselves on a left-right scale as individual recognition of political space. We then estimate the strength of certain social characteristics and attitudes that correlate with use of the left-right schema as a form of ideological identification. In this way, we assess what kinds of individuals conceptualize a left-right scale as political space, and the extent to which this is a cross-national phenomenon.

The analysis continues through an analysis of the relative strength of the left-right schema as an indicator of voter choice, what we refer to as *ideological voting*. We evaluate the correlation between one's self-placement on the left-right scale and vote selection based on the placement of the parties by

experts from specific countries and the relative impact of one's left-right self-placement within regression models of voting choice. We conclude this portion of the analysis by evaluating the distance between an individual's self-placement and her placement of the party for which she voted.

In the final section, we consider macro-level factors that influence the variance found in ideological voting across cases. With respect to macro-level variables, our working hypothesis is that voters tend to engage in ideological voting more often when confronted with a more complex political landscape. This complexity refers to the array of electoral choice produced by the political system. Important macro factors include electoral laws and institutions that increase the effective number of political parties and the nature of the party system, which in turn, increase the number of viable choices presented to voters.

Self-Placement on the Left-Right Scale

We begin the analysis by considering the extent to which the left-right scale is relevant to individuals. In addressing this question, we distinguish between *ideological sophistication* and *ideological identification* (Fuchs and Klingemann 1990, 205; Knight 1985, 828). Ideological sophistication suggests that citizens hold shared meanings around the abstract left-right schema. Ideological identification means that individuals share the left-right scale as a common understanding of political space without necessarily shared meanings.

For ideological sophistication, common understandings of the left-right scale refer to questions of ownership of the means of production, levels of equality in resource distribution, and mechanisms for social protection especially in the realm of individual rights (Klingemann 1979; Fuchs and Klingemann 1990). The meanings of "left" and "right" may vary widely among individuals within a society. Moreover, an individual's understanding of what issues the left-right scale represents is not fixed. The left-right scale can accommodate new issues as they become relevant for an individual, or society as a whole. For example, Knutsen (1995) demonstrates how individuals in Western European countries have cobbled post-material, quality of life values onto the left-right scale. As a result, the general meaning as an abstraction of political space and representation of political conflict can change overtime.

Since the abstractions of left and right may hold multiple, and even contradictory, meanings among individuals within a society, we expect this variance to increase exponentially within a cross-national analysis. For each new country considered, we decrease our ability to draw inferences about left-right orientations if we rely on ideological sophistication as the measure of voter left-right orientations. This is especially true if we include countries

across regions since a number of historical, cultural and institutional factors contribute to different understandings of these core concepts. Thus, the utility of applying ideological sophistication cross-nationally to understand voting patterns is of limited use.

The left-right scale, however, is not exclusively an ideological blueprint of political attitudes. Conceptualizing the left-right scale in terms of ideological identification reduces the need for a shared understanding of the meanings of “left” and “right.” Rather, ideological identification simply asks to what extent people understand (and use) the left-right scale when considering the political landscape. Do individuals understand their own political orientation in terms of the distances between themselves and competing parties along a single dimension that moves from left to right? Ideological identification still must hold meaning for individuals, but it eliminates the need for these understandings to be held with widely shared connotations. In this way, the left-right scale denotes a common reference of political space, and through it, we are able to evaluate cross-national variance in voter choice along a spatial dimension.

Using the left-right scale as a form of ideological identification allows us to evaluate an aspect of representation through voting. Understood as an abstraction of political space, the left-right schema serves to link individual ideological orientations to their perceptions of political party orientations. Relying on the left-right scale does not imply that other political dimensions do not exist, or are not important. Indeed, we are interested here in estimating the strength of the left-right scale in explaining voter choice. However, voters likely perceive other dimensions of political space (Kitschelt 1992; Middendorp 1992, 257). We anticipate that individuals use the left-right simplification as a convenient delineation of political space that maps their preferences. Moreover, we expect that parties would utilize the left-right schema to advertise themselves to the electorate, and in the process complete the two-way citizen-party linkage that is necessary in a representative democracy (Kitschelt et al. 1995; Klingemann 1995; Kitschelt et al. 1999).

Table 1 demonstrates the minimum standard for ideological identification. It reflects the percentage of respondents who placed themselves on the left-right scale when asked.¹ Our survey instrument measures ideological identification with an eleven-point scale (zero meaning the far

¹ All data is from the CSES data set (<http://www.umich.edu/~cses/>). Three countries (Belgium, Germany and Great Britain) have been sub-divided into regions to accommodate the geographical variance in their party systems, and the resulting variance in voter choice, on a regional level. Thus, the analysis includes 27 cases among 24 countries.

left and ten meaning the far right). If individuals respond to the self-placement question, we assume that they have a general understanding of a left-right scale, a personal understanding of its meaning, and a sense of where they view themselves on the scale.

Table 1.

Percentage Who Place Themselves on a LR Scale

<u>Country & Year of Election</u>	<u>% self-place</u>
Australia 1996	86.1
Belgium (Flanders) 1999	88.0
Belgium (Wallonia) 1999	89.7
Czech 1996	96.9
Denmark 1998	96.6
Germany (East) 1998	91.3
Germany (West) 1998	92.7
Great Britain (without Scotland) 1997	84.2
Great Britain (Scotland) 1997	78.1
Hong Kong 1998	78.6
Hungary 1998	77.7
Israel 1996	86.5
Korea 2000	81.7
Mexico 2000	75.1
Netherlands 1998	80.5
New Zealand 1996	80.1
Norway 1997	97.8
Poland 1997	89.5
Romania 1996	63.4
Russia 1999	65.9
Slovenia 1996	66.6
Spain 2000	85.6
Sweden 1998	84.4
Switzerland 1999	91.8
Taiwan 1995	47.8
Ukraine 1998	61.4
USA 1996	91.8

Of the 27 cases, only five show ideological identification below 75 percent. Each case that does not exceed 75 percent is a relatively new democracy: four are former communist countries and fifth is Taiwan. For the post-communist countries, it is likely that many individuals employ other dimensions of political space such as the pace of reform for example (Kitschelt 1992), or that the communist experience eroded the meanings of left and right for some individuals. For Taiwan, the left-right scale may not translate culturally (Chu 2000, 1). In seven countries, self-placement on the left-right scale exceeds 90 percent. The average among our cases is 81.8 percent. The average and individual country figures are consistent with Eurobarometer data which uses a ten-point left-right scale (Klingemann 1995, 192).

Overall, the picture that emerges is that ideological identification on a left-right scale is widespread. Despite this, each case includes some respondents who do not place themselves on the left-right scale. Do those that place themselves share common characteristics within the case and across cases? Table 2 shows the results of logistic regression analysis for ideological identification. The dependent variable is a binominal variable of placement or non-placement on the left-right scale. The table reports Exp. (b) figures for each significant independent variable according to country.² Values under one reflect a negative relationship and values over one reflect a positive relationship between the variables.

Table 2.
Logistic Regression of Ideological Identification (LR Self- Placement)

<u>Country and Year of Election</u>	<u>Age</u>	<u>Female</u>	<u>Education</u>	<u>Income</u>	<u>Religious</u>	<u>Urban</u>	<u>Nagelkerke R²</u>	<u>N</u>
Australia 1996	1.17**	0.61**	1.19**	1.21**			0.05	1523
Belgium 1999		0.41***	1.22***	1.23***		n/a	0.10	2909
Czech 1996	0.41**	1.42*					0.08	1124
Denmark 1998	1.23**	0.46**		1.49***	n/a		0.08	1735
Germany 1998	0.85***	0.60***	1.26***	1.38***			0.09	1755

² Exp. (b) reflects the multiplicative impact on the odds ratio of self-placement (here the probability of self-placement divided by the probability of not placing oneself) for every unit increase in xi when all other variables are constant. Thus, a result close to 1.0 means the factor has virtually no effect. Figures above 1.0 reflect a positive relationship while figures below 1.0 demonstrate a negative relationship between the dependent and independent variables. See Agresti (1990) for a full explanation.

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<u>Country and Year of Election</u>	<u>Age</u>	<u>Female</u>	<u>Education</u>	<u>Income</u>	<u>Religious</u>	<u>Urban</u>	<u>Nagelkerke R²</u>	<u>N</u>
Great Britain 1997	1.28***	0.46***	1.61***	1.32***		n/a	0.15	2583
Hong Kong 1998				1.28**			0.04	776
Hungary 1998	1.10**	0.49***	1.32***	1.31***			0.12	1357
Israel 1996	0.89*			1.34***			0.07	686
Korea 2000		0.58**	1.31***		n/a	2.06***	0.09	1100
Mexico 2000		0.73***	1.39***	1.10**	1.58***	1.37***	0.17	1329
Mexico 1997	0.90***	0.57***	1.26***	1.12***			0.13	1745
Netherlands 1998	1.13**		1.42***	1.15**			0.07	1873
New Zealand 1996	1.63***	0.54***	1.58***	1.15***			0.19	3756
Norway 1997		0.41*		1.35*			0.07	1934
Poland 1997		0.38***	1.56***	1.32***	0.67*		0.17	1810
Romania 1996	0.85***	0.57***	1.31***	1.18***		1.61***	0.22	1078
Russia 1999		0.70***	1.52***	1.19***			0.17	1042
Slovenia 1996	1.16***	0.61***	1.30***	1.38***			0.14	1187
Spain 2000	1.20**		1.39***	1.22*	n/a		0.06	879
Spain 1996				1.41***			0.08	1208
Sweden 1998			1.61***	1.39*			0.09	1007
Switzerland 1999		0.44***	1.40**	1.40***			0.11	1579
Taiwan 1995		0.72**	1.46***	0.83**			0.21	861
United States 1996		0.55***	1.54***		1.17*		0.11	1392
Ukraine 1998		0.52***	1.23***	1.12**		1.30*	0.09	1002

Figures represent Exp. B from Logistic Regression (* p < .05; ** p < .01; ***p < .001) Australia, Netherlands, New Zealand, and Switzerland substituted religious attendance for "religiosity." Belgium combines Flanders and Wallonia. Great Britain combines Scotland with England and Wales. Germany combines West and East Germany.

The results of the logistic regression analysis show that, in most cases, more educated individuals and those who report higher incomes are more likely to reflect ideological identification by placing themselves on the left-right scale. Cross-nationally, a gender-bias appears among those who

place themselves. In most countries, men are more likely to demonstrate ideological identification along the left-right scale than women. The Czech Republic is an exception in respect to education, income and gender. Religiosity and type of locality have little impact on ideological identification in most countries. Age has a significant impact in thirteen countries but the direction of the association is mixed depending on the country.

Although the results suggest that higher levels of education and income increase the probability of ideological identification through the left-right schema, this does not hold for all cases. Moreover, the overall explanatory power of the logistic regression analyses is weak, as indicated by the scores generated through Nagelkerke r-squared. Across cases, demographic indicators provide only a partial explanation of why some people do not place themselves on the left-right scale.

We might understand the propensity for ideological identification more fully through attitudinal variance. Almond and Verba show that individuals who feel alienated from the political system tend to have lower levels of individual efficacy and thus are less politically engaged (1963, 49-52). We consider three attitudinal factors in an effort to account for the variance of self-placement: satisfaction with democracy, the extent to which parties care what people think, and the extent respondents believe that who one votes for matters. These attitudinal questions approximate aspects of the more abstract concepts of alienation and efficacy.

Table 3 shows the statistically significant correlations (Pearson R) between self-placement and our three attitudinal indicators. The results suggest that attitudes do have a slight impact on self-placement on the left-right scale. With the exceptions of Israel and the United States, ideological identification correlates with at least one of the attitudinal variables considered. However, the correlations are weak and do not show a strong linear relationship. Additionally, we checked for curvilinear patterns. Although some of the relationships are curvilinear in some cases, such as Belgium (Flanders), the correlations were weak and did not apply uniformly across cases. In other words, we do not see any consistent pattern of association cross-nationally between attitudes and ideological identification. This result is not to be unexpected given the strong percentages in most countries of those respondents who demonstrate ideological identification.

Table 3.

Significant Correlations between Self-Placement and Democratic Attitudes

Country and Year of Election	Satisfaction with Democracy	Parties Care	Your Vote Matters
Australia 1996	0.07**	0.12**	0.10**
Belgium (Flanders) 1999		0.10**	0.07**
Belgium (Wallonia) 1999	0.12**	0.14**	0.13**
Czech 1996		0.12**	
Denmark 1998	0.07**	0.04**	0.09**
Germany (East) 1998			0.11**
Germany (West) 1998	0.10**		0.08**
Great Britain (w/o Scotland) 1997	0.11**	0.14**	0.12**
Great Britain (Scotland) 1997	0.12**	0.15**	
Hong Kong 1998			0.17**
Hungary 1998	0.12**	0.14**	0.08**
Israel 1996			
Korea 2000	-0.11**		0.05**
Mexico 2000		0.06**	0.07**
Mexico 1997	0.06**	n/a	0.12**
Netherlands 1998	0.10**		0.09**
New Zealand 1996	0.11**	0.12**	
Norway 1997		0.06**	0.11**
Poland 1997	0.11**	0.11**	0.16**
Romania 1996		0.10**	0.13**
Russia 1999	0.08**	0.13**	0.09**
Slovenia 1996	0.05**	0.06**	0.09**
Spain 2000	0.06**	0.09**	0.12**
Spain 1996		0.07*	0.06*
Sweden 1998	0.08*	0.12**	0.12**
Switzerland 1999	0.12**		
Taiwan 1995	-0.11**	-0.05*	
Ukraine 1998	0.09**	0.17**	0.11**
United States 1996			

* $p < .05$; ** $p < .01$ (2-tailed test)

To summarize, ideological identification on a left-right scale measures the extent to which individuals utilize the dimension for political space in an attempt to simplify and structure their perceptions of competing political parties and their own political orientations. Although other dimensions of political orientation such as ethnicity and religion exist within all societies, citizens commonly utilize the left-right scale for representing political space. The left-right scale serves as a common denominator cross-nationally.

Individuals with higher socio-economic profiles tend to use the left-right scale more often than others. Respondents who demonstrate a measure of political efficacy are slightly more likely to place themselves on a left-right scale. For the most part, ideological identification is evenly spread among individuals within and across countries. This relative dispersion suggests that those individuals who place themselves represent a broad cross-section of society in all of our cases.

Ideological Identification and Voting

Ideological identification through a left-right scale reflects the conceptualization of political space that simplifies the structuring of individual political orientations. We expect the left-right scale to add to any explanation of voting behavior. To evaluate the association between ideological identification and voting, we have developed two complimentary measures. The first estimates the distance between one's self-placement on the left-right scale and the left-right placement of the party or candidate for which one voted. For the second measure, we rely on respondents' placement of the party or candidate for which they voted to evaluate ideological distance.

Two sources provide ordinal placement of the major parties for our cases which is required for our first measure. The CSES macro data set includes a determination of the left-right location of each party. Country specialists classified the most competitive political parties in the system (up to six) on the left-right scale (zero = extreme left). In cases where this information was missing from the CSES macro data set, we relied on the classification of parties according to the Comparative Manifesto Project (CMP) which classified political parties in a similar manner as described above based on a series of factors found in their political platforms.³ CMP provides scores that range from -100 to +100 with the latter referring to the extreme far right.

For the analysis, we converted these scores from the CSES macro data set and the CMP data set into an ordinal level variable from left to right. The converted ordinal-level variable for voter choice ranges from zero to (n-1) where "n" is the number of parties placed by the country

³ A full description of the Comparative Manifesto Project (CMP) can be found in Budge et al (2001) and Klingemann et al (1994). We relied on the CMP for coding the order of parties, left to right, for the cases of the Czech Republic, Belgium (both regions), Norway, Romania, Russia, and the United Kingdom (both regions). We also used the CMP rankings to check the CSES ordinal placement of the parties where we had both CSES and CMP data. For all but seven parties in three cases, the ordinal placement of parties was the same. In cases where we found deviation, we used the CSES determination.

specialists. Zero represents the party or candidate placed furthest on the left among those considered. Therefore, each country's "left" and "right" is relative to the parties or candidates within the system. The measure allows us to evaluate the direction and strength of the association between self-identification and voting. Additionally, the ordinal level measure addresses the error introduced from the judgment of placing parties and the limited number of parties being placed. By simply "ordering" parties or candidates from left to right we minimize measurement error.

Table 4 shows the bivariate association between ideological identification (left-right self-placement of respondents) and self-reported voting according to the ordinal placement of the parties from left to right by country specialists described above. Cases are reported in descending order according to the strength of the gamma correlation coefficient. We have noted the year of the election and the type of voting system employed (party list or candidate) for each case. Cases with mixed systems (Germany [East and West], Hungary and New Zealand) have scores for both types of votes cast during the legislative elections.⁴

Table 4.
LR Self-placement and Voting According to Country Expert Ordinal Placement of Parties in the System

Country, Year of Election & (Type of Vote)	Gamma	N
Sweden 1998 (list):	0.80	805
Spain 2000 (list):	0.79	737
Czech 1996 (list):	0.72	972
Ukraine 1998 (list):	0.70	289
Denmark 1998 (list):	0.68	1568
G. Britain w/o Scot. 1997 (cand.):	0.64	1491
New Zealand 1996 (list):	0.63	3034
Norway 1997 (list):	0.63	1566
Switzerland 1999 (list):	0.63	1076
Israel 1996 (list):	0.60	569
Poland 1997 (list):	0.59	979
New Zealand 1996 (candidate):	0.58	2971
Netherlands 1998 (list):	0.57	1487
Spain 1996 (list):	0.57	777
Hungary 1998 (list):	0.55	803
Hungary 1998 (candidate):	0.53	778

⁴ For the cases of Mexico, Russia and Ukraine (which also use a two ballot voting system) CSES only provides data for one type of vote as noted in the table. As before, we divide Belgium, Germany and Great Britain each into two discrete cases because of fundamental regional differences in their party systems. The result is 33 cases among 24 countries for the analysis.

Country, Year of Election & (Type of Vote)	Gamma	N
Germany-East 1998 (list):	0.52	763
Russia 1999 (list):	0.52	889
Belgium-Wallonia 1999 (list):	0.50	1320
Germany-East 1998 (candidate):	0.50	767
Germany-West 1998 (list):	0.50	748
Germany-West 1998 (candidate):	0.50	756
Slovenia 1996 (list):	0.50	789
Australia 1996 (candidate):	0.48	1447
United States 1996 (candidate):	0.44	982
Belgium-Flanders 1999 (list):	0.43	1669
Hong Kong 1998 (list):	0.40	462
G. Britain, Scotland 1997 (cand.):	0.35	473
Romania 1996 (list):	0.22	577
Mexico 1997 (candidate):	0.19	1065
Taiwan 1996 (candidate):	0.11	396
Mexico 2000 (candidate):	0.05	961
Korea 2000 (candidate):	-0.00	666

All figures are significant at the $p < .001$ level except Korea, Mexico 2000, and Taiwan which are not significant at the $p < .05$ level.

The table shows that, for nearly all of our cases, there is a robust association between one's left-right self-orientation and voter choice. Sweden tops the list with a strong gamma measure (0.80). Among our sample of cases, 23 of the 33 cases have gamma scores of 0.50 or higher. The result reflects a remarkable association between voter self-placement on a left-right scale and the parties and candidates for whom they vote as measured through the ordering of the party systems by country specialists. Korea, Mexico (2000) and Taiwan are the cases that show the weakest correlations, and which do not hold statistical significance. All other cases are significant at the $p = <.001$ level.

We evaluate the association between ideological identification and voting in a second way through OLS regression. Table 5 reports the statistically significant unstandardized coefficients (b) for each case.⁵ As before, countries that use a mixed electoral system with a dual vote have two regression equations, one for each ballot. The b coefficients highlight the relative strength of a particular variable within the analysis. The model includes several attitudinal and demographic factors as control variables.

⁵ We treat our structured voting measure as an interval level variable in order to take advantage of the power of OLS regression analysis in controlling for other factors influencing voter choice despite the measurement error that it introduces. The error tends to result in lower R-square figures and increases the difficulty in achieving statistical significance (Berry and Feldman 1985, 26).

The regression analysis replicates the pattern observed among the bivariate associations. Ideological identification (LR self-placement) has a significant effect on the structured voting variable in every country except Korea, Mexico (2000) and Taiwan. Individuals, who place themselves on the right of the left-right scale, tend to vote for parties or candidates from the right, and those who place themselves on the left, also vote accordingly. Of the thirty cases where this relationship holds, ideological identification is strong factor within the model. The impact of left-right in these countries is consistent with the ordinal-level measures of association in Table 4 adding confidence to the finding.

The regression analysis includes four attitudinal variables for consideration: satisfaction with democracy, the extent to which parties care about what ordinary people think, perception of the economy over the last year, and political efficacy (who one votes for makes a difference). The figures in Table 5 show that these attitudinal factors have varied effects depending on the country. In some cases, attitudinal factors may be sensitive to the given election or electoral outcome. For example, the Social Democratic Party in Denmark won the 1998 election and Danes who voted for the left are more satisfied with democracy. However, the Social Democratic Party in Germany won the 1998 election but Germans (both from the East and West) who voted for the parties on the right are more satisfied with democracy.

The relationship between ideological voting and a respondent's assessment of the economy also shows mixed results. A positive sign on this indicator suggests that respondents who were generally satisfied with the economy over the last twelve months voted for a party or candidate of the right. In some cases, perception of the economy may interact with the ideological orientation of the winning party, such as the case of the Czech Republic. In other cases, dissatisfaction with the economy may reflect a change in ideological orientation of the winning party. For example, in Australia and Hungary, individuals who perceived the economy to be getting worse, voted for parties of the right, which ultimately displaced leftist parties from power. However, the data is far from conclusive except to show that attitudinal measures require country-level explanations.

Among the demographic variables under consideration in Table 5, we also see variance across cases but several general patterns appear. The impact of age is the most striking. Of the 13 cases where age is a determinant in voting, eight show that younger people tend to vote for parties and candidates of the right (a negative sign). All of these are post-communist cases. With the exception of the Czech Republic, where age is not a determinant, these comprise our entire post-communist population. It is a factor that points to different voting trends between East and West Germans.

Table 5.
Unstandardized b coefficients from OLS regression on voting (parties/candidates structured left = 0 to right)

Country, Election Year, & (Type of Vote)	LR- place	Satisfied w/ Democracy	Parties Care	Econ	Efficacy	Age	Male	Educ	Income	Relig	Urban	Adj. r-sq	N
Australia 96 (cand date)	.108***	.078***		-.107***			.140***	-.038**		.033***	-.226***	0.21	1190
Belgium-Flanders 99 (list)	.230***		-.068*			.064**					n/a	0.18	1215
Belgium-Wallonia 99 (list)	.294***			.164**			.260**				n/a	0.26	743
Czech 96 (list)	.283***			.038*		-.055**	.128*					0.47	821
Denmark 98 (list)	.471***	-.104*	-.074*	-.153***			.163*			n/a	-.289***	0.47	1255
Germany-East 98 (list)	.194***	.096*				-.021*		-.110***	.065***	.172***		0.28	652
Germany-East 98 (cand date)	.162***	.129**						-.063***	.067*	.133***		0.22	653
Germany-West 98 (list)	.191***	.126***		.080***		.023*						0.23	648
Germany-West 98 (cand date)	.158***	.134***		.069***		.044*	-.063*		.077***			0.20	654
G. Britain w/o Scot 97 (cand)	.175***			.147***	-.052**	.035**	-.113*		.108***		n/a	0.36	1283
G. Britain-Scotland 97 (cand)	.149***		.067*	.145***		.072**	-.132**	.097*	.098*		n/a	0.25	409
Hong Kong 98 (list)	.078***								.063*			0.07	311
Hungary 98 (list)	.251***	-.347***	-.098*	-.237***		-.076**	.216**	.099*		.178***	-.233*	0.42	696
Hungary 98 (cand date)	.233***	-.294***		-.231***		-.104***				.206***		0.37	675
Israel 96 (list)	.188***						-.273**			.283***		0.42	334
Korea 00 (cand date)	.012								.116**	n/a	.454***	0.03	600
Mexico 00 (cand date)	.014	.093***										0.03	734

IDEOLOGICAL VOTING: A CROSS-NATIONAL ANALYSIS ...

Country, Election Year, & (Type of Vote)	LR-place	Satisfied w/ Democracy	Parties Care	Econ	Efficacy	Age	Male	Educ	Income	Relg	Urban	Adj. r-sq	N
Mexico 97 (cand date)	.038*								.084*			0.02	875
Netherlands 98 (list)	.411***	.130**							.140***	.073***	-.171*	0.36	1333
New Zealand 96 (list)	.291***	.099***		.092***					.080***	.022*		0.45	2561
New Zealand 96 (cand date)	.261***	.042**	.032**	.066***					.079***		-.109*	0.37	2504
Norway 97 (list)	.449***	-.096*	-.127***					.042*		.094*		0.40	1468
Poland 97 (list)	.219***				.101**	-.054*				.145*		0.33	748
Romania 96 (list)	.091***			-.118***	.049*	-.057*		.094**		.079***	.111*	0.13	517
Russia 99 (list)	.174***	.125**				-.122***					.261**	0.31	704
Slovenia 96 (list)	.139***					-.091***				.264***		0.26	494
Spain 00 (list)	.449***			.145***						n/a		0.46	546
Spain 96 (list)	.329***	-.170***										0.32	502
Sweden 98 (list)	.418***							.038***				0.60	733
Switzerland 99 (list)	.445***							-.069***				0.42	818
Taiwan 96 (cand date)	.018	.122***									-.192**	0.18	284
U.S.A. 96 (cand date)	.129***	.068*	-.067*	-.143***				.108***	.150***	.064*		0.19	890
Ukraine 98 (list)	.127***	.122*	-.080*			-.069*						0.33	212

* = p < .05, ** = p < .01, *** = p < .001

Where income and religiosity are significant, these factors tend to have a positive relationship with voting for parties and candidates of the right. For gender, education and type of locality (urban or rural), Table 5 shows very mixed results. Like the attitudinal measures, cross-national variance does not appear to have a distinct pattern, but rather requires a country-specific explanation.

Strong confirmation that left-right orientations play in an important role in voting does hold cross-nationally according to the model. Assuming that country specialists accurately placed the parties according to widely held perceptions among the public, it is unmistakable that ideological identification is a driving force in voting behavior cross-nationally. The left-right scale is a useful conceptualization of political space through which citizens link their own general orientations to those of competing parties. This linkage then correlates with individual voting behavior.

These results are based on an ordinal placement of parties according to country specialists. But are the country-specialist placements reflective of public perceptions of parties and candidates? Is there a way to evaluate if voters perceive themselves to be voting according to what they recognize as the party closest to their ideological orientation?

Table 6.

**Ideological Distance (LR Self-Placement - LR Placement of Party Voted For)
According to Country**

Country, Election Year, & (Type of Vote)	<u>Mean</u>	<u>Standard Deviation</u>	<u>N</u>
Australia 96 (candidate)	0.711	1.788	1312
Belgium-Flanders 99 (list)	0.581	2.198	1584
Belgium-Wallonia 99 (list)	1.869	2.543	1212
Czech 96 (list)	0.995	1.547	962
Denmark 98 (list)	0.279	1.371	1545
Germany-East 98 (list)	0.467	1.921	744
Germany-East 98 (candidate)	0.445	2.070	748
Germany-West 98 (list)	0.386	1.929	717
Germany-East 98 (candidate)	0.327	1.909	730
G. Britain w/o Scot. 97 (cand.)	0.226	1.836	1416
G. Britain, Scotland 97 (cand.)	0.208	2.105	453
Hong Kong 98 (list)	0.465	2.614	402
Hungary 98 (list)	0.590	1.865	753

Country, Election Year, & (Type of Vote)	<u>Mean</u>	<u>Standard Deviation</u>	<u>N</u>
Hungary 98 (candidate)	0.645	1.891	716
Israel 96 (list)	0.315	2.126	550
Korea 00 (candidate)	0.439	2.814	574
Mexico 00 (candidate)	0.585	3.121	935
Mexico 97 (candidate)	0.723	3.354	1006
Netherlands 98 (list)	0.423	1.386	1410
New Zealand 96 (list)	0.357	1.788	2827
New Zealand 96 (candidate)	0.514	1.987	2773
Norway 97 (list)	0.481	1.618	1527
Poland 97 (list)	0.905	2.117	945
Romania 96 (list)	0.859	2.908	512
Russia 99 (list)	0.830	2.351	849
Slovenia 96 (list)	0.315	2.264	642
Spain 00 (list)	0.554	1.507	702
Spain 96 (list)	0.750	2.207	756
Sweden 98 (list)	0.681	1.555	789
Switzerland 99 (list)	1.376	1.925	982
Taiwan 96 (candidate)	0.236	2.093	356
Ukraine 98 (list)	0.398	1.903	241

Table 6 shows the average ideological distances between a respondent's self-placement and her placement of the party for which she voted. The average distance for any one party has a range of -10 to +10 with zero reflecting a perfect convergence between one's self-placement and the voter's placement of the party for which she voted. The country means reported in Table 6 take the absolute value for each party mean to gage the average distance within the system. The measure allows us to evaluate individual voter perceptions of parties relative to their choice rather than relying on the ordering of country specialists.⁶

In keeping with our conceptualization of ideological identification, voters need not perceive the parties as occupying the same location on the left-right scale for this measure. It is enough that they gravitate toward a party that is close to their own orientations on the left-right scale. The measure does have limitations though since it requires responses on three questions: reported vote, self-placement, and placement of the party for which a respondent voted. This demand for information lowers the "n" severely in some cases.

⁶ The CSES questionnaire asked respondents to place up to six parties on the left-right scale. For the United States, this data is missing.

The table shows that voters reveal a remarkable consistency in voting for parties or candidates that are relatively close to their own left-right orientations. With the exceptions of Belgium-Wallonia and Switzerland, country averages are below one unit measure, meaning that on average, the difference between individual self-placement and the placement of the party for which the respondent voted was less than one unit on the 0 – 10 left-right scale. Cross-nationally, there is a widespread convergence of ideological identification and voting. People vote for parties and candidates that they perceive to be close to their ideological orientation based on the left-right scale.

The table also reports the standard deviation from the mean for each case. The standard deviation reflects, in part, the degree to which there is widespread consensus as to how the parties are ordered left to right. The case of Mexico is instructive here. Although Mexican voters tend to vote for candidates who they place closely to their own self-placement on the left-right scale, there is wide disagreement concerning where a party should be placed as evidenced by a standard deviation greater than three units on the 11-point left-right scale. This is not surprising in a party system that has been dominated by the Institutional Revolutionary Party (PRI) which is difficult to classify on a left-right dimension. The higher standard deviations in Belgium, Hong Kong, Israel, Korea, Romania, Russia and Slovenia point to less consensus among citizens on the placement of parties generally and the likely relevance of other salient political dimensions which are pronounced within the political party system of these cases. The level of party institutionalization in some of these cases may account for higher standard deviations that reflect variance among voters about the ordering of the party system left to right (Mainwarring and Scully 1995).

The country averages are derived from 153 individual parties from the 32 cases. Of these 153 individual parties, 32 parties had a mean (average distance between where voters placed themselves and where they placed this party for which they voted) that was greater than one unit, and 28 of the 32 were below two units. Two of the four individual parties that exceeded this figure were from Belgium-Wallonia: the Socialist Party (PS) with an average distance of 2.894 and the Liberal Reformist Party – Democratic Front for Francophones (PRL-FDF) at 3.079. The other anomalous parties were the Catalanian Convergence and Union (CiU) from Spain in the 2000 election with a mean of 3.875 and the Swiss People's Party (SVP-UDC) from Switzerland at 4.235.

In summary, we conclude that ideological identification conceptualized through a left-right scale correlates closely with voter choice. We find this result when voting is measured through an ordinal structuring of the party

system, left to right. We see complementary results when we consider voter perceptions of the parties and candidates. However, our results also point to important exceptions. The nature of the party system or institutional features of a given political system may explain the variance in ideological identification as a factor in voter choice. With this in mind, we turn to a macro-level analysis of ideological voting.

Ideological Voting and Electoral Choice

The analysis above suggests that individuals commonly employ of the left-right scale to spatially orient themselves and competing political parties when voting. We have evaluated determinants of the ideological voting on a micro-level, emphasizing attributes of individuals across cases. Although this is useful in understanding the tendencies of individuals in multiple countries, it does not explain the cross-national variance in the propensity of ideological voting, as evidenced in Table 4.

Differences in ideological voting across cases suggest that macro-level factors also play a role in the way ideological identification along the left-right scale translates into voter choice. In this section, we redirect our focus from the individual attributes of voters toward social and institutional features of a political system to explain variance across countries in the strength in ideological voting. We are particularly interested in institutional features that influence the choice voters have at the polls. Individuals use the left-right scale as a form of ideological identification that delineates political space in part to reduce the complexity of decision-making. Therefore, we expect that as citizens are confronted with more choices, they will tend to rely more heavily on ideological identification when voting. Factors such as the number of political parties, electoral system elements and constitutional design change the quantity and the nature of choice with which voters are presented (Taagepera and Shugart 1989; Lijphart 1994; Cox 1997).

Table 7 shows Pearson correlation coefficients for the aggregate propensity for voters to engage in ideological voting and eight macro-level factors. The strength of ideological voting for a country is measured as the gamma scores from Table 4 above. The gamma score approximates the strength of association between a voter's self-placement on the left-right scale and the party for which they voted when the parties are structured on an ordinal scale from left to right.

Table 7.

**Correlation between Strength of Ideological Voting
and Selected Macro Variables**

Macro variable:	Pearson's R	N
Number of electoral parties:	0.45*	32
Number of parties in the legislature:	0.45**	32
Type of vote (candidate or list):	0.53***	33
Rae's disproportionality index:	-0.23	30
Constitutional arrangement (presidential to parliamentarian):	0.54***	32
Freedom House rating (year of the election):	0.47**	31
Gini coefficient:	-0.47**	32

*** = $p < .001$; ** = $p < .01$; * = $p < .05$

Strength of ideological voting is derived from a country's gamma score in Table 4 (left-right self-placement x expert left-right placement of party/candidate voted for)

The first two factors considered in the table are the total number of electoral parties that ran in the election and the total number of seated parties in the national assembly. They directly address the quantity of voting choices within a given case. The table shows that ideological voting becomes more prevalent as the number of electoral and seated parties increases. This in turn suggests that ideological voting is linked to the amount of choice within a party system. The finding supports the assertion that individuals rely on the left-right scale to simplify choice in a complex political landscape.

The third factor in table 7 addresses a specific element of an electoral system. Electoral system features affect the number of alternatives presented to voters, but also influence the types of choices available. The first electoral system factor is a binominal variable categorizing the "type of vote" used within a particular country: candidate or list systems.⁷ Party list elections, used in conjunction with proportional representation formulas,

⁷ As before, cases that employ a two-ballot system, such as Hungary, were treated as two separate cases.

tend to produce multi-party systems more often than candidate-based electoral systems which are matched with majoritarian counting procedures (Lijphart 1994; Rae 1967). However, the type of vote also touches an element of representation which influences choice. In list systems, voters are more detached from the personalities of political leaders and more attached to the parties themselves relative to candidate systems. As a result, we would expect that voters would abstract their decision to a higher degree in their assessment of competing parties. Alternatively, it is likely that the personal record, or personality, of individuals standing for office in a candidate system will influence voting, and thus decrease ideological voting. Table 7 supports these suppositions showing a strong relationship between type of vote and an aggregate tendency for ideological voting in our cases.

Rae's disproportionality index measures the difference between the percentage of votes received by a political party and the percentage of seats awarded to that political party. All electoral systems distort the translation from votes to seats to some degree. However, some increase the tendency for this distortion to occur, for example single-member district plurality systems are generally more disproportional in relation to countries that use a form of proportional representation (Lijphart 1994). Table 7 shows that although the type of vote correlates positively with ideological voting, this relationship does not carry over to a system's disproportionality.

"Constitutional arrangement" refers to the executive-legislative arrangements of a country. Theoretically, presidential systems should reduce the complexity in voters' minds since the race will tend to center on two competing candidates and consequently structure voting. For our measure, a "pure presidential" system, coded as "one," defines an executive as both head of state and head of government which is entirely separated from the legislative branch of government. A "parliamentary" system, coded as "five," defines an executive head of government that is fused to the legislative assembly, with the head of state as a distinct and largely ceremonial office. The constitutional arrangement of a county is positively correlated with ideological voting among our cases.

Besides the formal institutional features that affect the voter choice, or process of choosing, we evaluate the context of the election itself. If a regime is restricting certain political parties or types of groups from participating in an election, or if it is using tactics of intimidation to influence voter choice, we would expect the propensity for ideological voting to decrease. To measure the effect of electoral context, we consider

the Freedom House ratings for the year of the election in each of our countries.⁸ Table 7 shows that ideological voting is more common in countries that are “more free” according to the Freedom House rating.

A final macro-level factor that we consider is the level of income inequality in a country. This factor has less to do with the quantity or quality of voter choice, and more to do with capturing social conditions within a country that may give rise to class tensions. We measure aggregate income distribution through the Gini coefficient. A society with perfect equality, meaning all households receive the same amount of annual income, equals “zero.” A society where one household monopolizes all income equals “one.” Table 7 reflects a positive relationship with ideological voting, so that citizens in countries with higher levels of socioeconomic inequality tend to rely more heavily on the left-right scale when voting. This suggests that the left-right scale is not only a convenient measure of political space, but that the scale captures class differences.

Income distribution and levels of democracy are theoretically correlated. We expect that countries that possess high levels of income inequality will be more likely to restrict freedom (for example, Joyce 1995). Several of our cases, for example Russia and Ukraine, possess relatively high Gini coefficients and low freedom scores from the Freedom House. In these cases, we find income distribution more closely associated with ideological voting than the aggregate scores on freedom reflecting the level of democracy.

Overall, macro factors that influence the amount of choice in the political system have a positive impact on the extent to which individuals rely on left-right orientations in voter choice. Despite the relatively small number of cases, the finding supports our general contention that the left-right scale is used to delineate political space for voters. In complex environments offering greater electoral choices among competing parties, the left-right scale is even more useful, and more widely used.

Conclusion: Aggregating Interests

The decision-making process of voting touches the essence of a democratic regime, reflecting the individual act of self-governance. Voters have a lot to think about when casting their vote. They take into account the attachment they feel to certain parties and their perceptions of certain candidates. They must consider compromises and trade-offs in policy

⁸ We reverse the Freedom House rating so that “7” is most free, and “1” is least free. We then multiply a country’s rating in political rights by its rating in civil liberties.

preferences since it is unlikely that a single party or candidate will mirror their own orientations perfectly. Voters must calculate a party's chances of winning and devise a strategy that best advances their ideological orientations and policy preferences. Voter choice is a complex process. We have argued that in an effort to simplify the process, voters from a wide variety of backgrounds and settings rely on the left-right scale to delineate political space.

We have considered the extent to which ideological identification through a left-right schema facilitates linkages between citizens and political leaders through voting. Cross-nationally, citizens engage in ideological identification through conceptualizing political space along a left-right scale. Ideological identification assists in political communication between citizens and political leadership, as well as providing a common frame for discourse among citizens. This process produces social linkages that contribute to healthy democracy.

Our analysis shows that left-right orientations are an important factor in explaining voter choice. We demonstrate that voter perceptions of party placements are important in understanding voter choice. Citizens vote for parties and candidates that they perceive to be close to their own ideological orientations. In this respect, ideological identification through the left-right schema facilitates individual conceptualizations of political space.

It is likely that individuals associate the terms "left" and "right" with a sophisticated conceptualization of political conflict over the relevant issues of the day in a way that has personal meaning. These meanings do not have to be shared in order for the left-right scale to be a useful tool in voter choice. The left-right scale organizes political space, but it does not necessarily define it.

We find ideological voting in all countries to some extent. In most of our cases, ideological voting plays a crucial role in explaining voter choice. Individuals vote for parties and candidates that they perceive share their self-placement on the left-right scale. Ideological distance does not replace other demographic and attitudinal variables that contribute to a general model of voting behavior. Rather, it complements other demographic and attitudinal factors that also contribute to an explanation of voter choice.

Despite its importance in our cases, we still observe variance in the strength of ideological voting. In some countries, we see a very close association between one's personal left-right orientation and the orientation of the party for which one votes. In other countries, the association is weaker. Variance across cases cannot be explained through analyses that only account for individual, or micro, level factors. The CSES data set includes macro-level factors as well which allows us to complete the analysis.

Our working hypothesis is that voters within political systems that offer relatively more choice to voters in terms of the number of parties or candidates will rely more on ideological voting than voters in political systems that offer relatively less choice. In this regard, we considered six macro-level variables that influence electoral choice. The number of electoral and seated parties, the type of vote, executive constitutional arrangements and the level of political rights and civil liberties all had significant impact on the propensity for ideological voting. The analysis points to the role that ideological voting plays in sorting out choice, and how systems offering more electoral choice will tend to have more ideological voting.

We also considered a country's Gini coefficient as a macro-level variable which does not influence the amount of choice. In countries that had greater income disparity, we are more likely to observe ideological voting. The finding points to the importance that the left-right scale plays in structuring social conflict in the more traditional sense along class lines. Therefore, while ideological voting, and the left-right scale generally, may have multiple meanings and serve to delineate political space, it also retains its ideological content.

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CERTAIN SUCCESSES AND FAILURES OF THE UN MISSION IN KOSOVO IN MANAGING THE CRIMINAL JUSTICE SYSTEM

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ABSTRACT. The UN Mission in Kosovo (UNMIK) is established in accordance with the UN Security Council Resolution No.1244,¹ which brought to an end Serb aggression in Kosovo and stopped the genocide exercised by the Serb authorities who had aimed to ethnically cleanse Kosovo.²

UNMIK was set up in Kosovo on the second half of 1999 and continues to exercise its entrusted mandate even as this article is being written.³ Its responsibilities are broadly stretched in many fields⁴ and are prescribed in 21 paragraphs (points), tens of subparagraphs (bullets) and two Annexes of the said Resolution. Currently, the responsibilities of UNMIK have been reduced to a large extent. Notwithstanding this, one of its reserved powers continues to be the management of the criminal justice system, which is the topic of this review.

Keywords: criminal justice system, legislation, Kosovo, police force

INTRODUCTION

The work of the UN Mission in Kosovo, as will be observed later on, from its beginning until present has scored obvious successes but it has also manifested a number of failures with regard to the management of the criminal justice system.

I. Ease of establishing and challenges faced by UNMIK in the criminal justice system

By observing, however briefly, the development of the events on the ground, it can be easily concluded that UNMIK was favored by numerous easements but was also followed by many challenges, especially in the criminal justice system.

¹ This Resolution was adopted in the 40110th meeting held on 10 June 1999.

² Arsim Bajrami, *E drejta parlamentare, Aspekte krahasuese, Prishtinë, 2005, p.292.*

³ Currently, with regard to the work of this Mission, it is worth mentioning that the transfer of responsibilities to the respective Kosovo Institution has begun. This transfer, in accordance with the Ahtisari Package, must be completed within 120 days.

⁴ Compare: Arsim Bajrami, *Draftimi i kushtetutës, Prishtinë, 2007, pp.276-277.*

1. Certain easements which have favored the work of UNMIK in managing the criminal justice system in Kosovo

The easements that have favored the work of this Mission, as mentioned above, are many and diverse. They continue to be unique and quite distinguished from any other Mission that the UN has placed in any place around the world since its establishment. For the purpose of not becoming indebted to the reader, certain essential easements that have followed the work of this mission will be presented in this article. Consequently, the following may be considered as such easements:

1. The existence of necessary legal support for the setting up and functioning of this Mission. The fundamental basis for such legal support is Resolution 1244 of the UN Security Council.
2. Placement and the operating of the security force in Kosovo.⁵ This force, called "KFOR", in reality represented the most important institutional segment able to provide security in an uneasy environment in Kosovo. This force was also protecting and easing the activities of UNMIK administration and personnel in Kosovo.
3. Placement and operating of the International Police force, which acted along side KFOR to assist UNMIK in fulfilling its responsibilities.
4. The existence of a local criminal judicial legislation, on the basis of which the rebuilding of the justice and security systems in Kosovo could commence. As such, despite all its obvious shortcomings, Kosovo had its own criminal legislation, and laws on the Regular Courts, Public Prosecution, Internal Affairs, People's Advocate, etc. Furthermore, the Law on Criminal Procedure and the Law on the Execution of Sanctions, authored by the Federation of Yugoslavia, were also applicable in Kosovo, as part of the federation.⁶

⁵ Of vital importance for the placement of this force in Kosovo, except for the UN Security Council Resolution No. 1244, was the technical-military Agreement reached between the international security force "KFOR" and the governments of the Yugoslav Federal Republic and of the Republic of Serbia, signed on 3 June 1999. Amongst the people of Kosova, this Agreement is also known as the Kumanovo Agreement, as it was concluded in the town of Kumanovo in the Republic of Macedonia. For more details on this see: Enver Sopjani, *Përmbledhje aktesh ndërkombëtare për Kosovën (1999-2004)*, Prishtina, 2005, p.101.

⁶ For more details on this see: group of authors, *Regjistri i dispozitave në fuqi të Kosovës më 22 mars 1989*, Prishtinë, 2003, fq.40-49.

5. The existence of a tradition, although with many deficiencies, of carrying out functions in the Police, Prosecution, Court and Institutions for executing criminal sanctions.⁷
6. The existence of facilities and space, even though quite insufficient and in bad shape, where the police, public prosecution, courts, and the prison administration would be placed, including the persons imprisoned for various criminal activities.
7. Local hospitality, despite certain actions coming from individuals or extremist groups, has continued to characterize the entire period of UNMIK's placement in Kosovo, etc.

2. Certain challenges faced by UNMIK in managing the criminal justice system in Kosovo

Parallel to the aforementioned easements, which in fact ought to have encouraged and strengthened UNMIK in managing the criminal justice system in Kosovo, the Mission also faced a considerable number of challenges while carrying out its entrusted responsibilities. Such challenges that UNMIK faced in carrying out its duties could be considered the following:

1. Generalization of UNMIK's responsibilities in Kosovo, which includes the issues that is the object of this article. Consequently, the UN Security Council Resolution 1244 to a large extent is mentioned with general expressions and solutions, thus leaving much room for different interpretations. "This resolution, to a large extent, has been left un-operational, thus allowing the International Civil Administration to exercise powers in fields that would have normally fallen under the competencies of the Kosovo authorities."⁸
2. The lack of a well organized structure, with a hierarchy and responsibilities that are well defined. This situation has shown its repercussions many times throughout the complex operation of UNMIK and the exercising of its powers and accountabilities.⁹

⁷Abiding employees with an old mentality were hired in the police force, prosecution and courts, and in the fallen communist system in general. For more details on this see and compare: Hajdari Azem, *Kriminaliteti i organizuar*, Prishtinë, 2006, pp.244-246.

⁸ For more details see: Esat Stavileci, *Kosova nën menaxhimin ndërkombëtar*, Prishtinë, 2000, pp.284-285.

⁹ A typical example of this is the departing of Rumanian police forces after killing two protesters in the demonstrations organized by Vetevendosje held in Prishtina on 10 February 2007. The persons responsible for the killing of the two protesters have not yet been brought before justice.

3. The unsolved status of Kosovo. This delicate issue has been one of the main obstacles hampering not only the multi-dimensional advancement of Kosovo, including the proper management of the criminal justice system, but also the successful and timely completion of this Mission in Kosovo.
4. The existence of an unsustainable and unstable security environment in Kosovo.¹⁰ Initially, this environment was utterly hopeless, since the justice system was not functional. At the same time, Kosovo also was facing the problem of left-over Serb army, paramilitary and police forces in many parts of its territory. Consequently, in the following years leading to this day, such an environment, despite many changes but due to many reasons, continues to be very fragile.¹¹
5. The continuous existence of a poor economic situation. The poverty rate is deemed to be severe.¹² Around 37% of the Kosovo population is considered to survive this severe poverty by earning 1.42 Euro a day. Despite modest developments that have been recorded after the privatization of the majority of socially owned enterprises, it can be freely stated that the effects of an economic rebirth cannot yet be noticed.¹³
6. The issue of the missing persons. The latest accounts bring the number of the missing persons up to 1700, for whom their families have no information.¹⁴ This issue, except for the general concern, continues to maintain the socio-political environment in a continuous state of tension. However, this problem may have, to a large extent, compromised UNMIK's work in Kosovo.
7. The issue of bringing to justice, or failing to do so, of key responsible criminals for crimes against humanity and the international law committed in Kosovo during the March 1998 – April 1999 period.¹⁵

¹⁰ For more details see: Review of the internal security sector in Kosovo, www.kosova.undp.org, pp.23-24.

¹¹ The Serb secret service continues to be active in Kosovo aiming at keeping tensions high in order to obstruct Kosovo on its path towards democratization and general progress.

¹² According to a World Bank report made public in 2006, 15% of the Kosovars live in extensive poverty. They live with less than 1 EURO a day.

¹³ The economic giants in Kosovo: Trepça, Mines in Kishnicë, Novo Bërd, Golesh, Strezocit etc. continue to be out of production. Small and medium enterprises in most cases offer only enough to exist, and in some cases with losses.

¹⁴ These data refer to 2007 statistics made public by the Department of Justice- UNMIK Office on Missing Persons and Forensics

¹⁵ There is a general conviction that, with regard to this issue, there is a distortion of justice.

8. The restoration of the justice system. On what basis and which structure of people were to become the foundations of the Kosovo police, prosecution, courts, and prison administration. There is a general impression that this challenging matter has not been managed properly.¹⁶
9. Lack of a comprehensive criminal legislation. On the other hand, the existing laws that covered only parts of this field had become out-dated and were deemed inadequate to successfully battle crime, especially some forms of the organized kind.
10. The over-heterogeneous composition of UNMIK. The employees of this Mission were coming from different countries and continents. The majority had a mentality, educational background, and in general a level of knowledge and experience that did not correspond with the fundamental needs and requests of Kosovo.¹⁷

II. Certain results and failures of UNMIK in managing the criminal justice system in Kosovo

The grave socio-economic state that lasted for decades, but which peaked during February 1998 – June 1999,¹⁸ as a result of the Serb rule in Kosovo, especially its interferences in the post war period, is considered to be the main factor that determined the modest pace of development and the numerous failures of UNMIK. However, many other circumstances related to the very complex nature of UNMIK have made an impact in this regard. Thus, an elaboration of certain successes and failures manifested in the work of UNMIK in managing the criminal justice system will be given below.

1. Certain results of the UN Mission in Kosovo in managing the criminal justice system

The work of the UN Mission in Kosovo has generally been and continues to be quite complex. This complexity has been conditions not only by the solutions provided under UN Security Council Resolution 1244,

¹⁶ A more detailed discussion on this will be provided under the failures of UNMIK in Kosovo section.

¹⁷ This situation has not passed without leaving its repercussions in the field of lawmaking, including the criminal spectrum, but in other areas of life as well.

¹⁸ This is the period of the last war that took place in Kosovo, which caused hundreds- thousands victims, and much destruction. For more details on this see: Azem Hajdari, *Krimet e luftës kundër popullsisë civile në Kosovë gjatë periudhës shkurt 1998- qershor 1999*, Prishtinë, 2002, pp.133-137.

but also the over-heterogeneous composition of the staff of this Mission.¹⁹ Consequently, this can be deemed to be one of the main factors that this Mission has achieved only modest results in the management of the criminal justice system in Kosovo. Henceforth, this article will attempt to briefly elaborate some of the successes that are addressed to UN Mission in Kosovo.

1.1 Results in the area of criminal legislation

It was stated earlier that post-war Kosovo had a significant part of the criminal legislation available, despite the fact that it had deficiencies and was not current. Nevertheless, it offered a modest basis for a proper commencement and management of the criminal justice system by this Mission. As such, in order to make this legislation functional, it had to be amended and adapted to bring it in line with the international best standards and practices. This deficiency was easily identified²⁰ but it made way for a strenuous and complex work to prepare and issue parts of this legislation.

As a result, it is worth mentioning the issuance of the Kosovo Criminal Code, the Code of Criminal Procedure, and the Law on the Execution of Criminal Sanctions. Notwithstanding this, an important role in the management of the criminal justice system in Kosovo played the issuance of the Law on Juvenile Crimes, the Law on Protection of Witnesses, UNMIK Regulation on Preventing Terrorism and Related Crimes, Regulation on Preventing Human Trafficking, Regulation on Preventing Money Laundering, Law on Corruption, Regulation on Authorizing the Carrying of Weapons, etc.²¹ which serve to battle crimes in general and organized crimes in specific. "This legislation will mark a very important time for the development and prosperity of the general socio-political life, and specifically that of the justice-penal environment in Kosovo".²² This would mark the first autonomous legislation that Kosovo would get, since the tragic separation of the Albanian nation and territory in 1912-1913, which would regulate the material, procedural, and penitentiary aspects in the criminal field.

1.2 The functioning of the Public Prosecutions, Courts, and Authorities Enforcing Criminal Sanctions

As is known, the Serb regime, after many efforts, had managed to remove the autonomy of the criminal justice system in Kosovo. As such, the

¹⁹ The personnel of this Mission comes from different countries and continents. They come with a mentality, educational background, and experiences that not only are useful, but rather are obstacles of the functioning of the institutions.

²⁰ Much assistance was provided by a considerable number of Kosovar, European and other experts.

²¹ See: Official Gazette, United Nations Mission in Kosovo-UNMIK Home.

²² See: Azem Hajdari, Kodi i procedurës penale- akt me rëndësi të madhe juridike, historike dhe shtetërore për Kosovën, Koha Ditore, Prishtinë, 2 April 2003, p.11.

police force, courts, public prosecutions, and the authorities enforcing criminal sanctions were almost completely serbianized beginning in 1989 until the war started in 1999. All these bodies were given the duty to persecute anything that breathed Albanian in the territory of Kosovo. The end of the war brought more or less the end, although gradual, of the Serb criminal justice system in Kosovo. Consequently, this system, as far as the functioning of its bodies is concerned, was not operational.

Aware that the situation must be recovered as soon as was possible, the UN Mission in Kosovo started working on reestablishing criminal justice bodies and making them functional. It was clear, despite the good will that may have existed, that the challenges ahead were difficult to be born by the system that was being recreated. As a result of a long and persistent work, proper technical requirements were met, which allowed for work in the public prosecution, courts, and enforcement bodies to commence. Parallel to this, appointments were made in the public prosecution, courts, penitentiaries, and other criminal justice bodies. This, despite all criticism, resulted in placing this hopeful system on its tracks.

An important success of this Mission in this matter was the involvement of a considerable number of prosecutors, judges, and enforcement personnel in the criminal justice system of Kosovo. All such appointments are considered to have been made in order to establish a stable criminal justice system. Although this issue initiated many controversial debates, it still is regarded as a success of the UN Mission in Kosovo. This is further supported by the fact that under the existing conditions and circumstances, the idea of having difficult criminal cases (related to war crimes and organized crime) handled by the local staff was not supported. The local staff, in such a case, would have faced intimidations and the objectivity of their decisions would have been compromised.

It is considered that the functionality of these bodies had an immediate impact on ensuring a secure environment inside Kosovo and limiting the number of crimes in the boarder areas.

1.3 The Establishment of the Kosovo Police Force (KPS)

Parallel to the functioning of the public prosecution offices, of courts, and of the penitentiary system, the UN Mission in Kosovo has also achieved obvious results in the creation of the Kosovo Police Service. It is natural that the realization of this goal has taken much time, but institutions and personalities that worked beside the Mission stated that UNMIK was persistent and dedicated in achieving such a Service. There are now many dedicated persons within the Kosovo Police Service working

for the welfare of their institution. It now has around 7500 police men and women belonging to different ethnic communities.²³

The KPS responsibilities were quite limited at the beginning. This was reasonable, given the fact that it started from almost nothing. Furthermore, KPS was created under emergency circumstances and the filling of its ranks continued until the present time. The KPS powers have been expanded to a satisfactory extent, including the fighting of organized crime, which has resulted in better investigation activities.

The Kosovo Police Service now operates throughout the territory of Kosovo, which is an indicator that the security situation will be better managed than three or four years back. Furthermore, much progress has been achieved on the ranking of the personnel, thus covering almost all leadership positions. There is a general impression that this process was relatively well managed by the UN Mission in Kosovo.

1.4 Restoration of the Penitentiary Facilities

The UN Mission in Kosovo, in the field of criminal justice, in cooperation with various donors, has managed to create not only sufficient space, but also facilities compatible with international standards for the convicts. The creation of such conditions was not an easy task to achieve, given the damage and destruction these facilities suffered during the war.

The penitentiary facilities, therefore, provide favorable conditions for the convicted persons. The food and clothing, including the hygiene, is of internationally accepted standards.²⁴ Currently, the existing capacities are sufficient given the number of convicted persons that are sentenced to jail by the criminal courts.

It is worth mentioning that behavioral and educational programs are being offered to convicts in these institutions. Thus, the correctional facility in Lipjan, despite all the evident difficulties, organizes school lessons for the juvenile and professional skills in distributing electric, water, and sewage systems for the adult inmates.

Further, this Mission has also held important activities for the personnel working with the prisoners. Initially, the management and administration matters that were carried out by the international staff are now, to a large extent, performed by the local staff.

²³ According to the data, over 25% of KPS members are non-Albanian. This is a guarantee that demonstrates efficacy in fighting crimes throughout Kosovo. Source: www.kosovopolice.com

²⁴ This data has been made public many times by different NGOs who have visited the Kosovo prisons. Such assessments have also been given by the Council on Protection of Human Rights and Freedoms of Kosovo.

UNMIK, through such actions, has achieved to exercise an important role in the prevention of criminal activities. This is supported by the fact that there is a reduction on the number of recidivists carrying out crimes.

1.5 The establishment of the court liaison offices

The establishment of the court liaison offices was made possible under UNMIK Regulation No.2006/25.²⁵ Practice shows that such offices were established in certain so-called Serb enclaves. Their main purpose is to enable the members of the Serb community to address their requests to Kosovo public administration bodies, especially to courts, prosecution offices, Ministry of Justice, and so on.

It is worth noting the fact that these offices have served to restore the Serb trust, to a certain extent, on all the institutions of Kosovo.²⁶ They have thus served as initial links of integrating the Serb enclaves into the Kosovo judicial system. This step is considered to have been well thought in order to provide political stability for Kosovo in the long term, and as such it has made a positive contribution in the management of the criminal justice system in Kosovo.

II. Certain failures of the UN Mission in Kosovo in managing the criminal justice system

The eight-year long work of the UN Mission in Kosovo, in the subject covered by this article, except for the successes mentioned above, was followed by many failures as well.²⁷ As such, an attempt will be made to identify and elaborate some such failures, to the extent that is possible in this article.

1. Zones that remained for many years outside the jurisdiction of UNMIK and of Kosovo institutions

The war and its consequences had a great impact on the flow of the processes that would become an issue after the UN established its Mission in

²⁵ This Regulation is titled: Regulation on Regulative Framework of the Kosovo Justice System. It entered into effect the same year (2006).

²⁶ I consider it early to speak with regard to the full role of these offices. The future will show the effects they will have in respect to the reason of their establishment..

²⁷ The main failures have been noted precisely on the subject covered by this article. It is sufficient to see the document "Standards for Kosovo" which lists many obligations for the government bodies in Kosovo, especially for UNMIK, but also the evaluation of the obligations have been met made by the UN Security Council in 2005. Many advancements are pointed out, but a request is made in further advancing the standard of the rule of law and freedom of movement. Source: <http://www.ian.org.yu>, pp.3-5.

Kosovo. One such phenomenon, which started then and continues to exist to this day, is the enclaving of the Kosovo territory. There are currently a number of Serb enclaves throughout Kosovo, which have become the strongest blow to the functioning of the Kosovo institutions. These zones remained not only outside the jurisdiction of the Kosovo central government bodies, but also outside the jurisdiction of UNMIK. Such a situation came about not only as a result of the reasonable fear that the minority community living in these enclaves expressed from a possible retaliation from the majority population after the war, but also as a result of much investment from the Serb government, which promoted the existence of such enclaves. Other factors are attributed to the work of UNMIK, which, not only failed to dissolve the enclaves, but in fact, by many conscious actions or unaware of the fact, contributed to keep this situation alive. Such a conclusion can be made given the fact that UNMIK did not, at any stage of development, come out with a strategy to undo the created enclaves. Such strategy was, in fact, an obligation of the Mission since no legal act in effect, including the UN Security Council Resolution 1244, does not recognize the enclaves as organizational structures of the Kosovo territory. The current situation, notwithstanding minor changes that have occurred in the last two or three years, is considered a factor that continuously causes instability. This instability continues to be inspired in the zones by strong influences of the Serb secret service and extremists of this nationality, who do not wish to turn towards the future. It is certain that had UNMIK approached the matter justly and persistently, this problem would have now been an issue of the past, and this would have not been discussed as a failure of the Mission.

2. Functioning of the parallel security structures

Parallel security structures from Serbia continue to function in the so-called Serb enclaves since after the war. These structures mainly function in the education, health, and other governmental structures, including the justice system. Certain so-called security cells, which exist within the entirety of these structures, have been active during the whole time in the form of "Bridge Watchers"²⁸ but also in other forms as well. In addition to these structures, the Serb Office has been lately established in the northern part of Mitrovica, which aims to strengthen the image of the enclave. Such parallel structures function on the basis of the Serbian legislation and practices. On the opposite, the

²⁸ This word refers to the bridge over the river Ibër that divides the city of Mitrovica in the North (populated by a majority of Serbs) and South (populated by a majority of Albanians), and is constantly guarded by dubious persons/Serb extremist.

Kosovo judicial system recognizes only the institutions that are created by, and function under, the laws of Kosovo, including UNMIK Regulations. Based on the UN Security Council Resolution No. 1244, UNMIK is the authority obliged with the task of dissolving such parallel structures, or at least to integrate them into the Kosovo Institutions. That this Mission has never been committed in fulfilling this obligation can be demonstrated by the fact that UNMIK has, as far as it has been made public, never come forth with the idea of a plan or strategy aimed at solving this problem.

3. The functioning of the Serb secret service and of other similar services

The general and professional population knows that the Serb secret service and other similar services have been active in Kosovo since after the war. However, other secret services belonging to political parties in Kosovo have also been active since that time. Their activities, some to a greater extent and some less, have been and continue to be sources of political destabilization. The Serb secret service, in particular, continues to contribute to this destabilization, which is believed to have been implicated in a number of heavy crimes committed in Kosovo in the eight years after the war. According to the legislative framework in force in Kosovo, such services are illegal, and it is the responsibility and obligation of UNMIK to take all necessary actions to banish them. The UN Mission in Kosovo has always had the possibility and means to eliminate them, but whether it lacked the readiness or it was following instructions from higher authorities not to act, the Kosovo public does not know.²⁹

4. Failure to professionally manage certain crisis in post-war Kosovo

Many conflicting situations erupted in post-war Kosovo due to numerous factors, some of which have been mentioned earlier in this article. These crises carried with them considerable material as well as human casualties. The most serious of such crisis occurred during the 17th through the 20th of March, 2004.³⁰ During the riots that took place at this time, the UN Mission in Kosovo came to the brink of total failure, as a result of its inability

²⁹ As a person who has been involved for many years in the field of lawmaking in the Government of Kosovo, I have come to understand that the element of conspiracy has ruled the work of this Mission, which has been a great obstacle of communication between the legitimate institutions of Kosovo and UNMIK for many years. This was considered quite irritating by the Kosovo institutions, and the consequences have been grave for Kosovo but also for the fulfillment of the obligations by UNMIK.

³⁰ During these riots, 19 persons were killed, out of which 12 were Albanian, and the cost of material damages reached tens of millions of Euro. During the riots 30 orthodox churches were burned or demolished. Source: <http://sq.wikipedia.org>, p.1.

to preserve lives and property in the territory it had jurisdiction over. This inability of UNMIK, to effectively and lawfully manage crises in Kosovo, was again demonstrated during the demonstrations of 10 February 2007 organized by the "Vetevendosja" movement, where 2 persons died and 80 others were wounded.³¹ The assessments made on these two separate occasions show that the UN Mission in Kosovo has many deficiencies in its functioning,³² especially while handling such crises. Naturally, the inability to properly manage crises has been demonstrated yet again in the recent events when Serb mobs burned two border points with Serbia.³³ Such events must be used as a lesson for UNMIK in order to better manage similar situation during the transitional phase until it leaves Kosovo, but more so for the EULEX Mission of the European Union, which is to take over responsibilities from UNMIK on matters of security and justice.

5. Defects related to the functioning of KPS, the courts, public prosecutors, and penitentiaries

In spite of the earlier mentioned successes, UNMIK was followed by many deficiencies in the functioning of the KPS, the courts, public prosecutors and of penitentiaries. The work of the concerned institutions showed an insufficient level of professionalism and efficacy in solving many complicated issues as a direct result of the impact these deficiencies had on them.

As far as KPS is concerned, the Mission has failed to create the necessary structure that would successfully battle organized crime. One of the reasons may be the slow process of transfer of powers to the KPS, which is still unfinished. Furthermore, not much has been done on training members of the KPS to fight crime in general, and organized crime in particular. Another failure is the placement of amenable staff in leadership positions, disregarding the skills and professional qualifications of such staff.³⁴

³¹ Vetëvendosje is an organization led by a few young Albanians who have continuously protested against the presence of UNMIK and its work in Kosovo.

³² The main deficiencies related to the issue of poor management of crises are: existence of many commanding structure within KFOR and International Police in Kosovo, without a common command or meeting location, composition, in many cases, of unprofessional segments of personnel, lack of coordination with local security forces- KPS, and so on.

³³ This refers to the burning of the customs facilities in Leposaviq and Zubin Potok, carried out by a group of Serb demonstrators who dispute the independence of Kosovo.

³⁴ The ranking of KPS members, in many cases, was based on a few week-long courses attended that provide no guarantee, under normal conditions, of efficacy, and professionalism in the carrying out of the responsibilities to fight crime. For more details, see: Azem Hajdari, *Kriminaliteti i organizuar...*, p.245.

The main failures with respect to the public prosecutors and courts are also linked to the appointment of judges and prosecutors,³⁵ by allowing vacant positions for many years in these institutions, by not providing protection mechanisms for the personnel, protection equipment for the courts and prosecutions that are fundamental requirements in the courts of all developed countries, thus creating ineffective courts³⁶ and finally the inability to prevent the spreading of corruption elements in these institutions.³⁷

A number of failures have been noted in the correctional facilities as well. The selection procedure of the leadership personnel in these institutions was followed by many deficiencies,³⁸ together with the development of the re-socialization process for the inmates,³⁹ lack of an effective security system in these institutions,⁴⁰ and deficiencies in the realization of the guaranteed rights of inmates.⁴¹

6. Failure to provide a complete criminal legislation

As mentioned above, UNMIK has done a great work at issuing base laws, which enabled the management of the criminal justice system in

³⁵ The majority of appointed prosecutors and judges belong to the structure of judges who also worked in the Serb run system. Among them are also those who convicted Albanian intellectuals, students and others who fought for freedom and national rights. As such, UNMIK has still not reached a creation of public prosecutors offices and courts that have the trust of the people. For more on this see: Azem Hajdari, *Kriminaliteti i organizuar, ...*, p.246.

³⁶ According to statistics made public during 2004 - 2007, the courts in Kosovo received 60,997 cases and managed to process only 42,471. See: Report on number of criminal cases received and processed in 2004 - 2007, Ministry of Justice, Prishtinë, December 2007, p.1.

³⁷ So far around ten prosecutors and judges have been dismissed on suspicion grounds of receiving bribes. A criminal proceeding has been initiated against some of them.

³⁸ Without exemption, all appointees in leadership position in the penitentiary system in Kosovo have only the secondary school completed. As such, all potential candidates were first sent to complete weekly courses in order to eliminate candidates who had a university degree. This situation was personally verified by the author of this article, since he was the first officer of the Kosovo Government responsible to set the foundations of the Ministry of Justice, which was being created at that time.

³⁹ There is still no classification of convicted persons done by these authorities, which is to be based on international standards.

⁴⁰ This situation has made it possible for some inmates to escape prison, and it has been repeated a few times. The best example for this is the escape of 7 inmates on 18 August 2007 from the Dubrava prison. Naturally, there have been cases within these institutions that have ended in the death of the inmates. An example of this is the death of four inmates in 2004, when fire swept a few sections of the Dubrava Prison.

⁴¹ As a result of the drastic violation of human rights for this category of the population, tens of inmates entered into a strike in December of 2007. Their requests included the realization of their rights under the amnesty law, better conditions in prisons, and the ability to spend weekends with families.

Kosovo. Despite this, UNMIK is indebted to Kosovo for not promulgating laws that are essential for the creation of certain parameters necessary for a proper and effective management of this system. In this regard, the following laws were needed: Law on the KPS, Law on Amnesty, Law on Public Prosecution, Law on Courts, etc.⁴² Consequently, this could be considered as one of the main points that seals the different segments of UNMIK's failures in managing the criminal justice system in Kosovo. The current situation seems to be considered as one of the main factors that has allowed for the presence of relatively high levels of crime in post-war Kosovo.

7. Failure to demilitarize Kosovo from illegal weapons

Even though it is eight years since the war ended, every third person in Kosovo is considered to be in possession of a weapon of some sort. As a result of the war, Kosovo is overloaded with fill weapons of all kinds. There are weapons which have been left behind by the Serb police and army forces in the Serb enclaves, but also weapons that were brought into Kosovo by members of the Kosovo Liberation Army (KLA) to fight and protect the population from the actions of the barbarian Serb forces. These weapons present a constant danger not only for the human lives but also for the stability of Kosovo. Given this danger, UNDP, under the auspices of UNMIK, has organized two weapon collection and elimination programs. Furthermore, KFOR and the police have managed to collect a number of weapons during routine checks throughout Kosovo. All these activities have achieved some results, but not significant ones. Only hundreds of weapons and ammunition have been recovered and demolished, thus most of them are still in the hands of the people, hidden in different locations. This failure of UNMIK could have easily been described as a success story, had UNMIK prepared, in cooperation with the local authorities, a proper strategy to adequately manage this problem.⁴³

CONCLUSIONS

In discussing UNMIK's successes and failures in the management of the criminal justice system in Kosovo, the following conclusions can be drawn:

⁴² For the sake of rightly informing the public, I see it necessary to clarify that work has been done on some of these laws, but as a result of negligence of some competent officers in this Mission, they have been left unfinished.

⁴³ I consider that under the actual circumstances, now that Kosovo has gained its identity as a state, the necessary preconditions have been created to put the weapons where they belong. This issue will now be addressed by the institutions of the country.

1. The work of this Mission was favored by a considerable number of easements. As favorable easements, in accordance with the results of this article, can be listed: the existence of UN Security Council Resolution No. 1244, which is the foundation of this Mission, placement and existence of KFOR and of the International Police, existence of a basic judicial/criminal legislation, the local hospitality etc.

2. The work of this Mission has been followed by many challenges as well. Some of the main challenges, mentioned in this article, are the following: the Generalization of the work of this Mission, which becomes evident through the solutions Resolution 1244 offers, lack of a proper organizational structure with a hierarchy and responsibilities that are well defined, unsolved status of Kosovo, the fragile security situation, the missing persons, over-heterogeneous composition of the Mission, etc.

3. Even though the work of the UN Mission in Kosovo has been regarded as very complex, in the past eight years, UNMIK has managed to achieve obvious results. Despite the fact that such results may be modest, they cover very delicate areas. As such, the results of this Mission can be considered the following: certain advancements have been made in completing the judicial/criminal legislation, a functioning of the courts, offices of the public prosecutors, penitentiary authorities, the KPS, court liaison offices has been achieved, etc.

4. The results of this article show that the work of UNMIK has been followed by a considerable number of failures as well. The main failures relate to the existence of zones within Kosovo that are outside the jurisdiction of the Kosovo Institutions and that of UNMIK, the functioning of parallel structures, of the Serb secret service, and of other similar services, failure to properly manage certain crises in Kosovo after the war, failure to provide a complete criminal legislation, failure to demilitarize the country of illegal weapons, etc.

ANTI HUMAN TRAFFICKING IN BANGLADESH: OPTIONS AND STRATEGIES

MD. NURUL NOMEN¹

ABSTRACT. Trafficking in Bangladesh is believed to be extensive both within the country and to India, Pakistan and the Middle East. Many girls are trafficked into sexual exploitation or bonded servitude. Many boys have also been trafficked to the Middle East to become camel racing jockeys. Children involved in camel racing (CICR) are often injured in the course of their work, are vulnerable to abuse from their employers and there are reports of employers deliberately keeping the children's weights low by not feeding them enough (UNICEF Bangladesh, Innovation: Child Protection). Many children are taken with their parents' consent, having been duped by stories of well-paid jobs or marriages. Reintegration into mainstream society is a huge issue for trafficked children. For children involved in camel racing, many can no longer remember their own language. They become strangers in their own land.

Keywords: human trafficking, law enforcements, Bangladesh, sexual exploitation

Conceptual Framework:

Over the last two decades, human trafficking has become one of the most visible and articulated social issues in Bangladesh. Today all the section of the society are concerned about the issue and movements: agitations and legal reforms are being made against women oppression. The Bangladesh is a source and transit country for men, women, and children for the purposes of sexual exploitation, involuntary domestic servitude, child camel jockeying, and debt bondage. Women and children from Bangladesh are trafficked to India and Pakistan for sexual exploitation. Bangladeshi women migrate legally to Gulf states-Qatar, Bahrain, Kuwait, the U.A.E., and Saudi Arabia-for work as domestic servants, but often find themselves in situations of involuntary servitude. In addition, Bangladeshi boys are trafficked to the Gulf to serve as camel jockeys and internally as bonded laborers in the fishing industry. Women and girls from rural areas are trafficked internally for sexual exploitation and domestic servitude. Burmese women trafficked to India for sexual exploitation transit Bangladesh. The Government of Bangladesh does not fully

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comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Bangladesh continued to make progress on efforts initiated two years ago. The government repatriated 166 child camel jockeys from the U.A.E., rescued 160 children from bonded labor in the fishing industry, launched a broad public awareness campaign, and provided anti-trafficking training to border guards and diplomats. Despite these achievements, Bangladesh continues to face a significant internal and international trafficking problem. Bangladesh should assign greater priority and resources to its law enforcement response to trafficking. It should also institute programs to protect witnesses.

Causes of trafficking:

There are common causes of human trafficking in Bangladesh as follows:

Break-up of traditional joint family and the emerging nuclear families

Dowry demand

Unequal power relations and discrimination in the family by gender and age

Negligible decision-making status of women in financial matters

Negative attitude toward women and female children

Socialization, which devalues female children

Social stigma against single, unwed, or widowed women

Misinterpretation of religion regarding women

Religious fundamentalism

Complications out of conditionalities and fraudulent practices in marriages/after marriages

Child marriage, polygamy, or incompatible marriages

Easy divorce

Incest

Physical and mental illness, and contagious diseases turning women as outcastes

Frustration in love and failure in conjugal life

Enticements for better life, e.g. job and prospect of marriage

Globalization and export-oriented growth model and consumerism

Increased dependency of guardians on the income of their female children

Natural disasters making families homeless and disintegrated

Acute poverty forcing parents to abandon their children

Lack of shelter for women in distress

Inadequate government policies in favour of women

Inadequate rural development projects for women and unemployed
Lack of social security and safety
Inefficiency of the law-enforcing agency
Corruption amongst the members of law-enforcing agencies
Women released from jail/hazat are given to guardians/custodians without proper/legal verification
The malpractice of providing affidavit for women entering into the profession of prostitution without verification of age
Complications of restoring to law are both expensive and time-consuming for women victims
Non-registration of female domestic help

Source: Proceedings of the Consultation Meeting on Trafficking and Prostitution. CWCS, 1997 (20)

Research Methodology

Research reports and publications of various organizations working in the area of trafficking, journals, reports, booklets, newsletters, photographs, and newspaper clippings were reviewed. Existing information was extracted from various sources to enable readers to understand the problems relating to trafficking from various perspectives. Several key informants selected from NGOs and research organizations were interviewed to add an additional perspective on trafficking and to increase the range of activities and interventions on trafficking covered in this report. Some convicted prisoners, rescued women and children were also interviewed.

Trafficking Routes

Bangladesh is mainly a country of origin for trafficking in women and children. A reported 200,000 Bangladeshi women and children have been taken out of the country in the past 10 years. At least 20,000 Bangladeshi women and children are trafficked to India and Pakistan and to Middle Eastern countries every year. According to another estimate, 50,000 Bangladeshi girls are trafficked to or through India every year. The girls end up in brothels in India or Pakistan or in Middle Eastern or South Asian countries. Women are also trafficked to Australia. Internal trafficking in women and children occurs from rural areas of the country to the capital, Dhaka. The UNICEF-aided study was conducted by BNWLA between October 1998 and May 1999 in 10 villages of three bordering thanas of three districts of Bangladesh. The three thanas are Teknaf of Cox's Bazar, Sharsha

of Jessore and Patgram of Lalmonirhat district. The BNWLA study also identified four main routes used by the traffickers. A total of 51 people - 31 children and 20 women - were trafficked from the 10 villages during the given period. The percentage of male children was about 29 per cent, while girls comprised about 70 per cent of the victims. The study revealed that about 22 per cent of the female children belonged to 13-16 years' age, a reality that indicates higher 'demand for adolescent girls'. About 42 per cent of female victims (aged between 11 and 16) were recruited through 'offers of marriage' while 28 per cent were recruited through job offers, it said. According to action research study on trafficking in Women and Children in India 2002- 2003 conducted by the National Human Rights Commission, UNIFEM and the Institute of Social Sciences (ISS) New Delhi there is a steady growth in the number of girls who have been trafficked out of the North East. Problems in Bangladesh and areas, which are situated close to, the international border with some North East States where girls are sold almost at regular intervals yet to be highlighted. Human trafficking has spread slavery to every continent and most countries. It rivals the drugs and illegal arms trade as one of the most profitable forms of illegal activity. Its high profit, low penalty nature makes it attractive to small criminal rings and large-scale organised crime, forcing a growing number of people into slavery around the world.

Statistics of Human Trafficking

Over the past decade, more than 500,000 Bangladeshi women and children have been trafficked - smuggled into prostitution or forced labour across country borders. Women are abducted and lured by traffickers through threats, physical force, illegal confinement and debt bondage.

Relevant laws against trafficking:

In March 2001, Bangladesh ratified the International Labour Organization Convention on the Worst Forms of Child Labour No.182. Under this Convention, the government agrees to protect children from working in conditions that damage their physical and psychological well-being. The trafficking of children and the work into which they are being sent contravenes this Convention. Under Bangladesh's Suppression of Violence Against Women and Children Act (2000) trafficking of women and children is illegal. Harsh penalties are prescribed for traffickers. However, this law is frequently not implemented and fails to safeguard the rights of people who have been trafficked.

Bangladesh has not signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime (2000) which calls for the prevention, suppression and punishment for trafficking in people.

Major Initiatives taken by the Government of Bangladesh:

Prostitution and trafficking for the purpose of prostitution or other immoral acts are covered in the Penal Code; the 2000 Suppression of Violence against Women and Children Act, which replaced the 1995 Oppression of Woman and Child Act; and the 1993 Suppression of Immoral Traffic Act.

The 2000 Suppression of Violence against Women and Children Act punishes the crime of trafficking in children and women by capital punishment or by imprisonment for life and a fine.

The Suppression of Immoral Traffic Act prohibits keeping a brothel or allowing premises to be used as brothels, soliciting for the purposes of prostitution, living on the money transacted in prostitution, procuring individuals for the purpose of prostitution, importing a female for the purpose of prostitution, and detaining a woman for the purpose of prostitution. The act also prohibits encouraging a girl under 18 to be in prostitution.

The Penal Code prohibits procurement of a girl under the age of 18 for illicit intercourse with another person; selling, letting, hiring, or disposing of minors under the age of 18 for the purpose of prostitution; and buying minors for the same purpose. In addition, the code prohibits abduction.

The constitution prohibits forced labor. The prohibition of forced labor does not apply to compulsory labor, which is labor performed by people undergoing lawful punishment for a criminal offense or labor required by any law for a public purpose. The Factories Act of 1965, as well as the Shops and Establishment Act of 1965, also prohibits forced labor and establishes an inspection system to enforce this prohibition. The Factories Act bars children under the age of 14 from working in factories. The Employment of Children Act prohibits children under the age of 15 from working in any occupation "connected with transport of passengers, goods, or mails by railway" or involving the "handling of goods within the limits of any port."

The Ministry of Women and Children Affairs (MWCA) carried out a 3-year pilot project called Coordinated Program to Combat Child Trafficking. As a result, a counter trafficking framework report was published to help the Bangladeshi government with its future counter trafficking plan of action. MWCA operates support centers at six divisional levels that offer shelter and training for rehabilitation. The ministry also hosts a rehabilitation

center for destitute children and a home for boys. The National Task Force for Anti-Child Trafficking was formed under this project. The task force is comprised of the representatives of 10 ministries and nongovernmental organizations (NGOs).

As a part of the National Plan of Action for Children, the government established mechanisms to regularly review the situation of trafficking in people and of programs to prevent child trafficking and punish the perpetrators.

Nongovernmental and International Organization Responses

The Bangladesh chapter of Action against Trafficking and Sexual Exploitation of Children (ATSEC) and Bangladesh Forum against Human Trafficking jointly organized a USAID-supported daylong workshop in March 2004 called Anti trafficking Issue for Media Representatives. ATSEC is a coalition of 15 NGOs working in Bangladesh to prevent trafficking in children and women for sexual exploitation. The coalition focuses on advocacy, awareness raising, technical support, research and program support, capacity building, and coordination among individuals and organizations. ATSEC has established a national resource center for information dissemination on trafficking issues and has worked on a program to sensitize and mobilize policy planners on the issue of trafficking in Bangladesh.

Resource Bangladesh, an NGO, organized the Children's Congress, a platform from which disadvantaged children can speak about the conditions of their lives. Sessions of the Children's Congress were planned for approximately 10 Bangladeshi districts. Ain o Salish Kendro of Dhaka is a human rights and legal aid organization consisting of 25 member organizations. Activities include awareness raising on human rights and legal issues, advocacy, and legal aid.

Approximately 1,500 women met in Dhaka in August 2003 for a South Asian Court of Women on the Violence of Trafficking and HIV/AIDS. The Asian Women's Human Rights Council sponsored the conference.

The Asian Development Bank (ADB) undertook regional technical assistance in July 2001 in India, Bangladesh, and Nepal. ADB aimed at increasing its understanding of how its existing country programs and regional policy could be used to support and strengthen anti trafficking initiatives in the region.

On February 8, 2004, the International Organization for Migration (IOM) in Dhaka, MWCA, and the Norwegian Agency for Development Cooperation jointly organized a conference to review the Bangladeshi government's efforts to combat trafficking in women and children. Representatives from the government, IOM, the World Bank, the U.S. Agency for International

Development (USAID), the United Nations Children's Fund (UNICEF), and the United Nations Development Programme attended the conference. As a result of the conference, a permanent task force will be established within the MWCA.

Multilateral Initiatives

In November 2001, the Bangladeshi government and UNICEF co hosted a 3-day South Asia Consultation for the Second World Congress against Commercial Sexual Exploitation of Children. One hundred and fifty participants from seven member countries of the South Asian Association for Regional Corporation (SAARC) attended, including high-level government delegates, children, and representatives of NGOs and media and international organizations. The SAARC forum, founded in 1985, aims to promote cultural ties and economic and social development among its member states (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka).

In January 2002, the Bangladeshi government signed the SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution. Resolutions were adopted to step up cooperation among law enforcement authorities to fight trafficking in women and children, terrorism, and drug trafficking. In January 2004, leaders from SAARC member states met in Islamabad for the first summit in 2 years.

In September 2004, a 3-day, UNICEF-sponsored meeting between representatives of South Asian governments, UN agencies, and NGOs took place in Colombo, Sri Lanka. Government officials signed a five-point joint statement, agreeing that children in South Asia deserve better protection from traffickers and sexual abusers. Participating countries were Afghanistan, Bangladesh, Bhutan, India, Nepal, Maldives, Pakistan, and Sri Lanka.

Firstly we have to address the issue of human trafficking in a holistic and rights- based manner. By this I mean a correct and sensitive approach that takes into account several aspects such as right to life; right to security; right to privacy; access to health services; right to self-determination of the trafficked persons and addresses the core issue of prevention, protection and prosecution so as to bring about a determined effort to prevent trafficking.

Prosecution

The Government of Bangladesh sustained efforts to punish traffickers in 2005, prosecuting 87 cases and convicting 36 traffickers - 27 of whom received life sentences.

Although the number of prosecutions increased over 2004, the number of convictions declined. Police also arrested 150 alleged traffickers.

Notably, Bangladesh began prosecutions against child camel jockey traffickers. Although a lack of resources hinders investigations, Bangladesh expanded anti-trafficking police units to every district to encourage victims to testify against their traffickers and to compile data on trafficking. In response to inadequately trained police and prosecutors, the government worked with legal experts to provide specialized training to prosecutors and with IOM to develop a trafficking course for the National Police Academy. Despite persistent reports of security personnel complicity in trafficking, the government has investigated only three such cases since June 2004, charging eight officials with trafficking complicity. Bangladesh made some progress in prosecuting trafficking cases and began taking some action to address trafficking for involuntary servitude. The government prohibits the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude under the Repression of Women and Children Act of 2000 (amended in 2003), and prohibits the selling and buying of a minor under age 18 for prostitution in Articles 372 and 373 of the penal code. Article 374 of Bangladesh's penal code prohibits involuntary servitude, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent to deter the offense. Bangladesh lacks laws criminalizing the trafficking of adult males for commercial sexual exploitation. In 2006, the government prosecuted 70 trafficking cases and obtained convictions for 43 individuals, with 4 receiving death sentences and 32 receiving life sentences. Bangladesh also arrested five immigration officers and one former police officer on suspicion of complicity in trafficking; their prosecutions are pending. In 2006, the Ministry for Expatriate Welfare, the Bangladesh Agency for Manpower, Employment, and Training, and the main labor recruitment agency organization agreed to enforce caps on recruitment fees of approximately \$1,200. Enforcement of this cap is difficult because of deceptive practices by some agencies, side-costs levied on workers illegally, and general corruption. The government also adopted an Expatriate Labor Policy identifying principles for the protection of migrant workers abroad and expressing commitment to taking legal actions against illegal recruiters. The government opened investigations against three Bangladeshi recruitment agencies allegedly using deceptive recruitment practices and raided five similar agencies in 2006, closing and de-licensing them. During the reporting period, one owner of a labor recruitment agency was arrested on allegations of overcharging recruitment fees. The government also reported filing 117 cases for forced child labor. Nonetheless, the government did not report any convictions of traffickers for involuntary

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servitude during the reporting period. Bangladesh should continue to prosecute and punish sex trafficking and should increase law enforcement efforts against labor forms of trafficking, including seeking criminal penalties against any convicted traffickers.

Protection

The Government of Bangladesh continued to provide an inadequate level of protection to victims of trafficking over the reporting period. With limited resources, the government supported crisis centers in hospitals that are open to trafficking victims, but it also relied heavily on NGOs to provide legal, medical, and psychological care to victims.

Of the 166 child camel jockeys repatriated from the U.A.E., 144 have returned to their families, 16 are preparing for reunification, and authorities are searching for relatives of the remaining six. Bangladesh should institute a system to protect witnesses from retribution and to encourage more to testify at trials against traffickers. Bangladesh did not make discernible progress in protecting victims of trafficking this reporting period, but continued efforts from previous years. Police anti-trafficking units encourage victims to assist in the investigation of cases against their traffickers. Victims reportedly are not jailed or punished, but the government does not offer victims legal alternatives to their removal to countries where they may face hardship or retribution. The government supported crisis centers in hospitals that are open to trafficking victims, but relied on NGOs to provide medical and psychological care to victims. The government also provided a building to a local NGO for use as a shelter for at-risk children. Bangladesh developed a witness protection protocol permitting victims to submit testimony in writing or to testify in front of a judge only. Nonetheless, the government reported no efforts to protect adult male victims or victims of forced labor. Bangladesh should continue to support protection services for victims of sex trafficking, and should increase assistance to victims of involuntary servitude, including Bangladeshis repatriated after being trafficked abroad.

Prevention

Bangladesh made significant progress in its trafficking prevention efforts throughout the year through broad public awareness campaigns and specialized training.

A campaign of public service announcements aired 3,152 television spots and 305 radio announcements warning the public of the dangers of trafficking. The Ministry of Social

Welfare also provided anti-trafficking information to micro-credit borrowers, reaching over 400,000 at-risk women. Bangladesh noticeably improved its training efforts, providing entry-level diplomats and over 20,000 border guards with specialized anti-trafficking training. Over 2,100 imams received training on the risks, threats, and modalities of trafficking and 100 imams received training as trainers. As a result, 2,667 imams delivered specific anti-trafficking messages during Friday prayer services in 2005, reaching millions of people. Bangladesh continued to make progress in its prevention efforts. A campaign of 650 television and radio public service announcements warned the public of the dangers of trafficking. The government continued to provide anti-trafficking information to micro-credit borrowers, reaching over 380,000 at-risk women. Bangladesh has not ratified the 2000 UN TIP Protocol.

Awareness Creation

Under the heading of “awareness creation,” two examples of generalized categories include: safe migration awareness; and general awareness associated with the risks of trafficking. Awareness raising campaigns in the media and more communication between media, NGOs, Police, public etc should establish. For safe migration, an effective prevention method is to provide potential migrants and communities with focused information that will help to educate and protect them from the trafficking “harm/exploitation.” The target audience for this includes local leaders, decision-makers, prospective migrants, etc. Some of the activities include: the distribution of easy-to-read and understand safe migration pamphlets; posters that highlight important information on safe migration; group orientations and one-on-one counseling on the subject; creation of migration referral centers that ensure that all migration opportunities are legitimate (these centers monitor sites, help with logistical arrangements and report any problems that are identified); and in some countries, referral hotlines exist to allow prospective migrants to get answers to questions that help them migrate safely.

Another strategy used is a **general awareness campaign** that focuses on the risks associated with migration and trafficking – not to scare people, but instead to empower them with the information they need to protect themselves. This can be done at all levels of society using targeted mass media, rallies, school-based programs, posters, community workshops, etc. The objective is to help people to understand what trafficking is and what can be done to stop it within their community.

Response by Mass Media:

The Media has a significant role in information and dissemination of the incidents of violence, awareness raising and campaigning against the violence. Everyday newspapers bring out a number of different incidences of violence to the public notice. Newspapers, Radio, TV are important and effective media for raising public awareness. The press as a whole is playing very laudable role in reporting the cases of women torture of various scale and dimension. Through editorials, columns, features and reporting of cases of Women repression the press is drawing public attention which on the other hand mobilizing or awakening public opinion or awareness on various nature of women repression. The electronic media both public and private channel are found equally pro-active in building public opinion and raising hatred and anger against violence.

So it is badly needed to add NGO initiatives with the government activities to bring any change in the society. A collaborative effort of GOs and NGOs can reduce human trafficking. This type of collaboration would save money and time, protect duplication of work and provide maximum services for the victims. In this connection, the collaborative attitudes and relationships between GOs and NGOs should be increased to eradicate human trafficking. Apart from this, the government and Non-government organizations are working especially to protect the women and children may be preference to take the lead. Obvious question is what is the need of hour to face up to the challenge? A few suggestions are made here:

1. **National Policy:** There should be a national policy on all forms of violence against women. Such a policy should be framed on the basis of general consensus among major political parties and professional and occupational groups.

2. **Governments should recognize that women's human rights are universal and indivisible:** The Platform for Action adopted by the Fourth United Nations (UN) World Conference on Women reflects the commitment made by governments in the Vienna Declaration and Program of Action of the 1993 UN World Conference on Human Rights that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights".

3. **Ratify and implement international instruments for the protection of human rights:** Governments should ratify international legal instruments, which provide for the protection of the human rights of women and girl-children, such as:

- the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols;
- the International Covenant on Economic, Social and Cultural Rights;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Convention on the Elimination of All Forms of Discrimination against Women;
- the Convention on the Rights of the Child;
- the Convention and Protocol relating to the Status of Refugees.

Governments should also ratify regional standards, which protect the human rights of women and girl-children. Governments who have already ratified these instruments should examine any limiting reservations, with a view to withdrawing them. This is particularly important in the case of the Convention on the Elimination of All Forms of Discrimination against Women, where the commitment of many governments is seriously undermined by the extent of their reservations. Governments should take due account of non-treaty instruments such as the Vienna Declaration and Programme of Action and the Declaration on the Elimination of Violence against Women.

Governments should ensure that reports to treaty monitoring bodies include detailed information on the situation of women and girl-children.

Conclusion:

We observed that many research reports are based on information gathered through anecdotes, and from secondary analysis and unreliable data. But we relied on a few good reports that collected field information describing the trafficking practices and that mapped out the trafficking routes.

Although more studies need to be conducted to shed light on trafficking antecedents, there are already several reports documenting the trafficking issues in Bangladesh. There is, however, a need for studies, which can generate first-hand information on social, economic, political and health implications of the problem. It is critical also to identify the current and potential roles of the government and NGOs in eliminating this immoral practice.

Given the regional nature of trafficking and the international implications of this problem, reports on the nature, magnitude, trends, and forms of trafficking in the SAARC countries are needed. The advantage of establishing cross-regional teams and resource centres to help identify the dynamics of trafficking, both from local and regional perspectives, has also been highlighted in reports included in this review of the literature. A uniform plan of action on the issue of trafficking of women and children

involving the governments and NGOs of the region needs to be developed, so that a coordinated approach toward the conviction of traffickers is possible. This regional approach implies the development of a legal framework that ensures arrest, conviction, and extradition of traffickers and that also enables prosecution of traffickers and abusers even when crimes are committed in foreign soil. Although the Constitution prohibits discrimination based on sex, there is considerable divergence between the constitutional provisions and practice. Girls in Bangladesh face many obstacles to the realization of their human rights. Traditional and customary malpractices and patriarchal society disenfranchise women from the equal right of men and women to the enjoyment of all their political, civil, economic, social and cultural rights. Their low status in all spheres of life renders women and girls vulnerable to violence in the family, the community and by the State. Human trafficking is a 'social evil' that seems to be growing at an alarming rate throughout the world. This practice results in unimaginable human suffering and represents one of the most important human rights violations of our time, resulting in a form of 'Modern Slavery'. For Bangladesh, this condition is more acute. In order to prevent this crime, human trafficking should be integrated as cross-cutting issue related to social protection from all sectors of the society.

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MODERNITY VS. CULTURE: PROTECTING THE INDIGENOUS PEOPLES OF THE PHILIPPINES

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ABSTRACT. The indigenous peoples of the Philippines (IPs) held a distinct culture before the arrival of the Spanish, American, and Japanese colonizers in the archipelago. Once, they were original settlers with revered customs and rituals. Over time, the IPs evolved into a minority group of decreasing social, economic, and political power. Gradually, they transformed into one of the most ignored sectors of Philippine society. Progress looked down on their civilization. Technology threatened their traditions. Modernity infringed on their rights. This paper examines the plight of the IPs using historical, cultural, legal, and political viewpoints. It shall gauge their current situation, and recommend viable ways to improve their present condition and secure their future.

Keywords: Indigenous people, minority groups, culture, modernization



Children of the Aeta tribe in Mt. Pinatubo, Zambales.

(Photo courtesy of webshots.com)

I. WHO ARE THE INDIGENOUS PEOPLE?

“Indigenous” denotes an anthropological category – a dying sector of humanity which needs to be salvaged from the throes of extinction, either by ensuring the survival of its ‘noble’ primordial culture, or if that is no longer possible, by preserving the socio-cultural and physical remains in the museum (Ratuva 1998, p. 53).

José Martínez-Cobo¹, characterizes the indigenous peoples (IPs) as “those which, having a historical continuity with pre-invasion and pre-

** This is an abridged version of the research work submitted to Professor Sarah Lou Y. Arriola (LL.M., Essex) of the Ateneo Human Rights Center. The authors collaborated in this project as a requirement in Legal Writing at the Ateneo de Manila University School of Law, Makati City, Philippines

¹ José Martínez-Cobo is the Special Rapporteur to the Sub-commission on Prevention of Discrimination and Protection of Minorities.

colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them” (UNDP 2001). In addition, he further stated that the IPs at present “form the non-dominant sectors of society” and are “determined to preserve, develop, and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems” (UNDP 2001).

In the Philippines, the IPs refer to 110 major ethno-linguistic groups with a population of about 12 million. They thrive in at least 61 out of 77 provinces nationwide (Austria 2000, p. 2). Most inhabit the remote interiors of Luzon, Mindanao, Mindoro, Negros, Samar, Leyte and the Palawan and Sulu groups of islands. They comprise some forty ethno-linguistic communities classified into the following (Abelardo 1996, pp. 2-3):

1. Mindanao Lumads of the highlands of the Provinces of Davao, Bukidnon, Agusan, Surigao, Zamboanga, Misamis, Cotobato. Forming the largest grouping of the tribal Filipinos, the Lumad peoples are the Subanen, Manobo, B’laan, T’boli, Mandaya, Tiruray, Higaonon, Bagobo, Bukidnon, Tagakaolo, Banwaon, Dibabawon, Talaandig, Mamnua, Manguangan, and Ubo.
2. Igorot tribes of the Cordillera Mountain ranges in Northern Luzon. Famous for their rice terraces, the Cordillera peoples are the Ifugao, Bontok, Kanakana-ey, Yapayao, Kalinga, Ibaloi, Tingguian, and Isneg.
3. Caraballo tribes of the Caraballo Mountain range connecting the Provinces of Nueva Ecija in Eastern Central Luzon. Some of them Christianized, the Caraballo peoples are the Ibanag, Ilonggot, Gaddang, Ikalahan and Isnai.
4. Negrito Tribes. Widely dispersed throughout Luzon, some islands in the Visayas, and some Provinces in Mindanao, the Negritos are the Ata, Aeta, Alta, Agta, Ati, Pugot, and Remontado.
5. Mangyans of the mountains and foothills of the island of Mindoro. Known for their gentleness and their pre-conquest poetry *ambahan*, the Mangyans are classified as the Batangan, Iraya, Hanunuo, Alangan, Ratagnon, Buhid and Tadyawan.
6. Palawan Tribes of the Palawan cluster of islands. They are: Tagbanua, Batak, Kalamianes, Cuyonin, and Ken-uy.

Most tribes rely in agriculture-based subsistence. Unfortunately, such dependence on land for subsistence has been continuously threatened through the years. Most of them have become squatters in their own land.

II. HISTORICAL BACKGROUND

Through the various periods of history, the IPs have been called the non-Christian tribes, cultural communities, hill tribes, national minorities and tribal Filipinos - all to the effect of distinguishing them from the majority of the Filipino people (IPRAP-TABAK 1992, p. 6).

During the 300-year Spanish occupation, while the rest of the Philippines have been subjugated by the Spaniards, the IPs successfully resisted their dominion either by withdrawing to the hinterlands or fighting against them triumphantly. Living in their relatively isolated and self-sufficient communities, indigenous Filipinos subsisted on food-gathering, hunting and slash-and-burn farming. As a result of their refusal to abandon their traditional practices, they soon became an alienated minority (DLAC 1990, p. 11).

When the United States replaced the Spanish colonial rule in the country, the new foreign power aggravated the oppressed conditions of both the indigenous Filipinos and the majority. The pace and rhythm of development gradually accelerated. Consequently, the forces of market economy, central government, and Western cultural influences have slowly but steadily caught up with them undermining the tribal lifeways in varying degrees (DLAC 1990, p. 5). Hence, they referred the indigenous peoples as savages, illiterates and non-Christians.

In 1916, the charters of Commission for National Integration (CNI) and the Bureau of Non-Christian Tribes further perpetuated the division of the indigenous peoples and the lowlanders when it reflected an *'assimilationist'* approach which presumed tribal Filipinos to be inferior citizens of the Philippines politically, economically and culturally (DLAC 1990, pp. 11-13). Jurisprudence even established such distinction of the IPs when the Supreme Court, in a 1919 court decision, referred to the Manguianes (Mangyan ethnic group) as signifying savage, mountaineers, pagans and negro (Rubi 1919).

By resisting the political, social and cultural inroads of colonization, they have historically differentiated themselves from the majority of the Filipinos (Rubi 1919). The lowlanders, through the use of documents, laws and court decisions, abused the ignorance of the indigenous peoples regarding their rights over their ancestral domains. The mechanisms introduced by the colonizers became effective instruments of the State in dispossessing the IPs of their territories, the most outstanding of which is the Regalian doctrine.

Since such doctrine provides that all lands belong to the State, it becomes an imperative to produce titles evidencing ownership to particular lands for those who wanted to prove otherwise. In general, the IPs have failed to obtain such titles under the doctrine due to government prescriptions and

restrictions and to their being largely illiterate and socially and politically marginalized. Thus, a big portion of the ancestral domains has been taken over by other people and groups (DLAC 1990, p. 3).

IP Struggles from Marcos to Arroyo Administration

Though dispossessing the IPs of their ancestral domains have been pervasive for more than four centuries, it gained a new intensity in the 1970s under the martial law rule of President Ferdinand Marcos. He utilized martial law to advance his economic agenda which was supported by the US to the disadvantage of the IPs' remaining resources. However, this proved to be a tactical mistake on the part of Marcos. It catalyzed the IPs to support the rebel groups. The Presidential Assistant for National Minorities (PANAMIN)² brought the full force of martial law in the tribal communities. Initially, PANAMIN is a handout style charity program of the government to help the IPs resolve their problems regarding poverty and landlessness. However, upon the declaration of martial law, it became the political and military arm of the government to guard the indigenous communities against rebel groups (IPRAP-TABAK 1992, p. 9). Though most of the ICs were relocated to distant places, some still welcomed the establishment of PANAMIN, believing that such relocation would mean having a piece of land to till. Unfortunately, such movement was used to allow big businesses to take over such abandoned tribal lands.

Upon Corazon Aquino's assumption as the Philippine President, IP organizations and advocates actively lobbied for the protection of their rights. As a result, provisions purporting to protect IP rights were included in the 1987 Constitution.³ However, these are subsumed subject to conditions of the "national development policies and programs" rendering the provision inutile and government pronouncements mere rhetoric (IPRAP-TABAK 1992, p. 12).

In 1988, after the collapse of the peace talks between the government and the National Democratic Front (NDF), the military adopted the "gradual constriction" strategy (IPRAP-TABAK 1992, p. 13). This includes the process of separating the civilians from the insurgents, of food supply lines and removing of suspected supporters – known as population control. Some of

² PANAMIN was originally established as a private foundation in 1968 under the chairmanship of Filipino billionaire Emmanuel Elizalde. Ironically, no member from the IPs was included in its board.

³ Article II, §22; Article XII, §5; Article XIII, §6 and Article XIV, §17 of the 1987 Constitution are the provisions protecting, recognizing and respecting the rights of the indigenous peoples.

its various types are hamletting⁴, evacuation⁵, food and medical blockade⁶, zoning⁷, checkpoint⁸, and illegal arrest.⁹

In the process, many IPs were displaced or forced to evacuate from their ancestral lands. In 1989, the IPs made up only 15% of Mindanao's population, comprised nearly 33% of all internal refugees (IR)¹⁰ in the island. In Luzon, the IPs constitute a mere 6% of the population, but comprised 42% of all refugees (IRAP-TABAK 1992, p. 17). The proportion of the IRs coming from the indigenous population consistently increased as the term of Aquino concluded.

IP advocacy groups joined the IPs in actively asserting their rights not only over their ancestral domains but also "to social justice and human rights, self-governance and empowerment and cultural integrity" (PANLIPI 1999, p. 59). With their combined efforts, Republic Act 8371 or the Indigenous Peoples' Rights Act was signed into law on October 29, 1997.

In his enactment speech, President Fidel Ramos declared: "Through the RA 8371, we accelerate the emancipation of our Indigenous People from the bondage of inequity. This social injustice bred poverty, ignorance and deprivation among our indigenous cultural communities and further alienated them from people from the mainstream" (PANLIPI 1999, p. 59).

Unfortunately, the enactment of the IPRA culminated with the end of Ramos administration. The supposed implementation of the programs and projects designed to realize the provisions of the Act must endure the biases of the Estrada administration against the IPs. Such predispositions are apparent in several measures made to prevent the effective implementation of the law.

The Estrada administration appropriated low budgets to the National Commission on Indigenous People (NCIP). In 1999 and in 2000, the allocations for NCIP amounted to only 363 million and 360 million, respectively (Women and Men 2000, pp. 4-6). Moreover, program funds for the agency were withheld. On September 21, 1998, Executive Secretary Ronaldo Zamora

⁴ Hamletting means the military grouping of village residents for the purpose of denying insurgents of food, cash and emotional support.

⁵ Evacuation means the mass withdrawal of people from residences due to military operations.

⁶ Food and medical blockade means the limiting of food and medicines to villagers in order to keep from falling into insurgent hands.

⁷ Zoning is a military practice of securing a residential area that usually involves house-to-house searches.

⁸ Checkpoint is a place for searching of motor vehicles and civilians by military or police.

⁹ Illegal arrest means taking a person into custody without a legal arrest or without witnessing the person committing a crime.

¹⁰ Internal refugees are those people who flee from their homes because of the population control but remain inside the country.

issued Memorandum Order NO. 21 which froze all NCIP project funds except salaries of rank-and-file employees. Another is Administrative Order No. 108 issued by the Malacanang, which created the Presidential Task Force on Indigenous People (PTFIP) to assist the NCIP in rendering its functions (Malanes 2000, p. 8). Lastly, no Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) has been issued (Hamada 2001, p. 3).

After the ouster of Joseph Estrada, Gloria Macapagal-Arroyo was cast into the presidency with the push of civil society, the business community, and military concession. Her political debt allowed civil society some form of leverage with the government in the form of a few key government positions. For issues concerning IPs, Secretary Ging Deles of the National Anti-Poverty Commission and Ambassador Howard Dee of the Office of the Presidential Adviser for Indigenous Peoples' Affairs provided these links to the executives (Hamada 2001, p. 3).

However, Arroyo, as a Senator and Vice-President, was staunch supporter of globalization and the WTO Agreements. As an economist, she has clearly enunciated that her governance will be guided by the principles of the market. In her inaugural speech, policy directions for basic and marginalized sectors were not clearly articulated (Hamada 2001, p. 5).

Moreover, in her State of the Nation Address (SONA) delivered in Congress on July 26, 2001, the President summed up her IP land policy under the second component of her anti-poverty plan. In her words, "*Bawat taon, mamamahagi ang gobyerno ng dalawandaanglibong ektarya para sa reporma sa lupa: 100,000 of private land and 100,000 of public land, including 100 ancestral domain titles for indigenous people*" (Hamada 2001, p. 5). Apparently, for Arroyo, it seems that the issuance of CADTs and CALTs is a benevolent gift from the state, falling under the category of land reform, rather than recognition of time-immemorial land ownership and natural resources utilization rights of indigenous peoples (Hamada 2001, p. 5).

Socio-cultural Perspective

Once the masters of their own land, the majority of IPs today are poor and landless (Rodil 1994, p. 16). Many used to live in plains. However, due to population pressures and resettlement programs from among the majority, several have moved to forest areas. Unfortunately, at present, even their forests are devastated and their cultures are threatened.

The Indigenous Cultural Communities (ICCs) are peoples who have their own particular socio-cultural and economic institutions that distinguish

them from the rest of the society. This distinct way of life or culture developed within the context of their original associations with or use and occupation of a specific, defined territory. They have a unique relationship to the land for it shapes their culture thus; its loss gravely threatens the very essence of their existence. For them, land is sacred. No single person owns the lands but everybody owns the land (Rodil 1994, p. 16).

However, their struggles for recognition of ancestral domains remain to be the centerpiece of their agenda. It includes the recognition of their rights to the ancestral domains and their traditional socio-political structures and practices. It also includes development activities that truly cater to their needs and aspirations and give due respect to their way of life.

Nevertheless, the State strongly asserts its right over all lands by virtue of the Regalian Doctrine, which is alien to the IPs. To quote Macling Dulag, an elder from Kalinga, in his protest to the construction of the Chico River Dam Project in 1970s:

You ask if we own the land. And mock us. "Where is your title?" When we query the meaning of your words, you answer with taunting arrogance. "Where are the documents to prove that you own the land?" Title. Documents. Proof of ownership. Such arrogance to speak of owning the land. When you shall be owned by it. How can you own that which will outlive you. Only the race owns the land because only the race lives forever (PANLIPI 1999, p. 55).

Such strong resistance was due to their universal concept of land as a gift from God the Creator. To the IPs, the land is life because it is the source of food and shelter. It is also the basis of their culture, the core of their existence as distinct peoples (Penafiel 1996, p. 10). Land to them means domains, which belong to the tribe, a heritage to be passed on from their ancestors to generations unto perpetuity. Indigenous Filipinos believe that they are stewards of the land given to them by their God and entrusted to them by their ancestors. They convinced that their role is to ensure that the generations to come will have the same or better quality of life that they now enjoy (Penafiel 1996, pp. 10-11).

Having presented the long-standing struggle of the IPs over their ancestral domains and encompassing rights as individuals, one could ask whether the promotion of the right to self-determination of indigenous people is a threat or a blessing to a nation-state (Penafiel 1996, pp. 10-11). The interest of the state for economic development contradicts the very

essence of existence of the IPs – the preservation and recognition of their rights over the ancestral domains.

In this process, it is vital that IPs should stand up, organize themselves, form collective strategies, and fight for what is rightfully theirs without discriminating against, manipulating or marginalizing other communities (Penafiel 1996, p. 13). Development can only be achieved if it addressed the fundamental reason behind prevailing poverty in most indigenous communities – the absence of legal recognition of their right to ownership and control of their ancestral domain. The recognition of the rights of the IPs to their ancestral domains is not only a demand of social justice, but also an imperative for the survival or the life support system that underlie national prosperity and development (National Secretariat 1998, p. 6).

The very survival of ICCs depends on obtaining respect and legal recognition of their rights. They have only one basic agenda: to be able to own, manage, develop and reap the fruits of their ancestral domain (National Secretariat 1998, p. 6).

III. LAWS PROTECTING THE RIGHTS OF INDIGENOUS PEOPLES

Philippine history attests to the struggle of the IPs in defending their rights to their lands. Legislation provides a glimpse of this struggle through varying laws and policies adopted by the government regarding the IP rights. The issue on ancestral land and ancestral domain ownership form the bones of contention whenever IP rights are discussed.

From the American occupation, the Commonwealth Period, and up to 1957, the official policy with respect to IPs in the Philippines was one of patronage (First Peoples 2001). It was founded on the view that the mission of the State was to “civilize” peoples with a “low level of civilization” (First Peoples 2001). Thereafter, the policy of “integration” was adopted from 1957 to 1986 (First Peoples 2001). Within 1986 to 1997, several laws included provisions on identifying ancestral land and domains without providing processes for its eventual recognition and the rights and obligations that should ensue (First Peoples 2001).

In the 1935, 1973 and 1987 Constitutions, the State asserted ownership over the lands of the public domain and all the minerals and other natural resources found therein.¹¹ However, with the effectivity of the 1987 Constitution, the supremacy of the Regalian Doctrine over certain portions of the public domain has been seriously challenged by “constitutional innovations geared for

¹¹ PHILIPPINE CONSTITUTION, art. XIV, § 1 (1935); art. XIV, § 8 (1973); art. XII, § 2 (1987).

the recognition of the rights of indigenous cultural communities to their ancestral domain” (Abelardo 1996, p. 29).

In the 1935 Constitution, there was no state policy on tribal Filipinos. It has been noted that the raging issue then was the conservation of the national patrimony for Filipinos, which impelled the framers of the organic law to entrench the Regalian Doctrine in the 1935 Constitution (Cristobal 1990, p. 48).

In the 1973 Constitution the tribal Filipinos who were previously called as *dociles, feroces* or *infeles* by the Spaniards (Ugnayan 1983, p. 56) and as non-Christian tribes by the North Americans (Ugnayan 1983, p. 22), were officially addressed as “communities” by the highest law of the land. However, the implementation of this provision under the Martial Rule is another matter.

Thereafter, Marcos promulgated Presidential Decree No. 410 or the Ancestral Lands Decree in 1974, in order to address the ancestral domain issue. The decree provided for the issuance of land occupancy certificates to the members of national cultural communities who were given until 1984 to register their claims. Nonetheless, no land occupancy certificate was ever issued.

After the historic February Revolution, the need to address the inequities in Philippine society was emphasized. The 1987 Constitution provides at least six provisions that ensure the right of tribal Filipinos to preserve their way of life.¹²

Section 5 of Article XII¹³ of the Constitution alone fairly addresses the issues of development aggression, conflict between the national law and customary law, and land classification connected with the ancestral domain issue (Abelardo 1996, p. 32).

As regards conflict between national law and customary law on land ownership and use, 1986 Constitutional Commissioner Bennagen stated that on matters concerning ancestral lands and codification of laws, “...when there is a conflict between this (ancestral lands) and national law, the general principle is that the national law shall prevail, but there should always be the effort to balance the interest as provided for in the national law and the interest as provided for in the customary law” (Record 1986, p. 34).

¹² 1987 PHILIPPINE CONSTITUTION, art. II §22; art. VI, §5, cl.2; art. XII, §5; art. XIII, §6; art. XIV, §17; art. XVII, §12.

¹³ The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.

The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.”

Thus, the Regalian Doctrine will still be in place, but this time, in its proper place (Abelardo 1996, p. 34). The harsh and confiscatory effects of this constitutionally adopted feudal theory are now counteracted by Art. XII, Section 5 of the 1987 Constitution in conjunction with the other constitutional doctrines like balancing of interest, due process, compensation, and social justice (Abelardo 1996, p. 34). The Regalian Doctrine must be viewed alongside the rights of the indigenous peoples. Consistent with the spirit of Section 5, the first view calling for automatic exclusion of ancestral lands and ancestral domains from the operation of the Regalian Doctrine must be upheld (Abelardo 1996, p. 36).

Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA) is the present law protecting the rights of the indigenous peoples. This law primarily guarantees the IPs rights to ancestral lands and domains, political and human rights, and rights to cultural integrity (Manzano 1998, p. 7). It grants the ownership and possession of ancestral domains and ancestral lands, and defines the extent of these lands and domains (Cruz 2000, pp. 128, 174).

The important features of the IPRA are the following (Manzano 1998, pp. 8-9):

1. Grants the total recognition of the right of the indigenous peoples to own ancestral domains and ancestral lands, including the right to control, manage and utilize natural resources found in the lands/domains. This includes the right to formulate and implement ancestral domains management plans.
2. Repeals all laws prejudicial to the recognition of the right to ownership of ancestral domains.
3. Respects and recognizes indigenous political structures and systems, culture, resource management practices and conflict resolution mechanisms.
4. Provides for the issuance of tenure instruments, which are equivalent to Torrens title. This is the Certificate of Ancestral Domain Title (CADT) and the Certificate of Ancestral Land Title (CALT), which will be issued by the National Indigenous Peoples Commission (NCIP).
5. Recognizes socio-cultural differences among the various indigenous groups.
6. Provides for the establishment of an office/structure with clearly defined functions, with adequate funding and where indigenous peoples are adequately represented. It provides for the creation, composition, qualifications, appointment and removal processes of the NCIP to carry out the policies of the IPRA.
7. Mandates the delivery of basic services to indigenous communities and provides for their holistic and integral development.

8. Simplifies the requirements for the recognition of ancestral domain ownership and provides for the conversion of ancestral domain claims under DAO2 to complete ownership.
9. Recognizes the right of indigenous peoples to self-determination and autonomy.
10. Provides for the indigenous peoples' self-delineation of ancestral domains and ancestral lands.

Some sectors consider the IPRA as a landmark legislation spawned by deliberate, sustained and collective action of IPs, IP support groups, and some individuals (Manzano 1998, pp. 7-8). Others regard the IPRA to be far from revolutionary. Like all laws, the IPRA represents, even before enactment, a simple compromise in form and in substance (Leonen 1998, p. 7). Apparently, the passage of the law elicited varying views from different sectors of society.

An examination of IP history would reveal that it was not so much the case of a law waiting for the IPs to be prepared to comply with it. On the contrary, it was the IPs who were struggling and waiting for the law to help the government understand their needs and demands (Leonen 2001, p. 2). It embodies the much-awaited recognition that the IPs had long-struggled for.

In *Cruz v. Secretary of Environment and Natural Resources* (Cruz 2000, p. 128), this law was challenged by former Justice Isagani Cruz and Davao-based attorney Cesar Europa. They allege that certain IPRA provisions contravene the constitution. The Supreme Court decided:

As the votes were equally divided (7 to 7) and the necessary majority was not obtained, the case was redeliberated upon. However, after redeliberation, the voting remained the same. Accordingly, pursuant to Rule 56, Section 7 of the Rules of Civil Procedure, the petition is DISMISSED (Cruz 2000, p. 162).

Hence, by virtue of the votes provided by members of the Supreme Court, the petition to declare the IPRA as unconstitutional was not granted. The dismissal of the petition only means "the challenge to the constitutionality of the IPRA is defeated, not because the Supreme Court decided that the questioned provisions of the IPRA do not contravene the Constitution but because those who believe that the questioned provisions of the IPRA are unconstitutional do not form a majority" (Leonen 2001, p. 9).

IV. IMPLICATIONS OF LAW AND JURISPRUDENCE

The passage of Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (IPRA), on October 29, 1997, and the decision of the Supreme Court upholding its validity on December 6, 2000 necessarily spawn the following ramifications:

(1) The *Jura Regalia* doctrine enshrined in Art. XII, Sec. 2 & 3 of the 1987 Constitution, as well as in the previous 1935 and 1973 Constitutions, no longer holds an absolute rule. The Court unanimously view an exception, actually recognized way back in *Cariño v. Insular Government* (Cariño 1909) and *Oh Cho v. Director of Lands* (Oh Cho 1946). The *Cariño* ruling, on the one hand, held that lands held under the concept of owner since time immemorial are presumed never to have been public land (Cariño 1909, p. 941). The *Oh Cho* ruling, on the other hand, defined lands of the public domain as

...all lands that were not acquired from the Government, either by purchase or by grant...An exception to the rule would be any land that should have been in the possession of an occupant and of his predecessor-in-interest since time immemorial, for such possession would justify the presumption that the land had never been part of the public domain or that it had been private property even before the Spanish conquest (Oh Cho 1946).

While all lands of public domain and natural resources belong to the State, lands held under the concept of ownership since time immemorial have never been part of the public domain and can therefore be appropriated to the indigenous peoples without contravening Article XII, Sections 2 and 3 and Article XII, Section 5 of the 1987 Constitution which provides for such possession by virtue of time immemorial possession.

The presumption now lies against the State. The declaration of ownership by the State of all lands of the public domain and all natural resources, from the 1935 to the 1987 Constitution, does not mean absolute ownership by operation of law. The Constitution sets parameters to guarantee due process, thus limiting the State's confiscatory power (Leonen 2001, p. 2).

Therefore, IPRA should be understood as conferring OWNERSHIP from a different concept, as stated in Sec. 5 thereof, as "private but community property, which belongs to all generations, and therefore cannot be sold, disposed or destroyed."

(2) The IPRA is valid until held otherwise by the Supreme Court. The *Cruz v. NCIP* decision (Cruz 2000) is indecisive, petition therein having been granted with a 7-7 decision. The petition was dismissed in accordance with the Rules of Court¹⁴, the Constitution¹⁵, and jurisprudence (Salas 1972). The Motion for Reconsideration, filed on December 22, 2000, remains pending in the Court chambers.

Only 14 Justices deliberated on the issues of the case and voted thereon due to Justice Fidel Purisima's retirement prior to the votation. However, Justice Angelina Sandoval-Gutierrez has been appointed to fill the vacant post. The new and complete 15-member chamber can now decide the matter with more conclusiveness (Leonen 2001, pp. 28-30; Cruz 2001, p. 6). However, following a line of cases previously decided and subsequently overruled by a same set of Supreme Court justices¹⁶, the present ruling on the IPRA stands floating on thin air until the next Court decision. Should the Court declare IPRA or some of its provisions unconstitutional, the NCIP will be abolished, if not deprived of much power and capacity.

(3) Until declared unconstitutional, IPRA is a valid law capable of vesting property rights to IPs over ancestral lands and domains. However, the threat posed by IPs' claim over Philippine territory cannot be overemphasized. As early as June of 1998, IPs have claimed over 2.5 million hectares as ancestral domains. Based on ethnographic surveys, ancestral domains cover 80 percent of our mineral resources, and 8-10 million of the 30 million hectares of land in the country. Therefore, four-fifths of the country's natural resources and one third of land in the country will be concentrated among 12 million Filipinos constituting the IPs, while over 60 million non-IPs share what remains. Obviously, this would run contrary to the constitutional principle of a "more equitable distribution of opportunities, income, and wealth" among Filipinos (Cruz 2000, p. 27).

(4) The provisions of IPRA necessarily encourage litigation by inciting more legal questions requiring judicial determination. Will national law or customary law apply to a given situation (Sec. 65)? Is the punishment cruel, degrading and inhuman (Sec. 72)? Is there a need for NCIP to issue a certification as a precondition for a financial or technical assistance agreement (Sec. 59)? Is prior free & informed consent of the IPs necessary

¹⁴ Rule 56, Sec. 7, Rules on Civil Procedure.

¹⁵ PHILIPPINE CONSTITUTION, art. VIII, §4 (3).

¹⁶ *Protection Developer's Inc. v. Court of Appeals*, 193 SCRA 142 & 201 SCRA; *Secretary of Justice v. Lantion*, G.R. 139465, Jan. 18, 2000 and Oct. 17, 2000; *Kilosbayan v. Guingona*, 232 SCRA 110 & 246 SCRA 540.

before eminent domain is exercised (Sec. 7, RA 7942)? Is prior free & informed consent of the IPs necessary for the proclamation of watersheds and protected areas? Does the full participation of IPs include free and informed consent (Sec. 58)? Why should Baguio City be excluded from the operation of IPRA (Sec. 78)? (Leonen 1998, pp. 40-41)

(5) Absent any protective measure by the State, the exercise by the IPs of their rights under the IPRA will be threatened by external factors. The apparent economic equality will tend to influence the IPs in giving their “free and informed consent” to other parties, especially mining companies, to the end that the latter will be allowed to exploit the ancestral domains for their own commercial interests.

(6) Implementation of the IPRA does not necessarily reflect the interests of the IPs. The appointment of officials and employees of the National Commission on Indigenous Peoples (NCIP), the agency tasked to implement the IPRA, may be marred by political interests, which may pollute the direction towards addressing genuine IP concerns (Manzano 1998, pp. 65-68).

(7) Being a government agency created by law, the NCIP has to depend on the yearly budget appropriation of Congress, which is relatively low to speed up their administrative and judicial machineries (Varanal 2002). The yearly NCIP budget for the management and development of ancestral lands in support of the Social Reform Agenda (SRA) is a mere trickle compared to the Department of Environment & Natural Resource (DENR) budget for the establishment, maintenance, and protection of tree plantations. Also, the NCIP budget pales in comparison to the Mining & Geosciences Bureau (MGB) for the exploitation of mineral resources. Should this trend of discrepancy continue, mineral and forestlands continue to be subject to environmental risks (Malanes 2000, p. 8).

(8) Debated upon by various sectors, the IPRA will possibly be subject of possible modifications and amendments by Congress. The members of the Congress, humans themselves, may well entertain commercial interests in the guise of IP protection. In fact, in 1999, House Rep. Harry Angping submitted House Resolution No. 310 during the 1st Regular Session of the 11th Congress. This Bill seeks to “harmonize” the provisions of the IPRA and the National Integrated Protected Areas System Law (NIPAS) to the Mining Act of 1995 (Republic Act No. 7492) (Pasimio 1999, p. 1). Like any other statute, the rigors of the law can be tilted by Congress to favor certain class of private interests, by sort of a compromise agreement.

V. CRITICAL ANALYSIS

The Philippine society has long been confronted with the struggles of the indigenous Filipino peoples. These are continuously heightened by the widening gap of differences between the lowlanders and the IPs. Several legislations have been passed to reconcile it but most proved to be unrewarding. Some even contradict the very nature of IP existence.

IPRA vs. Philippine Politics

The unsettled constitutional issue of the IPRA caused the spawning of other related issues. Politics, to be exact, corrupted the ideal letter of the said law in which, for most part of its implementation, the programs were stalled and the imperfections, magnified. To start with, the law is not self-executory. The implementation of the law is the most important component in order to mobilize the system. One must also understand that it is in the implementation aspect that external factors, both seen and unforeseen, not to mention those deliberately created, could affect the efficiency of the law. One clear instance of this, and perhaps manifesting how politics blemishes the image of the law, is during the appointment of the chairperson of the NCIP.

President Ramos appointed Atty. David Daoas, a Kankanaey from the Cordilleras as chair of the NCIP in early 1998 (Ballesteros 2001, p. 39). A few months old in the position and with the near take off of operations of the agency, then President-elect Joseph Estrada appointed Cesar Sulong, a Subanen in Zamboanga (Castro 2000, p. 38). Other members were also appointed.

An organizational crisis immediately ensued prompting several protests from the Daoas group, saying that their tenures were not respected and the balance of representation of the said different IP groups inside the agency was seriously disrupted by the appointments. As a result of this, and to pacify or silence protesting groups, the then Executive Secretary Ronaldo Zamora released a memorandum¹⁷ creating the Presidential Task Force on Ancestral Domains (PTFAD) to be chaired by PA Gasgonia. The Department of Justice was also ordered to investigate certain complaints against NCIP officials. The President, on the other hand, had ordered the Department of Budget and Management to withhold the release of funds to the NCIP except for payments of salaries of the rank and file employees of two agencies formerly tasked with managing government's programs to "cultural communities" (Ballesteros 2001, p. 37), pending the study being conducted by the Task Force. "The resulting confusion due to overlapping

¹⁷ Memorandum No. 31.

jurisdictions, plus the fact that the legally constituted agency had no money and were facing graft charges, led to a virtual administrative standstill" (Ballesteros 2001, p. 37).

Consequently, with no operational funds to speak of and with a narrow, if not the absence of, vision and program for the Indigenous Communities, the whole implementation system of the IPRA bogged down. Not a single CADT was released. Further, IPs were now isolated because local government units and the DENR ceased to extend aid after the IPRA. These are other government agencies, which are used to giving assistance to IP groups before the passing of IPRA. Truly, it has amounted to an administrative mess.

Another interesting aspect is the kind of framework the government adopts in formulating its programs and implementing its policies. The current development tenets that the government so hold are profit-driven and not people-centered. "The national government's development framework remains hinged on the pursuit of national development, national security, increased gross national product or national wealth and becoming an economic tiger cub" (Manzano 1998, p. 10). As long as the government continues to treat ancestral domain as a resource basin of wealth, IP rights, culture and history shall forever be threatened. This framework of mind cannot be denied. As the IPRA is worded, the concessions represent the leeway of the government to give opportunities for exploiting the natural resources therein.

Until now, real efforts to implementing the rules have yet to be seen. The present government under President Gloria Macapagal-Arroyo promises a new hope. Amid the constitutional and legal issues that come with the IPRA, the purpose of the law must not be undermined and a sound governmental policy and program would be a good ground to start with. One problem with the Estrada Administration is that clearly, at the beginning of his term, he already had no clear program for the IPs, that is to include the "actor style" of speeches he used to deliver during conferences. This administration is prayed for doing more than uttering hollow words.

IPRA vs. Indigenous Peoples' Culture

The land of the IPs shapes their unique identity and culture that are inextricably linked to the environment. The environment, more often than not, assumes a spirituality of its own. Thus, the rituals of appeasing spirits when a tree is cut down and of thanksgiving for a bountiful harvest (Macliing 1999, p. 49), to cite an example, characterize their culture. In other words, the land is the Indigenous People. Without the land, there are no

distinction between highlanders and lowlanders – no indigenous peoples. “When one takes away the land, to the dispossession of the IPs, he therefore kills them” (Manuel 2002). The indigenous peoples, being one with the environment, understand the ecology of the natural resources. This allows them to manage and utilize the environment responsibly, not merely to their exclusion and benefit, but also to avoid the disruption of ecological balance in the environment (Macli-ing 1998, p. 49). According to most scholars, this outlook has usually ignored and misunderstood. Thus, this makes them more vulnerable to dispossession of their lands.

Examining the outlook on land, Datu Betil spoke of the issue yet to be addressed, “Our current issue is with regard to not only the recognition of the indigenous peoples but concerns (of) our tribe, the Bagobo-Clata Tribe. We want our tribe to be strengthened because now it looks like it is vanishing... with the entry of western culture and religion... as well as the establishment of the government of the lowlanders... They entered using legal matters, owning properties by virtue of having a title. The title is nothing to us because we believe that since time immemorial the land has been ours. That is government’s way to establish rights... papers. We do not have rights and are not really very interested, so we did not attend to them... And because of this we were displaced from our lands” (Macli-ing 1998, p. 51). It is interesting to note that to some extent, the IPRA gave them hope that a historical justification of the years of non-recognition of ancestral domain as a historical fact would be achieved. “... Government recognition of the rights of the indigenous peoples to their ancestral domain, laws and IPRA... gave us renewed hope that we could revive our tribal heritage... As I’ve said to my companions, we should begin from that point” (Macli-ing 1998, p. 52). Datu Betil puts it.

However, not all IP groups have the same belief, at least at the time when the task to implement came in. The concessions promoted disunity and the culture of corruption among them. Among these concessions are the Mining Concessions where the mining firms were allowed to enter into the lands of the indigenous peoples to exploit the minerals underneath the land. NCIP Administrative Order No. 3 specifically grants right of entry to mining groups subject to the Free and Prior Informed Consent of the Indigenous Peoples (FPIC) provisions of the IPRA (Manuel 2002). The order clarified that the firms with approved contracts, licenses, agreements and other concessions prior to the effectivity of the IPRA are exempted from the FPIC requirement (Castro 2000, p. 42). Nonetheless, mining firms manipulated this by organizing IP groups to give their FPIC, but then in

reality, these IPs were employees of the mining firm. The process of getting the FPIC already undermines its very concept as enshrined in the IPRA. The “palakasan” system never left the scenario, as NCIP members made corrupt deals to allow the issuance of the FPIC. Several instances in the process of securing FPICs have encouraged a culture of bribery among these communities. In extreme cases, partisan differences relative to IPRA have created tensions and conflict in multi-ethnic communities. The initial euphoria by indigenous communities led to disillusionment because of the failed promises of the law (Castro 2000, p. 50).

The concessions made by law prompted the alteration of the IP culture. One of them is the employment of IPs in mining firms. The entrance of economic development slowly changes the face of Indigenous culture. Sad to say, the IPRA legitimizes these changes.

Conclusively, the law’s impact on local communities is two-fold. On the one hand, IPRA has brought about heightened public awareness on IP rights and welfare and encouraged the organization of several IP organizations. On the other hand, differing attitudes toward the law brought about disunity among IP groups and within communities (Castro 2000, p. 50). However, to totally disregard the IPRA would definitely be a step backwards. What are needed are an improvement of the existing law through amendments and the passage of new implementing rules and regulations. More concretely, culture-specific ordinances should be adopted. There should be different guidelines for more acculturated groups distinct from those who have relatively maintained their traditional practices. A different approach should be applied for nomadic groups compared to those of “sedentary agriculturists” (Castro 2000, p. 51). Moreover, there must be a reinforced provision, with stricter policy as regards the Free and Prior Informed Consent (FPIC) provisions to avoid corruption and disunity among the IP groups.

VI. RECOMMENDATION

Having presented the IP situation, this paper recommends different courses of action for the government, the indigenous peoples, and mainstream Philippine society to appropriately address the problems regarding the issue.

The government is bound to protect its people, as *parens patriae*. The IPs need this governmental protection for their ancestral domain and thus, must be afforded with it. Their demands are legitimate, realistic and within constitutional bounds, and can therefore be easily addressed by the government.

Since the IPRA is already effective, the government must activate its implementation by providing sufficient funds for IP programs and projects.

Government policies for the IPs must be made clear and distinct from its general anti-poverty and environment agenda.

The government should acknowledge the IPs' intricate relationship with nature. The IPs preserve and sustain their habitat in their unique way. Environmental laws desecrating their cultural integrity must not be imposed. The IP connection with nature must always be respected. The government should provide the IPs with opportunities to modernize at their own pace and rhythm. Assimilation is not always the solution. Basic human rights, including the use of resources, should be respected.

The IPs should vigilantly and assertively exercise their rights. They should not allow themselves to be corrupted by the system that is alien to them. They should fight corruption of any kind from any sector.

The mainstream Philippine society must be re-educated on the nature of IP existence. Beyond IP history and culture, a deeper understanding of the distinctions and conditions behind the IPs' alienation from modern civilization must be made. The Filipino people should vigorously and conscientiously eliminate all forms of discrimination. A profound understanding of IP and non-IP differences should lead to cultural reconciliation, social reintegration, and national unity.

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